


Report of Director of Planning West Northamptonshire Development Corporation	
Applicant: Darby Investments Limited	Application No: 07/0421/FULWNN
Date Valid: 20.12.2007	Description: Construction of business support centre comprising 84 bed Hotel (Use class C1), Retail units (Use classes A1, A2 and A3), Office units (Use class B1), Nursery (Use class D1) and Business units (Use classes B2 and B8)
Expiry Date: 01.02.2008	Address: Brackmills Industrial Estate, Site A, Gowerton Road, Northampton
	Ward: Delapre

1. Recommendation

1.1 That the application be **APPROVED** subject to authority being delegated to the Planning and Development Director or Appointed Officer to secure the following:

- Submission of amended plans to show the provision of cycle parking to the front of the retail units.
- Submission of additional information to address the concerns raised by the Highways Agency.
- Receipt of positive consultation responses from NCC Sustainable Transport and the Environment Agency or the imposition of suitably worded conditions to adequately address the concerns raised.
- Submission of additional information to demonstrate the measures to be utilised to address the concerns of land stability and solifuction. This is to be subject to suitable assessment before agreed as satisfactory.
- The completion of a Section 106 agreement to secure the requirements set out in this report.

- The imposition of the conditions set out in this report subject to authority being delegated to the Planning and Development Director or Appointed Officer to amend or add additional conditions to address any issues raised from receipt of the outstanding consultation responses.
- Upon satisfactory completion of the above to issue the planning permission.

for the following reason:

- 1.2 This proposal is for the introduction of a mixed use development incorporating a business support centre to meet the needs of the businesses and employees of the Brackmills Employment Area helping to create a sustainable community. The proposed is therefore considered to accord with RSS8 Policy 4 and MKSM Northamptonshire Policies 1, 2 & 3, Policy GS5 of the Northamptonshire County Structure Plan adopted 2001 and Policies E1, E9, E19, E20, E29, E30 E39, E40, B2, B3, B6 and B14 of the Northampton Local Plan adopted 1997.

2 Description of Site

- 2.1 The application relates to an undeveloped piece of land, 2.65 hectares in size, located on the western edge of the Brackmills Industrial Area. It lies to the west of a large roundabout forming the junction of Caswell Road and Gowerton Road and is served by an existing access spur off the roundabout. The site is on a slope and the land rises from the eastern frontage of the site up by approximately 14 metres to the south west boundary. Beyond the site to the south and the west is Brackmills Woods. This public open space forms part of the landscaping buffer planted with the first phases of development to mitigate the visual impact of the Brackmills estate from the settlements to the west such as Wootton and Hardingstone. To the north of the site there is a public footpath that runs to the west over Houghton Hill into the village Hardingstone.
- 2.2 The land is currently owned by English Partnerships (EP). The applicant is in discussions to purchase the site and any development would be likely to be controlled by the contract agreed.
- 2.3 The Northampton Borough Council Local Plan (NLP) proposals map identifies the frontage of the site for proposed business development with a proportion of the rear of the site shown as a proposed green space and proposed woodland.

3. Description of Proposal

- 3.1 The proposal is for the development of a business support centre to serve the Brackmills Employment Area. On the southern portion of the site frontage is proposed an 80 bed Hotel with conference and meeting room facilities, a bar and a restaurant. This would incorporate four

stories and stand 20.5 metres to its highest point. The northern section of the frontage would accommodate two buildings. The first is a business support centre housing 4 small retail units on the ground floor and six B1 office units above. The second building is a Day Nursery. To the rear of the site are proposed two detached blocks housing a total of 12 industrial units use classes B2 and B8.

3.2 The applicant has submitted the following documents in support of the application:

- Design and Access Statement
- Photographs and Visualisations of proposed building and site layout
- Landscape Statement
- Travel Plan
- Transport Assessment
- Flood Risk Assessment
- Geotechnical Investigation
- Land Contamination Assessment
- Renewable Energy Options Report
- Ecological Data and Assessments
- Phase 1 Habitat Survey

4. **Policy Considerations**

4.1 **WNDC Purpose:**

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

4.2 **National Policy:**

- PPS 1 Delivering Sustainable Development
- Planning and Climate Change, Supplement to PPS1
- PPG 4 Industrial, commercial development and small firms
- (Draft)PPS 4 Planning for Sustainable Economic Development
- PPS 6 Planning for Town Centres
- PPS 9 Biodiversity and Geological Conservation
- PPG 13 Transport
- PPG 14 Development on Unstable Land
- PPG 15 Planning and the Historic Environment
- PPG 24 Planning and Noise
- PPS 25 Planning and Flood Risk

4.3 **Development Plan:**

Regional Spatial Strategy for the East Midlands (RSS8): Policy 4 and MKSM Northamptonshire Policies 1, 2 & 3.

Northamptonshire County Structure Plan (adopted 1996): Policies GS5, GS6, T3 and T9.

Northampton Borough Council Local Plan (adopted 1997): Policies E1, E9, E19, E20, E29, E30 E39, E40, B2, B3, B6, B7, B14, T4 and T12.

4.4 WNDC Planning Principles:

Set out in this document are WNDC's ten key action areas (KAA):

- 1 Improving and diversifying the economic base
- 2 Transforming town centres
- 3 Providing a greater number and range of well designed eco-friendly diverse 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
- 10 Helping rural communities

4.5 SPGs and SPDs:

Development Brief (September 2003)

Northampton Employment Land Study (July 2006)

Planning Out Crime (February 2004)

NCC Development Principles and Implementation (March 2007)

NBC Shop Front Design Guide (April 1998)

5. Site History

N/2000/1199	Infrastructure works for Business Support Centre comprising site access, bellmouth and off-site sewerage (reserved matters) pursuant to 95/0277.
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N/1991/1007	Extension of Brackmills Employment Area for uses within Use classes B1, B2 and B8 and the provision of a landscape amenity buffer zone (Outline)
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6. Consultations:

NBC Planning	-Objection -The proposal contains significant element of non-commercial uses, in the form of hotel and retail uses, which go beyond that which could be considered ancillary to the
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employment use of the Brackmills estate. The applicant's have not demonstrated that this is necessary to support the employment function of Brackmills. Proposal contrary to Local Plan policy B14.

- The proposed hotel represents a town centre use which should be located within the town centre unless it is justified as necessary for the function of Brackmills or a sequential test is undertaken demonstrating no town centre locations available. This has not been demonstrated and the proposal is therefore considered contrary to PPS6.

NBC Arboriculturalist

-Submitted plans appear acceptable regarding tree protection.

-An Arboricultural Method Statement detailing tree protection measures, methodology and specification should be required prior to development.

NBC EH

-Noise: a noise scheme condition should be attached to any consent to cover all new noise sources proposed to ensure that there is no impact on residential receptors in Hardingstone and other commercial receptors. It is expected that the scheme would cover an assessment of the new noise sources, together with their proposed acoustic mitigation.

-Odour: The proposal allows for the possible introduction of new A3 uses. A condition is suggested to ensure adequate scheme is presented for dealing with odours associated with A3 uses.

-Contamination: Phase 1 Environmental Assessment and geotechnical investigation undertaken but no intrusive contamination testing has been undertaken on-site. Some level of intrusive testing is desirable due to the naturally occurring arsenic, the adjacent land uses which are potentially contaminative, and the inclusion within the proposal of a nursery (housing the most sensitive receptors 0-6 year old children). Suggested conditions also provided.

NBC Policy

-Objection.

-Concerned that the employment aspect of the application is secondary to the retailing,

hotel and nursery and that the findings of the employment land study have been overlooked in terms of the provision of employment on Brackmills. Any evidence gathered by applicant in support of the hotel and associate services requested.

-Retail element of the application needs to be controlled with conditions on the types of goods that can be sold from the retail premises, prevention of amalgamation of units with an upper limit of floor space for retail in order to prevent speculative out-of-town retail development.

-The pedestrian and cycle links to this area are very weak and there are few places to cross the road. The road becomes busy at peak times and may be considered dangerous.

-Whilst the principle of providing services is supported in the context of creating sustainable places to work, it is considered that there could be a higher provision of office space or alternative employment uses incorporated into the scheme to meet the projected employment growth.

Hardingstone PC

-Expressed concerns regarding the impact of the additional traffic generated by this proposal and whether there are any plans to cope with this.

Sustainable Transport

-No response received. Consultation expired 01.02.2008.

Police

-No formal objection.

-Hotel site: Access into the car park for the hotel should be via an access control barrier. The hotel car park should be designed to 'Parkmark' standard with a defined boundary treatment to designate it as being separate from the other car parking shown.

-Nursery site: The boundary treatment for the rear of the nursery should be to a minimum height of 1.2 metres within the hedge line and of weldmesh construction to deter climbing and prevent access.

-Retail units: The rear service yard should be fitted with wall and gates to a minimum height of 2 metres. A perforated shutter

system should be fitted at construction stage to the 'one stop shop' to deter burglary of cigarettes/alcohol.

-Business units: The curtain walling should contain a secure glazing or panel retention system and any laminated glazing will need to be certified to BSEN356:2000. Composite panels and profiled metal cladding are vulnerable to forced entry and therefore an internal wall made of brick or block is required to a minimum height of 2 metres. Roller shutter doors should be certified to LPS1175 SR2.

-Other matters: Brackmills suffers from burglary and thefts from and of motor vehicles. Whilst busy in the daytime the area is isolated and empty after working hours and at weekends. In addition to the security of the built form, this development should also incorporate a monitored CCTV system and a good level of lighting.

Wildlife Trust

-No objection to principle but the level of information submitted considered insufficient to allow application to be determined.

-Requirement for reptile and bat surveys to be undertaken. Recommended that these cannot be secured by condition that that the application should either be refused or withdrawn to allow the additional survey work required to be undertaken.

-The initial survey work underpinning the submitted Ecology Report was done in October, a sub-optimal time for carrying out survey work.

-Are there potentially plant species present on this site that are significant at the local level and in a county-context. Request for the species of the plants recorded in the reports submitted.

-The footprint of the application site overlaps with the extent of a potential new Wildlife Site and there are a further two potential Wildlife Sites in close proximity to the site. In these circumstances the proposed enhancements are inadequate in terms of the achievement of county Biodiversity Action Plan targets and the delivery of Green Infrastructure provision.

-The soft landscaping within the site should only incorporate appropriate native species from local sources and a known provenance.

-Strongly recommend a Green Infrastructure approach is followed with corridor links to Green Infrastructure in the surrounding area.

-Landscaping and ecological mitigation are only of value if covered proper long term management. This should be secured via condition/obligation.

Highways Agency

-Has reviewed the submitted Transport Assessment and Travel Plan and advises that they are unacceptable in their current form. A technical advice note has been issued to highlight the issues within them that need to be addressed.

-Considered unlikely that on its own the development would have a significant impact on the operation of the trunk road network. However, considered that the development should be viewed a part of the wider growth agenda in Northampton which is likely to require significant infrastructure investment.

-They advise that the application includes insufficient information to warrant a substantive response. The Corporation is advised that should they wish to determine the application the HA will issue a direction of non-approval.

Anglian Water

-Request an informative be added to any permission be advise the applicant that there are Anglian Water assets close to or crossing the site. These would need to be accommodated in the layout either within the open spaces or the adoptable highways. If the layout does not allow this the applicant would need to make application for their diversion under Section 185 of the Water Industry Act.

-It is confirmed that there is sufficient water resource capacity to serve the development. However, the utilisation of measures to ensure the buildings are constructed to high water efficiency standards are promoted.

-There is capacity for the foul sewer-age and surface water from the development in the local network.

-Foul drainage from the development would be treated at Great Billing Sewerage Treatment Works which has capacity.

Environment Agency

-Objection.

-Greenfield runoff rate has been calculated using wrong programme.

-The application site extends beyond the extent of the Brackmills Employment Area and the water company should be consulted on the ability for water sewage treatment and network capacity to serve the proposed development.

-It is advised that the water company be contacted regarding water supply arrangements.

-Every opportunity should be taken to incorporate water efficiently devices and the developer should demonstrate how it proposes to meet the 25% average water use reduction required in RSS8 Policy 32.

-Issues are raised regarding pollution management but it is highlighted that these would probably be suggested conditions when the EA issues its overall advice following the submission of information to address its other concerns.

7. Notifications and Responses

7.1 The application was advertised by press notice, site notice and 20 letters were sent to surrounding properties.

7.2 1 response was received form a resident of Hardingstone raising the following concern:

- She lives in Hardingstone and works in Brackmills and cycles to work. She has difficulty in crossing Caswell Road due to the level of traffic, a badly placed road sign and parked cars on the verges that limit the view of oncoming traffic. She requests that contribution be sought via a Section 106 obligation for the provision measure to improve cycle and pedestrian safety such as a pelican or zebra crossings.

8. Appraisal

The key points for consideration are:

- Principle of development

- Proposed Uses
- Design
- Highways
- Sustainability
- Ecology
- Section 106
- Land Stability
- Other matters

8.1 Principle of development

8.2 The NLP policy B6 identified that the business areas at Brackmills and Pineham should include reserve sites of approximately 1 hectare in size for the provision of service areas to support the needs of the employees of the business areas. This site was envisaged by the Development Corporation (now English Partnerships) that facilitated the early phases of development at Brackmills, as forming such a business support area. In addition to providing the infrastructure development in the form of the access spur from the roundabout this intention is also set out in a development brief prepared by English Partnerships (EP) in 2003.

8.3 In their comments the NBC Policy Team have highlighted that the level of non-business units exceeds a footprint of 1 hectare and they advise that the mix of uses should include a greater proportion of business uses. In this instance the office units are to be provided above the retail units making any measurement using the footprints of the buildings imprecise. Policy B6 outlines that the reserve site should be approximately 1 hectare but it is considered more important that the function of the area be targeted at serving the needs of the employees of the surrounding employment area and not act as a destination in itself. In this instance it is considered that the level of non-business use is proportionate to the size of the Brackmills area and the number of employees working in close proximity. Although some of the B2 and B8 units in the southern section of the area would have a low density of workers the office units to the north including the Barclaycard Headquarters Building have much higher densities of workers. As a consequence it is considered acceptable in this instance for the non-business uses to utilise an area in excess of 1 hectare.

8.4 The application site as denoted by the red line on the submitted location plan would appear to marginally extend beyond the line marking the boundary of the Brackmills Employment Area. Accordingly the application has been advertised as a departure from the Local Plan. The scale of the NLP proposals maps is such that it makes it difficult to ascertain the degree to which the western proportion of the proposed development lies outside the designated boundary. The site is currently vacant and laid to grass and has a clear boundary around its western and southern boundaries beyond which is Brackmills Wood. The NLP proposals map is now out of date and much of the area

shown as proposed business land in the Brackmills Area has now been built out. It is considered that time has overtaken the proposals map and that the line shown on it for the boundary of the employment area has now been interpreted on the ground and is represented by the western boundary of this site.

8.5 The development would not result in the loss of any of the existing open space or woodland nor would it prejudice the future retention of this area. The degree to which the proposal represents a departure from the NLP is considered small and not of a size where it is necessary to refer the application to the Government Office.

8.6 The NBC Employment Land Study (July 2006) assessed the available employment and makes reference to Site A in Brackmills providing office provision. The NBC Policy Team consider it necessary for there to be further justification provided before this strategic employment land site envisaged for office use be released for non-business uses. This site was always envisaged as the location for a business support centre. The description of development for the 2000 reserved matters application for the construction of the access spur from the roundabout highlights that it is for a Business Support Centre. There is a development brief from 2003 prepared by EP and NBC which identifies this site for the support centre. In addition following two tranches of development the support centre to serve Brackmills envisaged by NLP Policy B6 has still not come forward.

8.7 The proposed site sits in close proximity to the high density employers such as Barclaycard and it would provide facilities required by the employees of the Brackmills Area. Notwithstanding the recommendations of the Employment Land Study 2006 it is considered that benefits to the area of providing a mixed use development including a business support area would on balance outweigh concerns regarding the loss of strategic employment land. The principle of developing this site as a business support centre would accord with NLP Policy B6 and the prepared Development Brief and is considered acceptable.

8.8 Proposed uses

8.9 The pre-amble to policy B6 highlights that the uses envisaged for the business support areas include banking, restaurants, minor retailing social and conference facilities. The NBC Policy Team have raised significant reservations to the inclusion within the proposal of a Hotel. They consider that this represents a town centre use as defined within PPS 6 and that in accordance with the advice of PPS 6 it should be located in the first instance in a town centre location. Whilst not mentioned in the pre-amble to the policy it is considered that for this scale of development providing the elements foreseen by policy B6 as standalone developments may prove unviable. Incorporating the conferencing facilities, the meeting rooms, the bar and the restaurant

within a hotel use allows for their provision and helps to secure the long term viability of these functions that supports both the business function of the surrounding employment area and helps address the social needs of the employees.

- 8.10 Similarly the NBC Policy Team has concerns that the level of retailing envisaged in the development could be amalgamated into a large speculative out-of town retail development. To address this concern it is proposed that a condition be attached to any permission to prevent the amalgamation of the units.
- 8.11 The purposed of the business support area is to provide for the surrounding employees. The proposal allows for an open approval for the retail units for A1, A2 and A3 units. Should all the units be utilised for A2 and/or A3 uses the provision of convenience shopping for the local employees would be lost. To prevent this and to ensure the development continues to provide for the needs of the employment area it is recommended that the units be controlled by condition to ensure that an element of A1 retailing is retained.
- 8.12 The day nursery would make available childcare provision to the employees of the businesses in Brackmills. Although nursery provision is not mentioned in the pre-amble to policy B6, it is considered an important service to address the wider social needs of the area and therefore complies with the aims of the policy.
- 8.13 To the rear of the site the development includes the provision of industrial units use classes B2 and B8. The NBC Policy Team have highlighted that the Employment Land Study 2006 recommends that the site should be development for B1 office use. The existing designation of the site within the NLP proposals maps is as a site for proposed business development. The B2 and B8 uses proposed accord with this and are therefore considered acceptable.

8.14 Design

- 8.15 The proposed hotel would be the key element of the site frontage. It would face the roundabout and is cranked to follow the curve of the site frontage. The design of the hotel incorporates a central glazed atrium section off which wings extend to the south and north. It is considered that the design and proportions of the hotel are appropriate and would be of benefit to the street scene. In the layout of the site the hotel has been pushed up to the front of the development allowing it to screen the large area of surface car parking behind and the high retaining wall to be constructed at the rear of the site and mitigate the visual intrusion they would represent.
- 8.16 NLP Policy B7 and the accompanying plan show this site to be in area C which is subject of a height restriction. The policy advises that new development should not exceed 15 metres above ground level. The

Design Brief for the site also includes a height constraint and stipulates that development should not exceed the level 84.00 AOD. The proposed hotel is 20.5 metres to its highest point and the submitted levels drawing shows that it would be built with a finished floor level of 70.25 metres resulting in a height of approximately 90.75 metres AOD.

- 8.17 The site elevations drawing submitted (0711 17) fails to show the buildings that surround the site and only box representations are shown with the submitted site visualisations. The buildings opposite to the west are commercial two storey office blocks with a height to ridge of approximately 8 metres to ridge so would be very approximately 75.00 AOD given that the roadway is identified as being approximately 67.00 AOD. To the south of the site is a large distribution building operated by Dachser Transport. This is positioned at a level 2 -3 metres above the ground level of the adjacent roadway and stand approximately 12-14 metres in height. The submitted survey drawing (10130 1/1) annotates the building to have an estimated height of 84.00 AOD which would accord with this.
- 8.18 The proposed hotel building with an approximate height of some 90.75 metres AOD would exceed the height of the surrounding development. However, it is considered that the type of development needs to be taken into consideration. The proposal is not for a large boxy distribution centre, such as the building to the south, but for a hotel building with an attractive, high quality design that incorporates a large glazed central atrium and detailing that provides visual interest. This is to be a landmark feature designed to be a highly visual element of the street scene and therefore for it to be taller than the buildings surrounding it is considered to raise less concern that might be the case for alternative types of development.
- 8.19 The purpose of the height restrictions in this area is to protect the residents of the villages of Hardingstone, located to the west, and Great Houghton to the east from distant views of what primarily is an employment area.
- 8.20 The levels drawing shows that the hill to the rear of the site rises to a point in excess of 83 metres AOD. This area is part of Brackmills Woods and part of its purpose is to provide a landscaped buffer to screen the visual impacts of Brackmills Employment Area. Those trees that have been shown on the levels drawing are annotated to be 6 metres high however much of the planting around the southern and western fringes of the site is immature and should continue to grow over time increasing mitigation.
- 8.21 It is considered that the hill and the tree line would help screen to a greater degree the visual impact and the views available from Hardingstone to the west. The site is located at the most western extent of the Brackmills area and therefore furthest away from the village of Great Houghton. The proposed development would sit

against the backdrop of Houghton Hill and would be part of the roofscape of the existing units within the employment area. Although the proposed development would fail to comply with NLP Policy B7 or the stipulations of the Design Brief, it is not considered that it would be overly prominent within any views available from the villages of Hardingstone or Great Houghton and therefore does not warrant refusal on the issue.

8.22 The building to house the retail and office units is to be two storeys in height and follows the design of the hotel. It is also cranked round to follow the frontage of the site and face the incoming traffic from the roundabout. It would provide some screening of the industrial units to the rear of the site but this would be limited by the change of the ground levels and the limited height of the retail/office building. However, the design of the industrial units is considered acceptable given the existing units that surround the site. The nursery is housed in a standalone building in the northeast corner of the site. Its design is considered appropriate given the context set by the surrounding hotel and the retail/office building.

8.23 Within the submitted plans reference is made to the materials to be used for the proposed buildings and visualisations are provided to demonstrate appearance of the buildings once complete. Whilst the finish of the buildings as shown in the visualisations is considered acceptable the applicant has failed to provide photographs or sample details of the materials and therefore it is considered necessary to address this through the imposition of a condition. Similarly details are given for the surface treatments of the roadway, servicing and car parking in the site and shown a good mix of texture and materials such as tarmac and direct block paving to break the area up but in the absence of sample materials these would also have to be controlled by condition.

8.24 Highways

8.25 In their comments the Highways Agency (HA) have advised that the proposed development would not by itself have a significant impact on the operation of the trunk road network. However, they consider that the development should be viewed as part of the wider growth agenda in Northampton which is likely to require significant infrastructure investment.

8.26 This site lies predominantly within the designated area for Brackmills in the NLP adopted in 1997. In principle the transport infrastructure needs of the site should have been taken into account in earlier infrastructure provision programmes. Notwithstanding this, it is considered appropriate in accordance with the Corporation's current approach to secure funding from all new development towards the wider strategic infrastructure needs represented by the growth agenda and this issue

would be addressed and a contribution secured via a Section 106 legal agreement.

- 8.27 The concerns raised by the HA on the submitted Transport Assessment and Travel Plan have been forwarded to the applicant. It is anticipated that they will provide the required information to enable the HA to provide further comment in advance of the Committee.
- 8.28 Whilst the application cannot be determined prior the submission by the applicant of Transport Assessment that satisfies the HA, it does not impact on the principle of the acceptability of the proposed development on this site. It is necessary to quantify the impact for the purposes of the allocation of any monies secured through the Section 106 and to fix the objectives of the Travel Plan. Although not ideal, it is considered acceptable for the committee to take a broad view on the merits of the proposal as a whole without the Transport Assessment being finalised. The Travel Plan and a contribution towards its monitoring would be included within a Section 106 legal agreement to be sought in association with any consent granted.
- 8.29 The provision of a business support area including nursery provision, and retail opportunities would allow for the employees of the Brackmills area to meet their needs close to their place of work. The hope is that this would provide opportunities for people to use modes other than the private motor car to get to work.
- 8.30 No comments have been received from the NCC Sustainable Transport Team. The application details the provision of car parking spaces broadly in accordance with NCC standards. It is calculated that a total of 322 spaces are required and 315 are to be provided. In the absence of any advice to the contrary this is considered acceptable.
- 8.31 Cycle parking has been provided throughout the development although details of the cycle shelters have not been included in the submission and will be needed to be provided via condition. There is no cycle provision supplied to the front of the retail units and it is recommended that two of the car parking spaces to the front of the retail units close to the pedestrian access be substituted for further cycle parking to provide for the customers of the retail units.
- 8.32 Comments received from the resident of Hardingstone raise the issue of ensuring that there is a safe means of access to the site so that it is able to be accessed by the employees of the surrounding businesses. A crossing would have to be placed on land under the control of the Highway Authority and therefore this issue could only be addressed with their agreement. The resident's comments will be forwarded to the NCC Highways Team and if they agree to the points raised and consider them to be both necessary and sufficiently related to this development then they can advise accordingly. The Corporation would

look to incorporate any such request from the Highways Authority via an obligation of the Section 106 legal agreement.

8.33 Sustainability

- 8.34 A report has been submitted in support of the application that includes pre-development assessments demonstrating each element of the proposal attaining a rating of BREEAM 'very good'. A separate report has also been submitted demonstrating how renewable and low carbon forms of energy could be incorporated within the development to meet between 10 and 15% of the development's total energy requirements.
- 8.35 The pre-development BREEAM assessments are based on assumptions and the energy report does not quantify in sufficient detail what energy approaches are to be taken. Therefore it is recommended that Sustainability Strategy be required as part of the Section 106 associated with any planning consent issued. This would require provisions to ensure the attainment of BREEAM 'very good', including post construction assessment, and would secure the provision of a minimum of 10% on-site renewable energy provision.

8.36 Ecology

- 8.37 The Wildlife Trust have advised that the application not be determined until reptile and bat surveys have been undertaken. There is no evidence within the submitted information supporting the application to demonstrate that there are reptiles or bats in existence on this site. Without protected species being known to be on the site it is not considered that there is any justification to impose a requirement for this work to be undertaken prior to determination and it is suggested that this concern be addressed via conditions to be attached to any planning approval granted.
- 8.38 A Landscape Statement has been submitted in support of the application describing the approach taken to the design of the landscaping scheme. It does make reference to maintenance and management but states these issues are to be confirmed. Given the comments of the Wildlife Trust and notwithstanding the details already submitted, it is recommended that the applicant be required to submit a Landscape Strategy as an obligation of the Section 106. This would incorporate the issues raised by the Wildlife Trust such as the opportunities related to the achievement of county Biodiversity Action Plan targets and the delivery of Green Infrastructure provision. The Strategy would also have to secure proper provision for the long term maintenance and management of the landscaping to be provided.

8.39 Section 106

- 8.40 WNDC are out to consultation on the Standard Charge tariff that seeks to address the strategic infrastructure needs for the delivery of the

growth agenda. In going through this process the ERM report recognises that it may not be viable to seek financial contributions from commercial applications on a fixed tariff basis. It does acknowledge that it may be appropriate to negotiate contributions on a site by site basis. Bearing in mind the other recent S106 contributions achieved in relation to commercial schemes (e.g. Panasonic at Brackmills) it would be reasonable and consistent to seek an appropriate contribution, yet to be determined, from this site.

- 8.41 The areas that are considered reasonable at this time to negotiate a contribution on are strategic infrastructure, employment skills training, environmental improvement/enhancement, sustainability strategy and monitoring. In addition the following list of requirements to control and mitigate the specific impacts of the development proposed should be included:
- Travel Plan including contribution towards monitoring.
 - Landscaping Strategy.
 - CCTV Strategy.

8.42 Land Stability

- 8.43 The applicant has submitted a Geotechnical Investigation in support of the proposal. This finds that the Lias Clay in this area has been affected by periglacial activity during the former ice ages, a process known as Solifluction. This has resulted in extreme pore-pressure fluctuations in the soils leading to the formation of slip panes. The report states that any increase in stress by loading/unloading or changes to the groundwater regime may cause the failure of the slope.
- 8.44 The report recommends that 'it will be necessary to demonstrate that the proposed excavation works and the contiguous bored pile wall can be installed without jeopardising the stability of the site. To this end, stability analysis should be carried out to confirm that the final profile satisfies the minimum desirable stability for commercial development... This may require slope remedial measures to be incorporated in the proposed earthworks and retaining wall, possibly including drainage. Further boreholes will be required for the purpose of design and analysis'. Given this requirement for further work to be undertaken to analyse the requirements for the design of the measures to be taken to address the issue of solifluction, it is considered that the applicant has currently failed to fully address the issue of ground stability.
- 8.45 PPG14 advises that where information about instability initially provided by the applicant is insufficient, the authority has two alternatives. If the application clearly fails to meet other planning criteria then the application may be refused. Or, if a refusal on other planning grounds is unlikely or not clear-cut, the applicant may need to be asked to provide further information about stability. The view needs to be taken whether stability is the major issue which needs to be

resolved before determination or if it can be addressed through the imposition of a suitably worded condition.

- 8.46 There is an identified issue on the site with solifluction and ground stability and a key element of the proposal is the installation of a retaining wall and the cut and fill re-engineering of ground levels within the site. Given that these are key to the principle of the acceptability of the development of this site as proposed, it is recommended that there be a requirement for the applicant to provide further information to demonstrate that the issue of solifluction has been adequately addressed prior to the issuing of any planning permission.

8.47 Other matters

- 8.48 It is considered that the advice from the Police Adviser requiring the provision of security measures to be incorporated into the fabric of the buildings and fencing can be secured via condition.

- 8.49 Given the mix of uses proposed and in light of the police advisers comments it is considered that a CCTV system is required to cover the area. This shall be secured via an obligation for a CCTV Strategy within the S106. The strategy document would be required to confirm and the specification and the location of the cameras to be used together with the provision to be made for their monitoring and long-term maintenance. In relation to this a lighting strategy would also be required however it is considered that this is more appropriately secured via a condition.

- 8.50 The Police Adviser has recommended that the hotel car park be separated from the other uses and designed to Parkmark standards. Given the mix of uses in the site and the under provision of car parking it is considered more appropriate to allow the hotel parking to be used more flexibly allowing it to serve the other uses on the site during the day when hotel parking requirements are likely to be lower. Given the CCTV and other security measures secured it is considered that sufficient controls would be in place to minimise the likely impacts of crime.

- 8.51 NLP Policies E29 and E30 and the Shop Front Design Guide SPD relate to the provision of shop fronts. The design of the retail units includes a dedicated area for fascia signage in accordance with Policy E29. Notwithstanding the comments of the Police Adviser, the preamble to Policy E30 and the Shop Front Design Guide stipulate that external security shutters should only be used exceptionally and not as a rule. It is not considered appropriate to require external security shutters to be erected in this instance. If they should be considered necessary by the operators of the retail units in the future their installation would require planning permission at which time any proposals would be assessed on their own merits against the relevant policy and SPG.

- 8.52 The concerns raised by the NBC Environment Health Officer and the Arboricultural Officer can be secured via the imposition of conditions to any permission granted.
- 8.53 In accordance with the County Council's Development Principles and Implementation SPD the applicant is required to submit a Waste Audit in support of the application. The Waste Audit should identify measures for dealing with waste arising from the construction works involved and measures for managing the waste and recyclables produced by the proposed uses when they are occupied. No waste audit was submitted in support of the application and therefore it is recommended that it be secured via condition.
- 8.54 The comments of Anglian Water can be relayed to the applicant via an informative added to any permission granted.
- 8.55 In response to the concerns raised by the Environment Agency (EA) a copy of Anglian Water's consultation response has been forwarded to them. It is considered that the issues raised are primarily technical in their nature and dialogue will be opened with the EA to determine if there is a suitable condition can be imposed to address any concerns they have that are not sufficiently addressed by Anglian Water's comments.

9. 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 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Prior to the commencement of development full details of all the external materials to be used in the development including all buildings and surfacing shall be submitted to and agreed in writing by the Local Planning Authority. Unless otherwise first agreed in writing by the Local Planning Authority the development shall be constructed using only the agreed materials.

Reason: To ensure the use of appropriate materials in the interests of character and appearance of the development and the surrounding area in accordance with policy E20 of the Northampton Local Plan adopted 1997.

3. Prior to the commencement of any works on the site a Scheme for Tree Protection shall be submitted to and approved in writing by the Local Planning. The approved scheme shall be instituted prior to the

commencement of development and shall be complied with at all times during construction works.

Reason: In order to ensure suitable protection for trees on and adjacent to the site during any construction works in accordance with policy E11 of the Northampton Local Plan adopted 1997.

4. Before the development hereby permitted is occupied a scheme shall be agreed in writing by the Local Planning Authority which specifies the sources of noise on the site, whether from fixed plant or equipment or noise generated within the buildings, and the provisions to be made for its control. The agreed scheme shall be implemented prior to the development coming into use and shall be maintained thereafter.

Reason: To ensure adequate protection from noise and disturbance for users of surrounding buildings in accordance with policy E19 of the Northampton Local Plan adopted 1997 and the advice of PPG 24 Planning and Noise.

5. Before any individual element of the development that incorporates cooking facilities with the development hereby permitted is occupied a scheme shall be submitted to and agreed in writing by the Local Planning Authority that specifies the provisions to be made for the collection, treatment and dispersal of cooking odours. The agreed scheme shall be implemented prior to the unit coming into use and shall be maintained thereafter.

Reason: To ensure adequate protection from odour for users of surrounding buildings in accordance with policy E19 of the Northampton Local Plan adopted 1997.

6. No development approved by this planning permission shall be commenced until: A site investigation has been designed for the site using the information obtained from the desktop study and any diagrammatical representations (Conceptual Model). This should be submitted to, and approved in writing by the Local Planning Authority prior to that investigation being carried out on the site. The investigation must be comprehensive enough to enable: a risk assessment to be undertaken relating to human health, ground and surface waters associated on an off site that may be affected, refinement of the Conceptual Model, and the development of a Method Statement detailing the remediation requirements. Once the site investigation has been undertaken in accordance with details approved by the Local Planning Authority and a risk assessment has been undertaken a Method Statement detailing the remediation requirements, including measures to minimise the impact on human health, ground and surface waters, using information obtained from the Site Investigation shall be submitted to the Local Planning Authority. Once approved in writing by the Local Planning Authority the agreed remediation measures shall be undertaken on the site in full accordance with an agreed timescale.

Development of the site should be carried out in full accordance with the approved Method Statement.

Reason: To prevent pollution of ground and surface waters and in the interests of health and the environment and to ensure measures for control for the different elements across the wider redevelopment site are coherent, in accordance with policy E19 of the Northampton Local Plan adopted 1997.

7. If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an addendum to the Method Statement. This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with.

Reason: To ensure the effective remediation of contaminated land sites and in the interests of health and safety and the quality of the environment in accordance with policy E19 of the Northampton Local Plan adopted 1997.

8. Prior to the occupation of any element of each individual building hereby permitted full details of all fencing and other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall be erected prior to the first use of any part of the building to which the fencing or means of enclosure relates and shall be retained and maintained as approved thereafter unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To ensure the provision of appropriate measures to prevent crime and to protect the character and appearance of the local area in accordance with Policies E19 and E40 of the Northampton Local Plan adopted 1997.

9. Prior to the commencement of the development of the business units (use classes B2 and B8) located in the western section of the site a Security Strategy detailing the measures to be utilised within the fabric of the buildings to prevent any undue vulnerability to crime shall be submitted to and agreed in writing by the Local Planning Authority. The units shall be constructed in full accordance with the agreed Security Strategy with the measures involved retained thereafter unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To ensure that the built fabric of the business units incorporates suitable measures to protect them from crime in accordance with Policy E40 of the Northampton Local Plan adopted 1997.

10. Prior to the installation of any external lighting a Lighting Strategy detailing the specification and location of all external lighting for the site together with a phasing plan for installation shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be installed in full accordance with the agreed phasing plan and shall be retained and maintained in the form agreed thereafter unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To ensure appropriate provision of lighting for the areas with the development site in the interests of crime prevention and visual amenity in accordance with Policies E20 and E40 of the Northampton Local Plan adopted 1997.

11. Unless otherwise first agreed in writing by the Local Planning Authority, at no time shall the permitted retail units be amalgamated and shall not incorporate a floor space that exceeds the annotation shown on drawing 0711 13.

Reason: To prevent the amalgamation of the individual units into one large unit and to ensure the suitable provision for the employees of the Brackmills Employment Area in accordance with Policy E19 of the Northampton Local Plan adopted 1997 and the advice of PPS 6 Planning for Town Centres.

12. Unless otherwise first agreed in writing by the Local Planning Authority, at no time shall more than three of the four retail units hereby permitted be used by operations falling outside Use Class A1 (retailing) of the Use Classes Order 1987, or successor.

Reason: To ensure the provision of convenience retailing and to ensure the suitable provision for the employees of the Brackmills Employment Area in accordance with Policy E19 of the Northampton Local Plan adopted 1997 and the advice of PPS 6 Planning for Town Centres.

13. Prior to the commencement of development a Waste Management Scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented upon commencement of development and the details within adhered to thereafter.

Reason: In the interests of waste management in accordance with Policy E19 of the Northampton Local Plan adopted 1997 and the Development Principles and Implementation Supplementary Planning Document.

14. Prior to the commencement of development full details including materials and elevations of the electricity sub stations within the site shall be submitted to and approved in writing by the Local Planning Authority. The structures shall be constructed in full accordance with the agreed details.

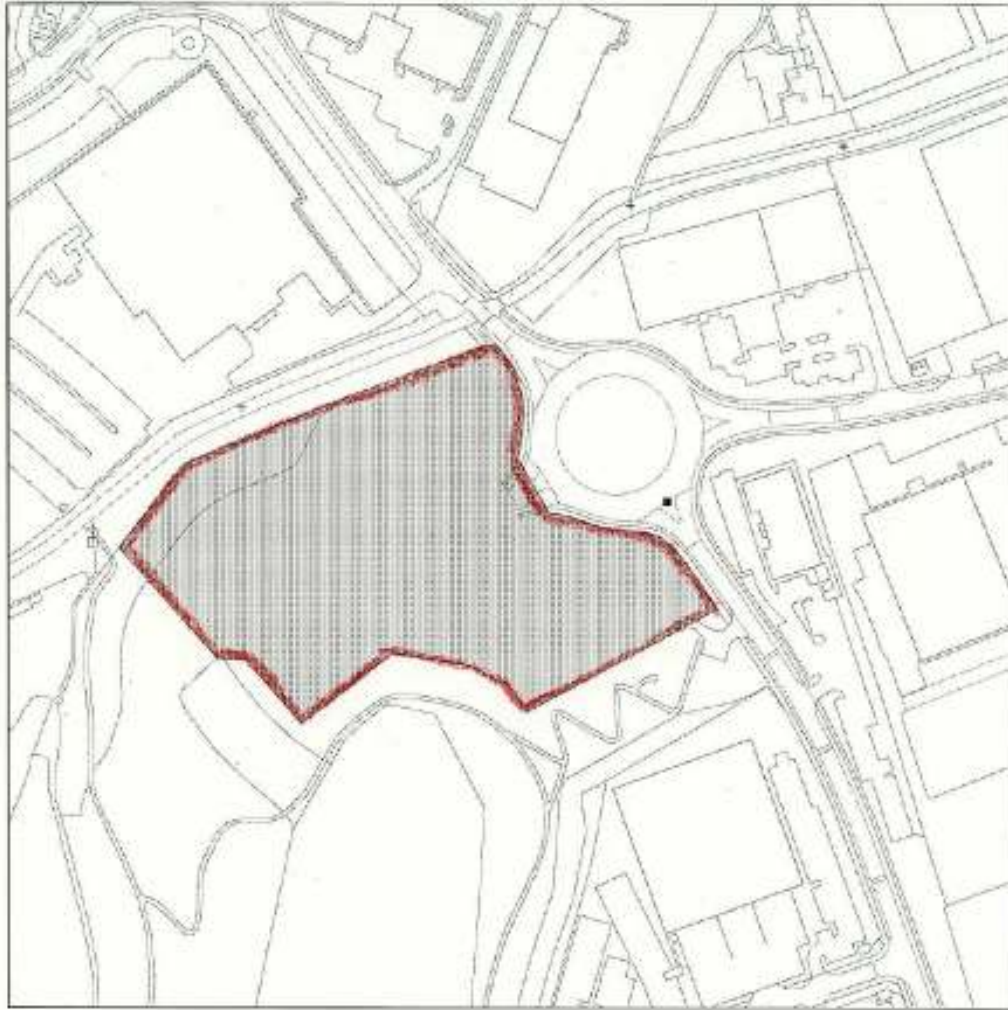
Reason: In the interests of visual amenity and the character and appearance of the area in accordance with Policy E20 of the Northampton Local Plan adopted 1997.

15. Prior to the commencement of development full details including specifications including security measures, materials and elevations of the cycle storage and parking structures to be provided within the site shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking and storage structures shall be constructed in full accordance with the agreed details and installed prior to the first use of the building to which they relate.

Reason: In the interests of crime prevention, visual amenity and the character and appearance of the area in accordance with Policies E20 and E40 of the Northampton Local Plan adopted 1997.

Informatives

1. The applicant is advised that there are Anglian Water assets close to or crossing this site. Therefore the site layout should take this into account and accommodate Anglian Water's assets within prospectively adoptable highways or public open spaces. If this is not practicable then the assets may have to be diverted and the applicant will have to make an application under Section 185 of the Water Industry Act 1991. It should be noted that diversion works could affect when the development work can commence.



SCALE 1:2500