

COMMITTEE UPDATE

Daventry UDA Planning Committee

14th April 2009

Agenda Item 4:

Application number: 07/0001/OUTWND and APP/M9570/A/08/2083327 / 07/0096/OUTWND and APP/M9570/A/08/2071505 / 07/0161/OUTWND and APP/M9570/A/08/2082894

Applicant/appellant: Croudace Homes Ltd, The House Trustees Ltd & Lower Thrupp Ltd / The Danetree Consortium / Capel House Property Trust Ltd

Address: Land at Church Fields, Long Buckby Road, Daventry / Land to the east of Daventry and north of the A45 road / Land at Monksmoor Farm, Welton Lane, Daventry

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.

Update

Subsequent to legal advice being received Officers are advising that the word 'power' is removed from the recommendation on page 2 paragraph 1.1(a). The revised recommendation now reads as follows:

- 1.1. It is recommended that the Corporation as local planning authority:
- (a) delegate 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 WNDC'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.

Agenda Item 5:

Application number: 09/0013/FULWND

Applicant: ICON EM

Address: Land Off Eastern Way And Northern Way, Daventry, Northamptonshire

Description: Erection of a mixed use building (the iCon) consisting of offices (B1(a)), conference/exhibition facility and concert hall (D1/D2) and Restaurant/Café (A3) with associated infrastructure, parking and servicing and landscaping.

Daventry District Council

A further comment from DDC that was not reported in the main committee report is that DDC stated:

“That WNDC secure the “community aspect” of the brief and ensure that community use of the “The Public Showcase Suite and The Central Enclosed Street” (as described in section 4.2 of the Stage D- Planning Statement submitted with the application) is guaranteed for perpetuity.”

Officer comment: The comments of the Council are noted. The planning application is for a mix of uses: A3, B1(a), D1 and D2. The building must be used in connection with these uses (it should be noted that both D1 and D2 do cover a wide variety of uses to reflect the applicants aspirations for a number of end users) and should the applicant wish for any other use outside of those allowed they would need to apply for a further planning permission.

Ecology

During the course of the application the applicant has commissioned an Ecological Consultant to assess the site for evidence of roosting bats and evening emergence, foraging and commuting surveys of trees and hedgerows located within the site. The applicant has advised that this assessment was undertaken on 30th March 2009 by a Natural England licensed bat worker (John Knight, Knight Ecology). Evening activity surveys were undertaken on 31 March 2009 and 02 April 2009 by two experienced bat surveyors including one Natural England licensed bat worker (John Knight, Knight Ecology).

A draft report into these matters has been submitted to WNDP. The report concludes that:

“Only one bat species was recorded during the evening surveys, this being Common Pipistrelle. The maximum number of bats recorded at any one time was one. No bats were recorded emerging from any of the trees on or immediately adjacent to the Site. All on-site recordings were of commuting bats with no evidence of feeding. The majority of recordings were of bats commuting close to vegetation marking the southern boundary of the site. Taking into account the size of the site, its location and the habitat present, it was considered that overall the amount of bat activity recorded during the two surveys was low.

In accordance with the IEM guidelines the overall ecological value of the site for roosting and foraging bats was considered to be within the zone of influence only, whilst for commuting bats it was considered to be Local.

It is considered unlikely that the proposal would have a significant negative impact on roosting, foraging or commuting bats currently utilizing the site. With suitable design and management, the proposal could increase the site's potential to support foraging and commuting bats, and increase both the number and species of bat utilising the site.

Mitigation and enhancement for bats includes the incorporation of bat roosting features into the building design, erection of artificial roost structures on retained trees, incorporation of a bio-diverse living roof (and possibly a living wall), inclusion of night-scented species into the landscape design to attract insect prey and the creation of a closed-canopy tree line along the new access road for commuting bats.”

Furthermore, the applicant has submitted a draft ecological mitigation statement identifying what measures would be taken to prevent the accidental killing and injury of common reptiles during the construction of the site access road.

Officer comment: it is considered that on the basis of the draft report submitted that the concerns raised by Natural England in respect for adequate survey's to take place prior to granting planning permission have been addressed. Whilst the report has only

been submitted in draft form it is understood that the final report is due imminently. As noted above the report identifies the low likelihood of protected species being affected during the construction of the development. Upon receipt of the final version of these reports Officers would liaise with Natural England to ensure they are satisfied that they are acceptable.

In relation to enhancing biodiversity in the site the report identifies the use of a number of measures and officers can advise that these can be appropriately secured through planning condition 12 as set out in the main report.

Agenda Item 6:

Application number: 09/0010/FULWND

Applicant: Daventry District Council

Address: Units 6,8,10 And 12 Prospect Way, 6 Prospect Way, Royal Oak Industrial Estate, Daventry, Northamptonshire, NN11 8PL

Description: Redevelopment of 6 small industrial units to form one unit with industrial and ancillary office usage

Additional comments: Applicant 03/04/09

We write with respect to the proposed conditions included in your report.

Condition 2

We have submitted details of our proposals for BREEAM and Site Renewable Energy with our planning application we do not anticipate these changing prior to commencement of works on site. Assuming that these do not change before commencement of works on site, and at this stage we can see no reason not to achieve our stated aims, we do not feel that we should have to submit the same information again with an additional £80 charge. We would be happy to provide information that confirms that we shall achieve these aims but do not feel that this should prevent works commencing.

The final part of this condition relates to post construction and prevents occupation of the building whilst it's achievements in sustainability are assessed. We feel that part of this assessment requires use of the building to properly demonstrate that it does indeed meet the targets set. Again we would welcome the opportunity to submit this information to you once it is complete but we intend to continue working with the Tenant in a "soft landings" approach for a minimum of 2 years post completion to ensure that they achieve the energy performance expected from the building.

We have attached the work stages for our independent BREEAM assessors which show the works they are contracted to carry out on our behalf, copies of the reports will be submitted to you once they are available. We would ask that this condition be revised so that the submission of the reports does not delay the commencement of site work or occupation.

Condition 3

We have responded to the Crime Prevention officer on the items that he has raised, together with details of the proposed Intruder Alarm and CCTV systems to be installed.

Condition 4

A Full Geotechnical report and disposal reports have been submitted to DDC environmental department (Lynda Johnson) on 11 March; this should provide ample time for comment or to request further information. We feel it is not appropriate to have to re-submit information as a planning condition if this is down to an inadequate response time from a consultee. We are by law required to have in place a Site Waste Management Plan which will cover all the risks associated with any site contamination.

We would ask that this condition be removed.

Additional comments: Northamptonshire Police 06/04/2009

Condition 3

In light of the further submitted details, Northamptonshire Police are content that all is in order. It would be reasonable to remove Condition 3 from the report

Officers Response

Condition 2

It is indeed acknowledged that the applicant has submitted substantial information as regards the methods of achievement of a BREEAM 'Very Good' rating and the details of how at least 10% of the building's energy requirement will be met through the use of renewable technologies (Ground Source Heat Pumps and Solar Thermal Collectors).

The wording of the condition was intended to offer flexibility to the applicant in regard to the precise sustainability measures to be installed. But, in light of the applicant's comments, it is considered acceptable to revise the condition to:

'Prior to the first occupation of the development an independent post-construction assessment detailing the measures installed to achieve BREEAM 'Very Good' (or successor) and the provision of on-site renewable energy to meet 10% of the development's overall energy needs (or other level to be agreed with the Local Planning Authority) shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the delivery of a sustainable development in accordance with PPS1 and its supplement Planning and Climate Change and DDC Energy and Development SPD (2007).'

Condition 3

Northamptonshire Police have stated their satisfaction as regards the additional information submitted. Therefore this condition relating to CCTV can be removed.

Condition 3 Removed

Condition 4

The condition was attached in light of a request from the DDC Environmental Health department to deal with the risks associated with contamination of the site. It is acknowledged that comprehensive information has been submitted by the applicant to DDC's Environmental Health department. However, without confirmation being received that the information acceptably tackles the risks it is not considered appropriate to remove the condition. Condition 4 to be retained.

Additional Comments: Applicant 06/04/09

Efforts will be made to address the points made by DDC Landscaping. Tree guards are to be provided while tree bases are to be sprayed to protect against potential damage from grass machinery. The Hornbeam hedges will be formally clipped and maintained so as not to compromise visibility and surveillance.

Officers Response

It is positive that the Landscaping Officer's comments have been taken on board; the measures are not covered by condition.

Additional comments: Applicant 09/04/09

We are still concerned about Condition 2 stating "Prior to the first occupation of the development an independent post-construction assessment". We consider it unreasonable to expect a £3.0 million building to stand empty following construction whilst an independent assessment is carried out and then has to be approved in writing by the Local Planning Authority. Commercially, the Council could not afford the lost rent whilst that took place. There would also be costs to the Council for keeping an unoccupied building secure. In order to allow occupation upon completion, we would prefer it if the Condition could accept the initial position that, subject to the Committee decision, the BREEAM assessment currently submitted will be approved and, should that position change, this would be notified and verified to the LPA. We think it more reasonable if the Condition could state something like "Any material alterations to the measures stated in the BREEAM report and those specified to achieve the 10% renewable energy that were submitted to the LPA as part of the the planning application shall be notified in writing to the LPA and verified by the independent BREEAM assessor and renewable energy designer." Thus, if no alterations are made to the currently submitted proposals, it will not be necessary to notify the LPA and it will know that all of the measures have been implemented, this will also be re-affirmed by the post completion BREEAM assessment that we will be having carried out anyway. If alterations are made, then this would allow ongoing and

valid assessments to be made as construction work is progressing, thus providing the LPA with a verified updated position including at the completion of contract.

Officers response

The approach of notifying the Local Planning Authority of any changes to the BREEAM measures to be installed appears sensible and pragmatic. A revised condition can be put together that still clearly specifies and ensures that high sustainability standards are achieved.

Revised Condition 2

The development shall achieve a rating of BREEAM 'Very Good' and shall achieve the provision of on-site renewable energy to meet 10% of the development's overall energy needs (or other level to be agreed with the Local Planning Authority). Following the completion of the development the applicant shall notify the Local Planning Authority in writing of any material alterations to the measures stated within the approved BREEAM assessment (Ref: E048) dated 28/01/09 and those specified in the approved Energy and Sustainability statement, any changes shall be approved in writing by the Local Planning Authority in association with the independent BREEAM assessor.

Reason: To ensure the delivery of a sustainable development in accordance with PPS1 and its supplement Planning and Climate Change and DDC Energy and Development SPD (2007)

