



Board members present:

Cllr Sandra Barnes (SB) -
Chair

Cllr Tony Woods (TW)

Cllr Richard Church (RC)

Cllr Wendy Amos (WA)

Cllr Catherine Boardman
(CB)

Cllr Alan Hills (AH)

David Dickinson (DD) (sub)

In attendance:

Stephen Kelly (SK) – Director
of Planning and Development

Andrew Ryley (AR) – Planning
Officer

Amanda Constable –
Governance and Policy
Assistant

Karen Mutton (KM) –
Eversheds Solicitors

Daventry UDA Planning Committee Minutes

Agenda Item: 4

Minutes from Daventry UDA Planning Committee Meeting held at the
Council Chamber
Daventry District Council

Daventry, in public on the 31st March 2009

Approximately 7 members of the public were present.

The Chair opened the meeting at 6 pm.

Item 1: Apologies

Apologies were received from John Weir and Lee Baron.

Item 2: Declarations of interest

Four councillors declared personal non-prejudicial interests on Agenda item 4; Cllr Sandra Barnes, Cllr Tony Woods, Cllr Catherine Boardman, Cllr Wendy Amos and David Dickinson as members of the Joint Planning Unit. Cllr Sandra Barnes, Cllr Richard Church, David Dickinson and Cllr Tony Woods declared personal non-prejudicial interests as members of WNDC board.

All members remained for the duration of the meeting.

Item 3: Minutes of the meeting held 28th October

IT WAS RESOLVED: That the Minutes of the meeting were agreed as a true and accurate record of the meeting subject to the following amendment;

4.16 should read: SB also raised concerns with the practicality 'on' the canal construction.

Daventry UDA Planning Committee Minutes

Item 4:

Applicant: ProLogis Development Ltd

Application No: 08/0143/FULWND

Description: Construction of three B8 units and ancillary offices, together with landscaping, access, parking and associated Infrastructure.

Address: Apex Park Phase 3, Drayton Fields, Daventry, Northamptonshire NN11 5NF.

Ward: Hill / Flore / Weedon / Badby

4.1. Members confirmed receipt of the report at Agenda item 4 and the update report.

4.2 It was brought to the committee's attention that the application was the second proposal for this site; the first proposal was presented and withdrawn in 2006.

4.3 Following a presentation on the proposed application, Town Cllr. Glenda Simmonds, Chair of Daventry Town Council's Planning and Development Committee, spoke against the proposed development and made the following points:

- a) She noted that the Town Council has no objection in principle to the proposed application which would bring employment to the town, though it did have concerns relating to highways and traffic.
- b) Concerns relating to the road network surrounding the development, as in the Town Council's opinion the development will overload the roads and make it a congestion 'hot spot'. No development should be permitted until the highway infrastructure had been improved
- c) She said access to the site was poor and HGV movements along the A361 were already causing problems and the Town Council was of opinion that an increase in such vehicle movements from the proposed Apex Park development would exacerbate that situation.

- d) Drayton Way/Parsons Road junction should be assessed to ensure that required safety measures are put in place, as the extra traffic would be hazardous to traffic, particularly with HGVs accessing the site.
- e) With regards to routes for HGVs to and from the site and M1, she made the point that the A45 provided the best route for HGVs. The A361 provides easy access but it carried lots of traffic and was unsuitable for HGVs. Support was expressed for the Flore Weedon Bypass

4.5 Cllr Chris Over spoke as Daventry District Councillor and Portfolio Holder for Economic Regeneration and Employment in support of the application and made the following points:

- a) He supported the approach taken by WNDC to secure amendments to the original proposal.
- b) He supported the proposal which represented a significant investment in the area and would bring approximately 700 jobs to the town at a critical time for the economy allowing Daventry to prosper and grow.
- c) He recognised the concerns expressed on highway and landscape issues, but felt the problems could be resolved.

4.6 Cllr Over was asked if he would still be in favour of the proposal if the present economic situation was different. In response he indicated that, although the economic situation was a key consideration, he would still support application as other reasons, such as the need to modernise Daventry's local industrial estates influenced his decision.

4.7 Terry O'Brien, planning consultant for the applicant speaking in support of the application, made the following points:

- a) The proposals had been amended in response to WNDC's concerns about the application. This had resulted in a reduced ridge height, removal of a loading bay and a curved roof and extra landscaping;
- b) The scheme would bring in excess of 700 jobs to the area once complete, with an additional 100 during the construction phase of the project;

c) The scheme would be sustainable, achieving at least BRE Environmental Assessment Method (BREEAM) of Very Good with an aspiration to achieve excellent rating.

4.8 In discussion, the Committee asked for clarification on how many jobs were to be created when the scheme was complete, the demand for the floorspace and if there were plans in place to use reuse grey water from the site, possibly to wash vehicles using the grey water from the site.

4.9 In response the applicant, speaking through Mr O'Brien and Mark Sheppard) another representative of the applicant) informed the Committee that there remained interest in the proposals from potential occupiers. The number of jobs to be created was anticipated to be over 700 directly related jobs on completion and this was considered to be a realistic estimate as it was based on the average occupancy of other sites managed by the applicant.

4.10 It was also noted that there were likely to be indirect jobs created as a result of the development. The committee was also informed that there was a possibility of using grey water to wash vehicles on site. This had been implemented on some of the applicant's other sites and was something to be considered.

4.11 The Committee expressed concerns about the impact of the proposal on the existing highway, and the visual and noise impact of the proposal on Braunston especially at night as the site is expected to operating 24 hours a day, 7 days a week through shift work.

4.12 In response to the concerns raised relating to the highway impact, the applicant's representatives confirmed that they would sign up to a vigorous travel plan to promote sustainable travel to and from the site. The travel plan would set targets for modal shift and financial penalties if they are not met.

4.13 The plan could be rolled out across the existing phases 1 and 2 at Apex Park. In addition it was noted that the scheme before the committee had been devised taking account of the demand identified at the time the Daventry Core Strategy was being promoted and its layout reflected the Council's view that the highway could accommodate the level of traffic that would be generated.

4.14 It was also explained on behalf of the applicant that it had installed a new traffic signalled junction to the satisfaction of the local highway authority as part of the development of

phases 1 and 2, and the authority was satisfied that there was sufficient capacity at that junction to accommodate phase 3.

4.15 The safety issues that would be associated with a new junction with the A45 were also identified and it was confirmed that a new junction with the A45 would be a measure of last resort.

4.16 It was noted that there was a proposal to provide a pegasus crossing for cyclists in the location of the existing bridleway which would also have the benefit of slowing traffic in the vicinity. There was also a separate emergency access.

4.17 Stephen Kelly confirmed that, according to the applicants transport assessment, the total trips in the morning peak hour would be 31 HGVs, and in the afternoon peak hour would be 29 HGVs. He said other vehicle users like staff would not affect these numbers as most employees would work shift patterns and movement will not be concentrated at peak times.

4.18 The Committee expressed the view that evidence or details of routing to be taken by HGVs to and from the site in and around the surrounding areas of Daventry would be of interest to them. Mark Sheppard, on behalf of the applicant, indicated that steps would be taken to try and ensure drivers going to and from the site used prescribed routes for which directions would be provided.

4.19 It was also acknowledged that there was sufficient space within the proposed development such that drivers could park within the site for their rest periods rather than parking in laybys.

4.20 Regarding the visual impact of lighting and noise, Mark Shepherd informed the committee that a fence (which was illustrated in the power point presentation by AR) and landscaping would cut out most of the light spill. He did, however, indicate that this could be a problem in the immediate surrounding areas and acknowledged that extra landscaping and a higher fence could be the answer.

4.21 Cllr Amos noted that the landscaping needed to be substantial and it might take some time for planting to come to fruition. Cllr Boardman indicated her concern that this might not fully address her concerns regarding the heights of the proposed buildings. SK confirmed that a detailed landscaping scheme would be required including mature planting early on. A

management strategy would also be required. It was agreed that the condition relating to landscaping should be expanded and made more specific so that officers could seek an appropriate balance for this exposed site.

4.22 Cllr Barnes requested that the appropriate colours be used to facilitate the development blending into the landscape.

4.19 Stephen Kelly informed the Committee that the application would be referred to the Government Office for the East Midlands as a departure from the Daventry Local Plan. He confirmed that the proposed conditions relating to lighting, roads and landscaping would be strengthened to respond to the issues raised by members and an additional condition would be included to reflect the need to secure a scheme for the management of foul water drainage as set out in the update report. A section 106 agreement would be negotiated with the applicants in accordance with the Planning Obligations Strategy which would also secure a travel plan for the site and a contribution to the Construction Futures programme.

IT WAS RESOLVED: Subject to the application being referred to the Secretary of State as a departure from the Development Plan and the Secretary of State not recovering the matter, the application be **APPROVED** but that the issuing of the planning permission be delegated to the Director of Planning and Development or appointed Officer subject to the prior completion of a Section 106 agreement and the conditions set out in the officer's report and update sheet as amended to respond to members' concerns as discussed in the meeting for the reason set out in the update sheet.

5. Future meeting dates

- 14th April 2009
- 12th May 2009
- 9th June 2009
- 14th July 2009

6. AOB

There being no further business the meeting closed at 8.20pm.

Amanda Constable

Policy and Governance assistant

Signed by the Chairman

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Dated

DRAFT

COMMITTEE UPDATE

Daventry UDA Planning Committee

10th March 2009

Agenda Item 4:

Application number: 08/0143/FULWND

Applicant: ProLogis Development Ltd

Address: Apex Park Phase 3, Drayton Fields, Daventry, Northamptonshire, NN11 5NF

Description: Construction of three B8 units and ancillary offices, together with landscaping, access, parking and associated infrastructure.

Representations received

A number of responses have been received responding to the additional consultation period associated with the amended plans referred to in the Committee Report (the consultation period expired on the 27/02/2009). A number of these responses advised that the consultee had no further comment to add or that the amendments did not affect their original response. However, the following responses are relevant and / or worth noting:

The Wildlife Trust: has no comment to make concerning these revised / amended development proposals. However recommend that the mitigation measures and recommendations (for biodiversity enhancements), contained within the Ecology Chapter, of this Application's E.S. documents when it was originally submitted back in May 2008, as prepared by the consultancy FPCR, are all followed through and actually delivered on-the-ground; being made the subject of Planning Conditions as necessary.

Daventry Town Council: have stated (direct quote):

“The Town Council acknowledges that certain landscaping issues over which we have previously expressed concerns have been addressed.

However, nothing has been done to address the highway infrastructure concerns and our fundamental objection to the development on highway grounds remain.

We note that neither the Highways Agency nor the Northamptonshire County Council have objected to this development but, quite frankly, we do not understand the logic behind their stances.

The Highways Agency issued a holding direction in respect of the three urban extensions (Monksmoor, Churchfields and Danetre village) because it wants to assess the cumulative effect traffic from those proposed developments would have on the strategic road network (most notably the junctions along the A5 trunk road in the Daventry Area).

HGV movements along the A361 are already causing problems and the Town Council finds it difficult to comprehend how the additional growth of such vehicle movements from the proposed Apex Park development would not similarly contribute to that situation.

The Town Council have accepted the need for substantial expansion of our Town but only on the grounds of 'Infrastructure First'. It seems that the powers that be feel that this development can be accommodated into the highways network without generating the need for further improvements and we find this unacceptable.

The Daventry District Council have expressed their concerns about the impact of this development on the A361 north and south of Daventry and we share their concerns.

We have suggested there is a need for a separate access from this site to a new roundabout on the A45 as we do not consider the Parsons Road/Drayton Way traffic light controlled junction is adequate to cater for a development of this size generating numerous additional HGV movements.

We do not therefore believe that this development should be approved unless and until road improvements as outlined in our October 2008 representations are provided.”

Braunston Parish Council: have stated that with regard to the latest amendments the Parish Council feels that its existing comment still stand, and although minor changes have been made the small revisions to the landscaping will still take many years to reach fruition and the original objections still stand.

Cllr Chris Over: has stated (direct quote):

“Thank you for giving me the opportunity to address matters related to this application, a revised scheme, which has taken account of issues related to landscape, views into the site, the form and height of buildings and access.

It was right and proper that these concerns should be addressed particularly its visual impact when viewed from the neighbouring villages and the adjacent countryside.

It had been suggested at an earlier hearing this proposal jeopardised the emerging Core Strategy – there appears little evidence for this?

It is my submission, there are other and more important considerations that have a bearing on your decision; this is £40 million plus investment, brings some 700 jobs both on and off the site, much needed work and employment at a critical time.

We do not need to be reminded of the fragile nature of the international, and indeed the national economy -- Daventry is clearly no exception, recent redundancies, retrenchment, has brought this home to our community, our families, in no uncertain manner, in the current climate employment has to be one of most important considerations is acknowledged in the report.

Daventry District Council and WNDC have a responsibility for Economic Regeneration and Employment, the well being and prosperity of our Community, this proposal will make a significant contribution to the local economy, the buildings remodelled, designed to be sustainable in all aspects. This project in terms of employment offer choice, demands a variety of skills from Management to Warehouse Operatives, Support Staff and Drivers, is seen good news by any measure.

This application comes at a critical time, with Daventry set to grow to a population of some 40,000, however this is not about the provision of homes, but gainful employment for our citizens, this has to be the priority.

Whilst it is acknowledged that Daventry District Council has placed an emphasis on attracting high technology and high skill investment to the District, in the current economic climate, with

rising levels of unemployment, clearly Chairman, a decision by your Planning Committee to approve the application would be applauded.”

Neighbours: one further letter received. This response centres on the potential noise impacts from the development and cites an ongoing problem with the existing units operated by Apex Park.

Officers also need to highlight one further letter received from a Member of the public that was omitted from the original Committee Report. The basis of this letter of objection is on the grounds of road capacity stating that access to the site is already congested at peak hours at the narrow A361 / Parsons Road junction.

Also states that fast growing trees, like poplars, around the site would help the visual effect, especially from Braunston.

Officer response: the additional comments as set out in the representations above are noted. It is considered that on the whole the issues raised in relation to ecology, highway matters and landscape impact have been extensively covered in the main Committee report before Members.

The comments the Wildlife trust are noted and the planning conditions as set out in the original report are considered to cover the matters they have raised.

The comments of the Town Council in relation to the impact on the local highway network are noted. Notwithstanding these comments, the fact remains that both Northamptonshire County Council Highway Authority and the Highways Agency are satisfied with the application and have no objection to it subject to appropriate planning conditions.

It is noted that Braunston Parish Council do not consider that the revised designs have overcome their original principle objections on developing this land (which they consider is an intrusion into the open countryside) but the matters of the principal of this development have been already been considered.

The comments of Cllr Over are also noted. These comments concur with the recommendation before Members to approve this planning application on the basis of the economic benefits the development would derive.

Condition 9

It is noted that Condition 9 in the original application did not include a reason for its imposition.

The condition should have stated:

9. Notwithstanding the submitted details, prior to the first use of any building on the development hereby permitted, details of the proposed acoustic barrier(s) shall be submitted to and approved in writing by the Local Planning Authority. The barrier(s) shall be implemented and retained in accordance with the approved details.

Reason: To protect the amenities of nearby occupants from noise and vibration.

Foul water disposal issue

Further to the publication of the Committee Report Officers have been in discussions with the applicant and the Environment Agency (EA) over the outstanding concern insofar as to

whether the local Sewage Treatment Works (STW) at Whilton has capacity to deal with effluent waste generated by the proposed development. This issue represents the only remaining planning matter, subject to a successful Section 106 Agreement, that needs to be resolved prior to granting planning permission (should Members be minded to do so).

The situation is as follows:

The EA have objected to the application on the basis that the site (which is not allocated in the Local Plan or LDF) may cause pollution arising from insufficient drainage because Whilton STW may not have the capacity to deal with sewage arising from the development.

The applicant is in discussion with the EA and Anglian Water as to the means by which any capacity issue could be dealt with and has raised the possibility of providing an onsite measure, known as a Package Treatment Plant (PTP), to treat the (relatively small) amount of effluent created, which would then discharge to a local watercourse (NB separate consents from the EA under the Water Industry Act 1991 etc are required for this as well). This is one possible option that is being considered and at present does not form part of the planning application.

It is apparent that the EA are not in favour of this approach on the basis that a) they have stated verbally that they have a local/regional policy against individual onsite PTPs b) they are concerned that if the onsite PTP fails it can have a large impact on the presumably small watercourse it would discharge into, causing a higher relative level of environmental damage and c) they consider this whole issue rests on the outcome of the Water Cycle Strategy, which will identify improvements to Whilton and other STW / WwTW that need to be undertaken to support all the growth proposals in Daventry.

Officer comment: the comments of the EA insofar as the Water Cycle Strategy are noted. This document should provide more certainty on the existing capacities within the area. However, notwithstanding that the document is yet to be published (it is due on the 8th April) Anglian Water's statement released on the 19th January 2009 (released as part of the Daventry Inquiry process) indicates that the improvement works to Whilton STW and others, which form part of their wider business plan which at this stage does not have Ofwat approval / funding, will not be completed until 2012 potentially at the earliest.

Therefore to deal with this capacity issue in the interim the applicant is considering an onsite measure as one possible solution. Whilst the position of the EA insofar as being resistant to onsite PTPs is noted national Government advice contained within DETR Circular 03/99 endorses this approach in principle subject to it being demonstrated that the PTP would not, very broadly speaking, cause any adverse environmental impacts (there is extensive list a-k in the circular).

Officers have sought some preliminary details of what the onsite PTP could entail on the basis that any significant structure / building for dealing with the onsite treatment process may have an adverse impact on either the layout and design of the scheme or indeed environmental conditions at the site. If this option is pursued the applicant has provided some preliminary information which highlights that the structure could be installed almost entirely underground and have no significant associated environmental implications by virtue of noise, odour, environmental impacts that would warrant further information being submitted within the ES ahead of a decision. Whilst Officers are satisfied with this, and based on legal advice received, it is considered appropriate to control this matter through the imposition of the following planning condition (which seeks to reflect that options other than a PTP may be forthcoming as part of the Water Cycle Strategy and so can be incorporated into the development):

“Prior to the occupation of the development, a detailed foul water drainage strategy for the design, provision, implementation and long term management of foul water from the site (including details of any on site equipment and its decommissioning and removal if required)

shall be submitted to and approved by the Local Planning Authority. The development (including approved foul water drainage system) shall be constructed, and maintained thereafter, fully in accordance with the agreed details.

Reason: To deal with the immediate shortfall in local sewerage treatment capacity and prevent water pollution”

Correction: Officers need to advise of an error in the original Committee Report. Officers had reported that the site lay within Flood Zone 2 of the EA's defined flood maps. The site actually lies within Flood Zone 1 (defined as 'low-probability' by the EA in flood risk terms). The implication for this is that the matters highlighted in paragraphs 11.89 and 11.90 are now in essence no longer relevant because the Town and Country Planning (Flooding)(England) Direction 2007 only applies in sites which are in Flood Zones 2 or 3 (or Flood Zone 1 where critical drainage problems exist and which has been notified to the local planning authority by the Environment Agency (the latter of which is also not applicable to this site)). Consequently, Officers consider that the issue that has been highlighted by the EA has been addressed through discussions with the applicant and the imposition of the above planning condition; this represents a satisfactory approach in line with PPS23 and DETR Circular 03/99 and planning permission can now be granted without recourse to the Government Office on this matter (although it still needs to be referred as a Departure application). As such, the recommendation to Members has now been altered to the following:

- 1.1 **Subject to** the application being referred to the Secretary of State as a departure from the Development Plan and the Secretary of State not recovering the matter the application be **APPROVED** but that the issuing of the planning permission be delegated to the Director of Planning and Development or appointed Officer subject to the prior completion of a Section 106 agreement and the conditions set out below (and within the update sheet) for the following reason:

1.2 The proposed application (as revised) represents an employment led development which is considered to be consistent with the objectives of policy 22 of RSS8 (and the emerging RSS8) particularly MKSM and WNDC's statutory purpose. The application has been considered against the provisions of all local development plan policies as well as the emerging regional plan and is considered to be acceptable having regard to the planning objectives set out in policies GN1, GN2, GN3, EN25, EN26, EN42 and CM8 of the Daventry Local Plan (1997) and Policy GS5 of the County Structure Plan (2001). It is therefore considered to be a justifiable and acceptable form of development that departs from Policy EM3 and EM16 of the Daventry Local Plan. The environmental effects of the development have been identified by the applicants through preparation and submission of an Environmental Statement and associated technical supporting documentation together with supplemental submissions and WNDC has satisfied itself through its assessment process that the impacts and environmental effects of the development can be satisfactorily mitigated by the specific scheme and the recommended conditions proposed.