



# Northampton UDA Planning Committee Minutes

27<sup>th</sup> January 2009

## Committee Members present:

Ann Tate (AT) – Chair

John Weir (JW)

David Dickinson (DD)

Councillor Penny Flavell (PF)

Councillor Don Edwards sub.  
(DE)

Councillor Jean Hawkins (JH)

## In attendance:

Andrew Ryley (AR) - Planning Officer

Adrian Arnold (AA) - Head of Strategic Planning

Rhoda Quaye (RQ) – Board Secretary

Michelle Vas (MV) - DWS Legal Advisor

The Chair opened the meeting at 6pm.

Approximately 15 members of the public were present.

### 1. Item 1: Apologies

Apologies were received from Nick Thompson and Councillors. Chris Millar and Sadik Chaudhury

### 2. Item 2: Declaration of interests

None

**IT WAS AGREED:** That the minutes of the meeting held in public on 25<sup>th</sup> November 2008 were a true and accurate record.

### 3. Item 3: Minutes of the meeting held on 25<sup>th</sup> November 2008

3.1 The Chair informed the meeting that letters from the public received by the committee with regards to minutes of the committee meeting on the 25<sup>th</sup> November 2008, indicated that an audio recording of the meeting had been made without prior express consent of WNDC being sought, AT said WNDC does not record its meetings and took a very dim view towards the unauthorised recording.

Members of the public were informed that the committee had received comments from the public about the accuracy of the minutes for 25<sup>th</sup> November 2008 and

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officers of WNDP will respond in writing to all those that wrote to the committee.

## **4. Item 4: Land At Milton Ham**

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

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

Ward: West Hunsbury

**4.1** The committee had received the report and were given an update on the application. AR in presenting the report informed the committee that further comments had been received from the Borough Council's environmental health department which proposed a reduction to the noise level set out in draft condition 11.

**4.2** AR added that the recommendation at 1.1b on page 1 of the officer's report be amended to include conditions set out in the report and the update report.

**4.3** The following speakers spoke against the application.

Cllr Brian Hoare speaking as a member of the public made the following points;

- a) The residents of West Hunsbury have engaged with the developer working towards a suitable compromise for the development of the land.
- b) Residents have not opposed the development in principle, however the appropriate development has to recognise the amenities of the adjacent residents.
- c) Insufficient regard had been given to the inspectors report and therefore some residents think the application should not be approved.
- d) Noted the change in the character of the site which has been captured by an additional condition in the officers report.

- e) Noise levels are the major aspect concerning the residents.
- f) As the motorway was to be resurfaced (which will reduce noise levels) the permitted noise levels for this development should remain within the overall 'reduced' level.

**4.4** The committee asked whether the resurfacing of the road was for the southbound side of the carriageway only. The committee also asked if Cllr Hoare was aware of what impact resurfacing the one side of the road will have on existing levels noise from the motorway.

**4.5** Cllr Hoare confirmed only the southbound carriageway is to be resurfaced. No information was available as to when resurfacing the northbound carriageway will take place.

**4.6** Linda Hook made the following points;

- a) Her family property is closest to the new development, at about 165 meters away from the largest B2 and B3 buildings
- b) Main concern is noise
- c) The occupiers of the building could be working 24 hours and was concerned that her family will constantly be disturbed by machinery operated from the units.
- d) Stringent measures could be put in place to protect her family and neighbours
- e) The recommended noise levels should be lower than the residual noise from the motorway

**4.7** Cllr Varnsberry made the following points;

- a) Concerns of residents on how the noise level will be set for this development.
- b) The noise levels set should reflect the overall noise reduction following the anticipated resurfacing of the motorway.
- c) The committee should give directions to officers on how to progress the issue about how the noise levels are to be set, as accepted. This was an issue which would require further discussion amongst all parties.

**4.8** The committee requested if Cllr Varnserry had a specific proposal on what the noise levels should be.

**4.9** Cllr Varnserry suggested that following the advice of the environmental health officer present, the noise level in condition 11 of the officer's report be reduced by 2 decibels (which is the expected level by which the noise is to be reduced when the resurfacing is done) would be acceptable, but acknowledged this was a technical issue outside his expertise.

**4.10** Cllr Varnserry was asked if he had any comments on the hours of operation on the site and if residents have given recommendations.

**4.11** In response, he stated that residents were mainly concerned about the technical issues of noise levels which needed to be resolved.

**4.12** Mr John Holmes speaking in favour of the application, made the following points;

- a) The last time the application was brought before the committee a couple of recommendations were made and these had been reflected in the new application.
- b) The development will be retained as a private and managed development.
- c) A contract has been let to commence works subject to permission being obtained.
- d) Work has been carried out with residents, WNDC officers and the council to resolve issues raised.
- e) Parkridge is contented with revisiting the issue of noise with officers and their experts to arrive at a solution that will ensure that the noise levels are acceptable.

**4.13** The committee asked which three schemes had been contracted for, in response Mr Holmes stated two hotels and office buildings.

**4.14** The committee expressed concerns about the phasing of the development, the poor design of the hotel as an iconic building, and possible changes to the layout and landscaping (mainly the roundabout) of the site.

4.15 AR recommended that the fine tuning of the noise levels be done with input from WNDC officers, the applicant and the Environment Health Officer. He also stated that a phasing condition could be added to address the committee's concern in that area.

4.16 The committee was pleased that there was an opportunity to review the external treatment of the building than currently presented. They commended the work done so far with the community, representatives, officers of WNDC and the applicant to pragmatically resolve most of the outstanding issues.

4.17 The chair summed up the views expressed by the committee and commended the parties involved in the process of resolving. AT further talked about the concerns of residents with relation to fine tuning the level of noise to be permitted on the site. Finally, on the issue of design as raised by the committee AT asked for comments from officers.

4.18 AA stated that looking at condition 11 of the report and the debate by the committee there was enough information to improve condition 11. He further stated that an additional condition could be added to cover phasing of development of the site. Alternative external treatment of the hotel building could be revisited with the applicant but only insofar as any modifications were minor in nature.

**IT WAS RESOLVED:** That the application is approved as per officer's report and committee update report with additional condition added to deal with phasing; that condition 11 be modified to reflect the required noise level to be set once agreed and that the external treatment of the buildings be re-visited with the applicant in order to make minor modifications so far as possible to do so (the Director of Planning & Development already having delegated authority in this regard).

5. Future meeting dates were agreed to be

- 24<sup>th</sup> February 2009 (6pm)
- 31<sup>st</sup> March
- 28<sup>th</sup> April

- 26<sup>th</sup> May

6. AOB

There being no further business the meeting closed at 7:00pm

Rhodaine Quaye

Board Secretary

Signed by the Chairman

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Dated .....

DRAFT

## COMMITTEE UPDATE

Northampton UDA Planning Committee

27th January 2009

Agenda Item 4:

Application number: 08/0275/FULWNN

Applicant: Address: Parkridge (UK) Business Centre Ltd.

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

Adjacent Occupier

One further email has been received from an adjacent occupier (who had already commented on the application). The letter reiterates a previous objection on principle citing that the application should be for B1 use only. Further comments that relate to the Inspectors report from 2003 that this is a gateway site to be developed within the framework of a B1, B2 and B8 use, that it was never intended to be hidden and should be set in a landscape setting; considers that whilst it is matter of opinion in some cases that this has not been achieved.

The letter goes onto to state that the Environment [Health] Officers have said that the noise be limited to 6 db below the ambient sound and stated that that should be 38db(A) daytime and 35DB(A) night time as he considers the residential area is high rather than medium sensitive receptor. Further, that if the measurement was taken after the M1 has been coated the present ambient noise would have been lower and an even lower figure than 38/35 would have been referred to.

States that if WNDC approves the application it is important that the unbiased environment officer's recommendations be in the conditions and they have rejected the developers predicted noise levels. States that this can be achieved by stating 38db (A) daytime and 35DB (A) night time.

NCC Highways

Response received today states that there are no principle objections to the application. A number of comments have been made that relate to technical parts of the layout; the majority of these can be dealt with through further submissions of details via a number of planning conditions that are already proposed, in particular no.5. Other matters can be resolved through further discussions with the applicant.

NCC Highways have made one comment that requires consideration in that they have requested a condition is imposed to secure the appropriate breakdown of floorspace for units 1-38 to ensure it complies with the Transport Statement. This is discussed below.

#### Conditions

Notwithstanding the comments of the adjacent occupier as set out above Officers consider that the matters of principle, setting and design have been fully considered in the Committee report and there is nothing that can be added here. Comments in relation to noise are noted and these will be fully explored below.

Members may wish to note that since the publication of the Committee Report Officers have been in discussions with the Applicant, the West Hunsbury Residents Association (WHRA) and Northampton Borough Council's (NBC) Environmental Health Office (EHO), and have also received representations from Northamptonshire County Council as the local highway authority.

The focus of these discussions and representations have been on the wording of the planning conditions proposed to go with any planning consent for the site, and therefore it is considered appropriate to look at each of these in turn, noting the comments of the applicant or other parties and Officers responses to these comments; where revised wording is proposed this is highlighted. Please note that if a condition is not referred to then there has been no discussion regarding it and it remains proposed as set out in the Committee Report.

C2 – The applicant proposes this is changed to "... external treatment of that building..." within the condition.

Officer response: the revised wording reflects the intention of the condition to allow approval of these matters on a phased basis and therefore is considered acceptable.

Revised condition:

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

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

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

C3 – The applicant proposes that the words "within that phase" are added to the end of the condition.

Whilst being happy with the wording of the condition the WHRA are anxious that it achieves what are commonly accepted outcomes insofar as lighting at this site is concerned. That is, that no glare is produced from the lighting at the site that would affect the amenities of the nearby residential occupiers. In essence the WHRA assert that the intention of the condition should be clearer such that when details are submitted to approve it there is no discrepancy or confusion over what outcome should be achieved.

Officer response: the revised wording reflects the intention of the condition proposed by the applicant allows approval of these matters on a phased basis and therefore is considered acceptable.

The comments of WHRA are noted. Whilst the matter over what this condition should achieved is discussed in the bulk of the main report it is noted that there could be margin for error in terms of the actual wording of the condition and what should be achieved. Based on discussions with WHRA it is considered appropriate that, as with condition 2, a short note is added at the end of the condition outlining what it should achieve. Wording has been agreed with WHRA and this is reflected in the revised condition below.

Revised condition:

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

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

Note: any lighting scheme submitted under this condition shall ensure that all measures are taken to reduce any light spill into the night sky, paying particular regard to residential properties located to the north, and shall include low energy luminaries where possible.

C6 – the applicant states that if the Travel Plan for the site as a whole is approved as part of this application (i.e. the Highways Agency (HA) state that it is acceptable), then all this condition needs to do is require each occupier to sign up to it (or submit one of their own which meets the same standards). As such revised wording is suggested by the applicant that would require this.

Officer response: the comments of the applicant on this matter are noted. As Members will note from the Committee Report the HA have been in discussions with the applicant on the Travel Plan that has been submitted with the application. Given that at present they have currently served a TR110 that prevents the issuing of a decision, and that if, as expected, the HA withdraw that TR110 shortly, it is common for the HA to 'direct' a specific wording for a Travel Plan condition. As such at this time it is considered appropriate to wait on this matter until the HA have withdrawn their TR110 before revising the Travel Plan condition.

C7 – the applicant has stated that whilst they are happy with the principle of this condition they would prefer that the word 'covered' is removed, on the basis that it is their intention that open cycle parking would be included.

Officer response: whilst the point made by the applicant is noted it is considered that to encourage people to cycle to work they must be confident that their bicycles are secure at work and, as far as possible, kept away from the elements so that they will not rust. As such Officers consider it is important that where practicable covered cycle parking is provided. The condition is flexible to the extent that if the applicant

can make a strong case for open cycle parking in some parts of the site this may be acceptable and the condition b could be discharged.

C11, 12 and 13 – These conditions have been the main focus of discussion to date between Officers, the applicant, the WHRA and the EHO. For their part, the WHRA accept that development will go ahead on this site (given its allocation in the Local Plan) and so therefore are predominantly concerned that when in operation the buildings and associated activities do not cause any detriment to their amenities by way of unacceptable noise (and lighting, which is dealt with above). The applicant accepts that appropriate noise controls must be in place with any planning consent and this is reflected in their ES; however, they are concerned that inappropriate and restrictive planning conditions could adversely affect the commercial viability of the development. Clearly, both of these arguments are legitimate concerns and it is our role to seek an appropriate balance here to what are often competing factors.

Noting the further comment of the adjacent occupier above, and based on discussions with WHRA and others, it would appear that there is some confusion by residents over the recommended noise levels the development should adhere to. In addition to that the WHRA have requested some confirmation and / or clarification over how the noise at the site would be controlled, especially with respect to condition 11. The WHRA have noted an initial reference by NBC EHO to requiring noise levels of 38/35 dB at the nearest receptors. However, this is a misinterpretation and is based on the EHO initial consultation feedback. Following discussions with the applicant's noise consultant and clarification being sought on this matter the EHO advice is that the noise levels should not exceed 44/41 dB as discussed in the Committee Report and put forward in condition 11.

Furthermore, following discussions with both the applicant and the EHO it is considered that conditions 11, 12 and 13 need to be altered to ensure they meet the requirements of limiting noise from the site.

Revised condition(s):

11. Before the development hereby permitted is occupied, a scheme shall be agreed with the Local Planning Authority which specifies the sources of noise on the site, whether from fixed plant or equipment or noise generated from within the buildings, and the provisions to be made for its control. The agreed scheme shall be

implemented prior to the development coming into use and maintained thereafter. The combined noise emission (LAeq 5 mins) from all fixed plant and equipment operated at the site shall not exceed 41dB(A) between the hours of 22.00 – 07.00 and 44dB(A) at any other time. The measurements of noise levels shall be carried out at the receptor (to be agreed with the Local Planning Authority).

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

Officer comment: this revised wording removes the text “No deliveries to, or collections from the premises shall be made using vehicles fitted with operational on board refrigeration equipment” which the EHO have recommended be controlled by way of a separate condition. The noise levels reflect the EHO official position as set out in their consultation response.

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

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

Officer comment: the revised wording reflects the intention of the condition to allow approval of these matters on a phased basis and therefore is considered acceptable.

13. Before any phase of the development hereby permitted is occupied a scheme shall be agreed with the Local Planning Authority that specifies the following.

The provisions to be made for handling goods and materials being delivered to, or shipped from, each unit.

The provisions to be made for the control of vehicle noise, including reversing sirens.

No deliveries to, or collections from the premises shall be made using vehicles fitted with operational on board refrigeration equipment. The agreed scheme shall be implemented prior to the development coming into use and shall be maintained thereafter.

Reason: To protect nearby residential properties.

Officer comment: both the EHO and applicant stated that condition 13 as set out was not required as it was in effect already covered by condition 11. As such it has been deleted. However, the EHO consider that the above matters do need to be controlled by way of a planning condition and so this has superseded the previous condition.

C16 – It is noted there is a drafting error here and the word ‘the’ should be removed from the beginning of the condition.

Revised condition:

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

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

C18 – the applicant has requested that this is changed to "No goods or articles shall be stored in the open on any part of the site without the prior written consent of the local planning authority."

Officer response: The revised wording retains the intention of the condition and so is considered acceptable.

Revised condition:

18. No goods or articles shall be stored in the open on any part of the site without the prior written consent of the Local Planning Authority.

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

C22 – the applicant has stated that they have undertaken a programme of archaeological work which has been agreed by and implemented under the advice of

the County Archaeologist. This information was submitted as part of the ES. As such the condition should refer to a watching brief (similar to the example in PPG16).

Revised condition:

22. The developer shall afford access during the construction period at all reasonable times to the County Archaeological Advisor (or other representative nominated by the Local Planning Authority) and shall allow him/her to observe the excavations and record items of interest and finds, in accordance with the details set out in the Assessment Report and Updated Project Design dated July 2008 (Northamptonshire Archaeology) hereby approved.

Reason: In the interests of archaeological research.

C24 – the applicant has noted that the last sentence should refer to "buildings" not "dwellings".

Revised condition:

24. Notwithstanding the provisions of sections 94, 98 and 106 of the Water Industry Act 1991, no development shall commence until details of a scheme, including phasing, for the provision of mains foul water drainage on and off site has been submitted to and approved in writing by the LPA. No buildings shall be occupied until the works have been carried out in accordance with the approved scheme.

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

C26 – the applicant has stated that B1(b/c) should be included for completeness, as this is what is referred to in the ES and application forms etc. Also that the condition should refer to these floorspaces as 'not to exceed' or 'up to' as these are the figures assessed in the ES but as presently drafted the condition could be construed as determining specifically what each use should be.

NCC Highways have made a representation that has implications for this planning condition. That is, within Document Volume 1 (page 24) of the Transport Statement, the parking provision as proposed by the applicant for the seven industrial buildings reflects in percentage terms the predicated final use of these buildings, i.e. a breakdown of the B1 (b/c), B2 and B8 use class. That is to say that the parking

provision is based on an end user breakdown of B1 (b/c) 25% of floorspace, B2 of 25% of floorspace and B8 of 50% of floorspace. NCC Highways are concerned that if this breakdown is not adhered to – i.e. a significantly greater amount of B1 floorspace – then an increased parking provision would be required. As such they advise that these percentages should be expressly controlled through the planning process.

Officer response: insofar as the comments of the applicant are concerned these are noted and agreed with. As such the condition has been amended accordingly.

With regards to the comments of NCC Highways these concerns are noted. Given that the parking provision proposed by the applicant assumes a certain percentage of floorspace for each of the uses it appropriate to ensure this is controlled through the planning consent. Having said that Officers are mindful of the concerns of the applicant in terms of imposing overzealous planning conditions that adversely impact upon the commercial operations and thus viability of the site. As such it is recommended that planning condition 26 is altered to reflect the requirement of NCC Highways to ensure appropriate parking provision but with the caveat that this breakdown can be altered through formal agreement with the local planning authority should this prove to be required.

Revised condition:

26. The premises shall be used for Class B1(a) (up to 5,231 sqm gross ), B1(b/c), B2 and B8 (up to 26,797 sqm gross ), C1 (up to 10,798 sqm gross ) and Car Showrooms (up to 2,050 sqm gross) and for no other purpose. Unless otherwise agreed in writing with the Local Planning Authority the total floorspace allocation for each Use Class within Units 1-38 shall be as follows : B1 (b/c) up to 25%, B2 up to 25% and B8 up to 50%

Reason: In the interests of amenity, to ensure an appropriate car parking provision for the development and to ensure that effective planning control is retained by the Local Planning Authority.

C27 – Officers have been in discussions with the applicant and WHRA regarding a further planning condition that seeks to restrict the amalgamation of the small individual units (no. 1-38) that form the seven ‘industrial’ buildings of the proposal. The principle reason for such a condition is that it is argued by the residents that amalgamation of a number of small units into single large units could cause an increase

in light and noise pollution from the development. Whilst Officers would highlight that that these concerns can be predominantly dealt with by way of separate noise and lighting condition as discussed above it is considered reasonable to impose a planning condition that does restrict the amalgamation of the units to some extent to mitigate the potential for further impact to occur, whilst also being mindful of the commercial viability of the site. The applicant has stated that they are happy to have such a condition imposed on the consent and have put forward a suggested wording for such (which in part reflects that fact that they have contracts in place for a number of the units that would be amalgamated); the WHRA have made representations on this condition to WNDC / the applicant, and have advocated that the condition should restrict amalgamation to no more than two units in any one row. The applicant has asserted that this should be via blocks and not rows. Taking all of this into account, and bearing in mind that conditions are in place to mitigate against noise and light affects as well, the following condition is recommended:

Additional condition:

27. With the exception of units 27, 28, 33 and 34 within Block B, no more than 2 units may be amalgamated into 1 unit by the same occupant in any one block within Blocks A, B, C or D (as identified on drawing no. 2564-PL111B dated July 2008) without the prior written consent of the Local Planning Authority.

Reason: In the interests of amenity, to ensure a satisfactory form of development and to ensure that effective planning control is retained by the Local Planning Authority.