



Applicants: ICON EM

Application No:
09/0013/FULWND

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Ward: Abbey North

Daventry UDA Planning Committee Paper

Report by Director of Planning and
Development

Date of Committee Meeting: 14/04/2009

Agenda Item: 5

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.

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

1. Recommendation

- 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 DDC Environmental Health Officer confirming that the Contamination Assessment submitted is acceptable, the prior completion of a Section 106 agreement and the conditions set out below for the following reason:
- 1.2 The proposed application (as revised) represents an employment led high quality and sustainable form of development which is considered to be consistent with the objectives of policies 18 and 20 of RSS8 particularly MKSM and WNDC's statutory purpose. The application has been considered against the provisions of all local development plan policies 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). It is therefore considered to be a justifiable and acceptable form of

development that departs from Policy RC2 of the Daventry Local Plan.

2. Summary

- 2.1 This is a full planning application for the 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.
- 2.2 The proposed development comprises 4,027 sq m of new commercial floorspace which would be broken down into 2,788 sq m of B1 offices, 785 sq m of D1/D2 conference/exhibition facility and concert hall and 454 sq m for a new A3 Café/Restaurant facility.
- 2.3 This is a significant planning application in that although the size of the development is relatively modest (just 4,027 sq m are proposed) the proposed mixed use building has the potential to deliver much needed economic development in the heart of Daventry and in a high-wage employment sector; the applicant has advised that the proposed development has the potential to deliver approximately 175 new jobs. The development also forms what is in essence the first phase of the Town Centre Masterplan that has been prepared by the District Council to drive forward regeneration and growth in Daventry Town Centre.
- 2.4 The proposed B1 offices are the main element of the scheme are intended to stimulate new economic development and growth in Daventry by serving as “a business incubation centre offering approximately 60 new business start-up units and incubation offices”. However, the scheme also includes a public piazza and cafe and an area that could be used for mix of uses, including the creation of a flexible space that can provide seating for up to 300 people for small scale conferences, exhibitions and community events.
- 2.5 The applicant, ICON EM, is a charitable organisation which comprises four organisations which makes up the voting partners – WNDC, DDC, the University of Northampton and East Midlands Centre for *constructing* the Built Environment (EMCBE). The applicant has stated that the development is designed to achieve the following:
 - The design responds to the existing site context and proposed Masterplan for Daventry.
 - The building is highly flexible and spatially divisible dependent upon the needs of the prospective tenants.
 - The proposal seeks to embrace pedestrian and cycle links and water orientated facilities of the future.
 - The building demonstrate itself as an exemplar sustainable building, with the aspiration of achieving a BREEAM ‘Excellent’ rating.
 - The building seeks to maximise public inclusivity and create a variety of external destinations with links to the town centre.

- The design should attempt to publicly demonstrate and make visible the building's sustainable credentials and energy use through the energy wall facade.
- 2.6 The design of the proposed building has been developed through a design competition and review process. This began in April 2008 when an open competition notice was prepared and advertised by the Royal Institute of British Architects (RIBA) and the Building Research Establishment (BRE). Some 72 applications were submitted in response to the tender. A short-list of five architectural practices were selected from the Stage 1 submissions and invited to develop their designs further in preparation for a Stakeholder interview in June 2008 as part of Stage 2. The final design was then selected by a Stakeholder panel which included representation from the RIBA, BRE, the University of Northampton, WNDC, the East Midlands Development Agency and Daventry District Council. Whilst both the layout and design of the building have been developed further since this time in response to wider stakeholder involvement and operation constraints the designs that form part of this planning application reflect those that were endorsed by the Stakeholder panel.
- 2.7 The project represents a significant public sector investment in Daventry of over £8.5million, with a number of key partners – including WNDC, Daventry District Council, Northamptonshire County Council, East Midlands Development Agency and the European Regional Development Fund – providing the land itself, funding and resources to help deliver an iconic new building that would help stimulate economic development and have the potential to deliver approximately 175 full time equivalent jobs (although this figure is not fixed due to the essentially speculative nature of the development). In addition the development would have a requirement to train a number of people in construction skills as part of the Constructing Futures scheme, in conjunction with local further education establishments.
- 2.8 Notwithstanding the above the site is not allocated in the extant Daventry Local Plan 1997 for any form of development and is instead partly shown as being informal open space (much of the land was previously part of the highway network prior to this being reconfigured in 2007). As such a key material planning consideration is the principle of this development in terms of the Development Plan and other matters.
- 2.9 Having regard to all material planning considerations the proposed development subject to the measures identified is considered to provide benefits to the area (notably with regard to the provision of employment and economic development) that on balance outweigh the planning policy implications .

3. Description of Proposal

- 3.1 The application seeks full planning permission for the erection of a mixed use building (the iHub) 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.
- 3.2 The building would be domestic in scale being only three storeys high, although there would an undercroft car park level under the northern section of the building. The

height of the building would vary given its distinctive profile, however the maximum height of the building – the central atrium – would be 12m high – whilst the southern perimeter would be 10m high above the existing level of Eastern Way. To the north where the building fronts onto the existing open space (the planned ‘canal arm’) the building would be 14m high in relation to the new floor level, which would be some 4m lower compared to Eastern Way.

4. Description of Site

- 4.1 The application site comprises a 0.89 ha area of open land in the centre of Daventry. The site lies immediately adjacent to the roundabout intersection of Eastern and Northern Way to the north of the new Abbey Retail Park development.
- 4.2 The site is currently open land. Part of the site was until recently part of the larger highway network forming part of the large roundabout that has been reconfigured. Since these highway works it would appear that the eastern part of the application site land has also been used informally as a site compound during the construction of the aforementioned Abbey Retail Park; this has now been removed but the affects of this use (in terms of the degradation of the land) are still evident.
- 4.3 Residential properties on Welton Road lie to the north of the application site the nearest of which is approximately 100m from the site boundary and approximately 115m from the proposed building. To the east of the site lies the bottom of Daventry Country Park, which it is understood is currently being considered for designation as a Conservation Area but is not at present. There are also residential properties to the south east across from the existing roundabout some 140m away from the site boundary. To the immediate south lies the new development of Abbey Retail Park. The rear of units B-G (Halfords etc) lies approximately 35m to the south of the proposed new building (at its nearest point). Whilst the Abbey Retail Park is the immediate context of the area the more central town centre and associated area also lies broadly speaking to the south of the application site. Particular buildings / areas are: the District Council offices lie approximately 140m from the proposed building, the Leisure Centre (the nearest point in the Conservation Area) lies 200m away and the Holy Cross Church some 355m away. To the west of the application sites existing area of informal open space. This area, including the application site, does not include any formalised play equipment or sports pitches.
- 4.4 In terms of the surrounding area there is no specific context in terms of building styles or design. To the south the District Council offices and Leisure Centre are civic in nature, whilst the newly completed Abbey Retail Park is quite contemporary.
- 4.5 The site is divided by an existing footpath/cyclepath (although not a designated Public Right of Way) which connects the site to the Abbey Retail Park and District Council offices, and the broader town centre area, via an underpass under Eastern Way.
- 4.6 The existing site levels are slightly uneven. On the southern end of the site the levels are that of the adjacent road network, i.e. Eastern and Southern Way. Running north the site slopes naturally to a low point before rising again towards Welton Road. The

application proposes some minor regarding that would alter the levels at the northern side of the site to accommodate vehicular and pedestrian access as well as the proposed undercroft car park.

- 4.7 The site does not contain or is adjacent to any Listed Buildings or Tree Preservation Order (TPO) trees, does not fall within a Conservation Area or within any defined Flood Risk Zone.

5. Policy Considerations

WNDC Purpose:

- 5.1 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.

National Planning Policy Guidance

- 5.2 The following Planning Policy Statements / Notes should be taken into consideration in the determination of this application.

PPS1 – Sustainable Development

PPS1 – Sustainable Development: Planning and Climate Change

PPG4 – Industrial, Commercial Development and Small Firms

PPS4 – Planning for Sustainable Economic Development (Consultation)

PPS9 – Biodiversity and Geological Conservation

PPS10 – Planning for Sustainable Waste Management

PPG17 – Planning for Open Space, Sport and Recreation

PPS23 – Planning and Pollution Control

PPG24 – Planning and Noise

PPS25 – Development and Flooding

6. **Development Plan:**

- 6.1 The Development Plan documents for the area comprise;

The East Midlands Regional Plan (RSS8) (2009);

The Milton Keynes and South Midlands Sub-regional Spatial Strategy (MKSM) (2005);

The Northamptonshire County Structure Plan (NSP) (2001) (saved policies);

The Daventry District Local Plan (DLP) (1997) (saved policies).

- 6.2 **East Midlands Regional Plan (RSS8) (2009) relevant policies;**

Policy 1 (Regional Core Objectives);

- Policy 2 (Promoting Better Design);
- Policy 3 (Distribution of New development)
- Policy 11 (Development in the Southern Sub Area)
- Policy 18 (Regional Priorities for the Economy)
- Policy 19 (Regional Priorities for Regeneration)
- Policy 20 (Regional Priorities for Employment Land)
- Policy 26 (Protecting and Enhancing the Regions Natural and Cultural Assets)
- Policy 29 (Priorities for Enhancing the Region's Biodiversity);
- Policy 39 (Regional Priorities for Energy Reduction and Efficiency)
- Policy 40 (Regional Priorities for Low Carbon Energy Generation);

6.3 The Milton Keynes and South Midlands Sub-regional Spatial Strategy (MKSM) (2005) relevant policies;

- Policy 1 (Spatial Framework Locational Growth);
- Policy 3 (Sustainable Communities);
- Northamptonshire Policy 1 (The Spatial Framework);
- Northamptonshire Policy 2 (Northampton Implementation Area).

6.4 The Northamptonshire County Structure Plan (NSP) (2001) (relevant saved policies);

- SDA1 Strategic Development Areas

6.5 The Daventry District Local Plan (DLP) (1997) (relevant saved policies);

- Policy GN1 (General);
- Policy GN2 (General);
- Policy GN3 (Implementing Development);
- Policy EN25 (Comprehensive Landscaping Schemes);
- Policy EN26 (Landscaping);
- Policy EN42 (Design);
- Policy CM7 (Public Transport Provisions);
- Policy CM8 (Cyclist and Pedestrians);
- Policy RC2 (Retention of Open Space)

7. Supplementary Planning Guidance (SPG) and Supplementary Planning Documents (SPD)

- 7.1 Northamptonshire County Council Planning Out Crime (2005);
- Northamptonshire County Council Parking (2003);

Northamptonshire Minerals and Waste Development Framework: Development and Implementation Principles SPD (2007);

Daventry District Council Energy and Development (2007);

Daventry Design Codes (2005)

Other non-statutory documents

7.2 WNDP Planning Principles (2009):

1. To deliver development and infrastructure that enables regeneration and growth in Northampton, Daventry and Towcester.
2. To ensure that new development is supported by appropriate jobs, infrastructure and town centre regeneration.
3. To ensure that new development meets the Government's design quality and environmental standards and is integrated into existing communities.

7.3 WNDP Planning Obligation Strategy (POS):

The Planning Obligations Strategy sets out WNDP's approach to planning obligations, in particular, the arrangements for a 'Standard Charge' to be applied, initially, to new residential development within WNDP's area. The principal objective of the Strategy is to ensure that development contributes appropriately, both financially and/or in kind, towards the infrastructure needed across WNDP's area to deliver sustainable growth. Funding from planning obligations will be used, alongside other funding sources, to ensure that essential infrastructure, facilities and amenities are brought forward at the appropriate time, so that the growth and regeneration outcomes sought for the area can be achieved.

8. Relevant Planning History

- 8.1 The site has no established planning history. Until recently the land did form part of the highway network.

9. Consultations

- 9.1 **Daventry District Council:** The principle of development on this site is supported, but Daventry District Council (DDC) as a planning authority is obliged to advise that the submitted application lacks sufficient detail to fully assess its potential impact on the surrounding area given the prominent setting of the site. Accordingly DDC considers that the application should be determined once the following matters are resolved (and, ideally, DDC has been given a further opportunity to comment on additional information):
- a. That additional drawings, including cross-sections and photomontages be submitted to demonstrate how this building and car park will sit in the context of its surroundings including existing buildings (including the Abbey Retail Park and

Holy Cross Church) and open space. These should include approaches to the site along Eastern Way, Northern Way and Southern Way.

- b. A full landscape scheme should be submitted as part of the application and approved prior to the determination of the application;

State that if WNDC is minded to approve the submitted application:

- c. WNDC should ensure that the development of the site does not prejudice the implementation of any work required in connection with the construction of the “water space” or proposed canal
- d. There is a robust assessment of the proposal in respect of Policy RC2 of the Daventry District Local Plan which seeks to prevent the loss of existing areas of open space. Such an assessment should have regard to the advice in PPG17 (planning for open space sport and recreation)-.
- e. That any conditions imposed by WNDC are agreed in writing with DDC before the issue of the decision. This is because Daventry District Council (as enforcement authority) is satisfied that conditions imposed meet the relevant tests set out in Circular 11/95.

9.2 **Environmental Health:** no objection. States that the noise report indicated that the nearest residential properties are on Falconers close to the north west of the site. The report indicates that the main noise source will be air conditioning plant. Reviewing the plans it would appear that these are located to the South East of the building in a recessed area on the roof. The report identifies that the background noise levels at this point are 46dB LA90 1hr during daytime hours and 38db LA90 5min during the night. As the report identifies any plant that is fitted should be capable of ensuring a noise limit of 39dB LAeq 1hr at the nearest residential property during the day (07:00-23:00) and an LAeq of 31 dB Laeq 5mins during the night (23:00-07:00hrs).

9.3 **NCC (Highways):** No objection.

9.4 **NCC (Rights Of Way):** no objections in principle to the planning application but would like to ask that the developer link up the existing cycle/pedestrian network and possibly contribute to any Section 106 Agreements for improvements which might be required on those links. States that as long as public access for walking and cycling is direct and convenient and maintaining the connectivity through the site with the existing network, they have no objections.

Notes that the Underpass link will require closing during the construction of the development.

Note and support the Green travel plan assessment in stating that they are working towards a 22% objective in modal shift above LTP of 20%. Providing enough convenient and secure cycle parking at people’s homes and businesses for both residents and visitors is critical to increasing the use of cycles and achieving the 20% modal shift target published in the Local Transport Plan 2006/7 - 2010/11. Suggest the use of Sheffield stands as an example of secure cycle parking that is located in a convenient place near to the staff/visitor entrances. Note and support the travel plan

has identified all the present cycling facilities, including the Sustrans National network route 70 along eastern Way.

- 9.5 **Environment Agency:** objection to the application as submitted on the grounds that the proposed development, if approved and built ahead of a sound investigation into, and provision of, the necessary improvements to sewerage and sewage treatment infrastructure, is likely to be unsustainable, leading to increased pollution and sewage flooding. This would be contrary to policy requirements within PPS3 (Para 69), PPS23 (various), PPS25, the adopted MK/SM SRS (para. 53-55), the Daventry District Local Plan and RSS8 (existing and draft).
- 9.6 **Anglian Water:** no objection subject to comments and state that under the Water Industry Act 1991 they are obliged to provide water and wastewater infrastructure to new developments when requested to do so. However, they have also commented that at present Whilton Sewage Treatment Works only has capacity to deal with wastewater from allocated development sites (in the existing Local Plan or Local development Framework).
- 9.7 **Natural England:** did raise some initial concerns with the ecological report submitted but based on the updated information provided by the ecological consultant, Natural England (NE) has no objection to the application subject to a condition
- 9.8 **The Wildlife Trust:** no objection to the proposed development providing that a detailed ecological management plan is produced prior to the commencement of works on site. State that this plan should include all the ecological mitigation and concepts for enhancement as outlined in the Ecological Report and it should also include a mitigation strategy for bats based on the results of the proposed future bat activity survey results. Also recommend that future ecological work include an additional phase 1 walkover survey, as the initial survey work was undertaken at a less than optimal time of year.
- The Wildlife Trust agree with the ecological report in stressing that where possible soft landscaping elements incorporated within the development should use native species (of plants, shrubs and trees) only. Ideally, these species should be chosen as ones that are typical to that part of the county and they should all only be sourced from a local and a known provenance.
- 9.9 **Northamptonshire Fire and Rescue Service:** no comment received
- 9.10 **East Midlands Development Agency:** EMDA supports the application and recommends approval.
- 9.11 **Friends of Daventry Country Park:** no comment received.
- 9.12 **Police:** no objection in principle to the application. However, the Police do have serious concerns regarding various aspects of the proposal. In their view, and that of the Force Counter Terrorism Security Adviser, the proposed facility falls within the government's Crowded Places Agenda, and as such, consideration should be given to the possibility of a terrorist attack, and reasonable safeguards built in to help prevent or mitigate the effects of such an incident.

In addition, the presence of the cycleway, which effectively cuts through the site, gives cause for concern regarding anti-social behaviour, criminal damage etc. States that it is accepted that this will be a facility where the public are welcome, but sadly, experience in Daventry town centre has taught them that an unruly element will attempt to take advantage and cause problems for others. This could well be exacerbated in this location, being as it is, removed from the immediate central area of the town.

Requests that conditions be applied where appropriate in order to ensure that necessary measures are put in place to ensure that the site is a pleasant, trouble-free environment that people are happy to use.

- 9.13 **Daventry Town Council:** no objection to the principle of the i-Hub development itself. However, the Town Council do object strongly to the associated proposal to stop up part of the highway verge along Eastern Way, which they have been advised is necessary to facilitate the construction of the car parking associated with the development and the site access. The Town Council state that it is clear from the details that they have been provided with that there has been some form of informal agreement between main interested parties (i.e. WNDC, DDC and NCC) that highway verges in the town should be absorbed into development sites generally without any consultation with the Town Council or, indeed, with the people of Daventry generally. They state that the green and leafy highway verges and strategically landscaped roundabouts etc. are an essential part of Daventry's character and the loss of these will be a detrimental step in the development of the town. State that "no specific mention has been made of this loss by stealth of these green amenities" and they will object strongly on behalf of the people of Daventry to the proposals unless and until the full extent of any proposals to incorporate highway land in development sites has been made public and properly consulted upon as a comprehensive vision for the town.

- 9.14 **Cllr Chris Over:** "This is a very important project for Daventry, and indeed the District as whole, a technological step forward for the 21st century, and with the proposed new Learning Quarter, our waterfront development plans, including the final link, via a boatlift, to the Grand Union Canal, by any measure a positive statement of our ambitions for the future of our Town, designed to attract inward investment.

With the responsibility for District Council's Economic, Regeneration and Employment portfolio, I have been involved with this proposal from its earliest days, as you would expect, it has my full support, and rightly described as an "exemplar" sitting at one of the important gateways to the Town, the approach from Norton Road and Northern Way.

However without wishing to delve into every detail, would ask that careful consideration is given to a landscaping scheme, that takes a holistic approach, links the approach roads, the new Abbey Retail Park, a remodelled but as you will observe, a bland and uninteresting Roundabout before the important ICon Building.

Clearly with two large and dominant modern buildings side by side on Eastern Way, we have a hard edge, if are to address this issue, would suggest the landscaping features and planting will also need to bold and imaginative and of comparative scale. The

Roundabout might attract a special feature, perhaps some large rough hewn standing stones, specimen trees, ---- one would hope that we continue to plant in appropriate stations Lime Trees, a well known and much loved feature, in the older part of the Town. Forbid the ubiquitous Flowering Cherry with its stake and plastic tie, or the quick fix Leyland Cypress.

With business interests to consider, a conference / exhibition capacity of 300 or more places, clearly car parking is an important issue for visitors, suggests this Centre and the Eastern Way development area need to be linked to the proposed "on call " PRT arterial network, as you are aware the pilot scheme currently under review."

10. Notifications and Responses

10.1 The application was advertised by press notice and site notice and approximately 94 neighbouring properties were notified of the application by letter.

10.2 Two letters received making the following points:

- This is one of the few remaining open spaces in Daventry
- The development is not needed as it is an industrial building and an existing industrial building could be used
- The development will destroy the Phoenix Community Centre and no alternative is being provided for the youth club and gymnastics hall.
- Objection to the wider Town Centre proposals
- Concerns raised on highway grounds in relation to Welton Road

11. Evaluation

The following matters are relevant to the determination of this application:

Principle of development

Visual/landscape impact, design and layout and landscaping

Neighbouring amenity

Environmental Impact Assessment

Environmental impacts

Highway matters

Rights of Way matters

Flooding

Ecology

Crime and Safety

Archaeology

Sustainability

Section 106

Other matters

Principle of Development

- 11.1 This application is for a mixed use development in the centre of Daventry. The land is not allocated for development in the extant Local Plan 1997. In terms of the principle of development there are two main issues to consider – a) the compliance of the proposal with the current Development Plan for this area and what, if any, other material considerations are relevant to this and b) whether the application would be premature in the context of the emerging core strategy.

Development Plan

- 11.2 In terms of considering the principle of this development in this location it is noted that section 38(6) of the Planning and Compulsory Purchase Act 2004 states “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.” In this instance it is considered that the Development Plan is made up of the Regional Spatial Strategy 2009 (RSS8)(including the Milton Keynes South Midlands (MKSM) Sub Regional Strategy), the Northampton Structure Plan 2001 and the saved policies of the Daventry Local Plan 1997. It is also noted that a consultation draft Masterplan for Daventry town has been prepared by DDC’s Property and Development department. Whilst this is not a statutory planning document it nevertheless seeks to outline the District Council’s strategic vision for the development of Daventry town in the future.
- 11.3 Current development plan policy in RSS8 and the MKSM proposes new growth and sustainable patterns of development in several locations in Northamptonshire and provides a broad strategy for development up to 2026. It identifies the scale and distribution of development particularly in relation to the provision of new housing across the County. It also sets priorities for the economy and regeneration, for natural and cultural resources, and transport infrastructure together with means by which progress should be monitored. Policies 1, 2, 3, 11, 18 and 20 are considered particular relevant in terms of this planning application. Policy 1 of the MKSM SRS, which is incorporated in RSS8, sets out a spatial framework for Northamptonshire which seeks to concentrate major areas of development in Northampton and the growth towns. Beyond these towns development is to be focussed in the sub-regional centres such as Daventry.
- 11.4 Policies 18 and 20 of the recently published East Midlands Regional Plan (2009) both promote new and improved economic and employment development. In particular the supporting text to policy 18 states “*Although the East Midlands is performing relatively well compared to other UK regions, the research underpinning the RES [Regional Economic Strategy] highlights a number of structural weaknesses which need to be overcome if the Region is to prosper in the longer term. In particular the low pay-low skill equilibrium means there is a need to improve the skills of the Region’s workforce and to develop a ‘knowledge intensive’ economy in order to address the productivity gap; the development of the service sector, high value added manufacturing activities and the creation and growth of innovative businesses will be required to maintain regional competitiveness.*”

11.5 Policy 20 – Regional Priorities for Employment Land – states:

“Local authorities, emda and sub-regional strategic partnerships should work together in housing market area groupings to undertake and keep up to date employment land reviews to inform the allocation of a range of sites at sustainable locations. These allocations will:

- *be responsive to market needs and the requirements of potential investors, including the needs of small businesses;*
- *encourage the development of priority sectors as identified in the Regional Economic Strategy, namely transport equipment, food and drink, healthcare and construction as well as specific sectors which have local economic significance;*
- *serve to improve the regeneration of urban areas;*
- *ensure that the needs of high technology and knowledge based industries are provided for;*
- *promote diversification of the rural economy;*
- *assist the development of sites in the Priority Areas for Regeneration; and*
- *be of a scale consistent with the essential policy of urban concentration as set out in Policy 3.”*

11.6 The Northamptonshire County Structure Plan was adopted in 2001 and covers the period 1996-2016. The majority of its policies were superseded by RSS8 when it was adopted in March 2009. The one remaining extant policy is not considered relevant to the consideration of the principle of this development. On a similar note, whilst the Minerals Plan (2006) comprises part of the policy context, it is not considered that development in this site would prejudice the extraction of minerals at any allocated minerals site or prejudice the aims and objectives of that plan.

11.7 The Local Plan was adopted in 1997 (and subsequently formally altered) and covers the period 1991-2006. Whilst it clearly no longer provides an up to date policy framework, a number of policies have been ‘saved’ beyond September 2007 and therefore still carry weight as part of the current development plan framework. ‘Saved’ Policies GN1 (General), GN2 (General) and RC2 (Retention of Open Space) are considered to be directly relevant to the principle of the development of the application site.

11.8 Policy GN1 seeks to ensure that development, amongst other things, is concentrated in or closely associated with the large and small towns and to severely restrain development in the open countryside. Policy GN2 seeks to ensure new developments are of a high quality design and can be accommodated in the immediate surroundings.

11.9 Policy RC2 of the Local Plan seeks to ensure that existing areas of open space and other recreation and amenity areas are retained. The comments of Daventry District Council (DDC) in this regard, and also for the requirement to assess the proposal in the context of PPG17, are noted. The supporting text for this policy states that “Much of the open space within the District is in the form of school playing fields or is privately

owned. These areas are important environmentally, as well as for the recreational facilities they offer, and the further loss of these facilities will be resisted by the District Council.”

- 11.10 PPG17 is the Government guidance note on planning for open space, sport and recreation. It gives local planning authorities advice on establishing the appropriate levels of open space and other sports/recreation facilities in their areas and how to consider applications for development where these matters are affected. Paragraphs 3 and 4 state:

“3. Local authorities should also undertake audits of existing open space, sports and recreational facilities, the use made of existing facilities, access in terms of location and costs (such as charges) and opportunities for new open space and facilities. Audits should consider both the quantitative and the qualitative elements of open space, sports and recreational facilities. Audits of quality will be particularly important as they will allow local authorities to identify potential for increased use through better design, management and maintenance.

4. Assessments and audits will allow local authorities to identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in their areas. They form the starting point for establishing an effective strategy for open space, sport and recreation at the local level (tied into the local authority's Community Strategy), and for effective planning through the development of appropriate policies in plans.”

- 11.11 It is understood that whilst the District Council have commissioned a study into the availability of recreation areas across the District this is yet to be finalised and endorsed by the Council. As such at this time there is no up-to-date audit of existing or required open space needs in the Town

- 11.12 Notwithstanding this, PPG17 gives advice on how to consider planning applications where there is an implication for open space, sports or recreational facilities. Paragraph 16 states:

16. The recreational quality of open spaces can be eroded by insensitive development or incremental loss of the site. In considering planning applications - either within or adjoining open space - local authorities should weigh any benefits being offered to the community against the loss of open space that will occur. Planning authorities may wish to allow smallscale structures where these would support the existing recreational uses (for example, interpretation centres, toilets, and refreshment facilities), or would provide facilities for new recreational uses. They should seek to ensure that all proposed development takes account of, and is sensitive to, the local context.

- 11.13 As noted above only part of the sites comprises informal open space protected by Policy RC2 (the reminder being previously highway land that has been used as a temporary site compound during the development of the Abbey Retail Park to the south). Clearly, the proposed development would lead to the loss of some of this existing informal open space, although it is important to stress that the majority of the built development is proposed to be on the previously developed land. Therefore, the

test as set out in PPG17 is whether the benefits of the proposed development would outweigh the loss of this open space.

- 11.14 Taking into account that the application is contrary to a policy contained within the Local Plan it is important to consider whether there are any other material planning considerations that would warrant a decision being made that departed from those policies (in addition to considering other Development Plan policies contained with RSS8 and MKSM).
- 11.15 In assessing the proposals against this guidance it is important to consider the nature of the proposed development. The iCon, whilst being overseen by a combination of public bodies, would be commercial in nature, consisting of B1 Office and A3 Café/Restaurant use. As such it is considered important to consider Government guidance contained within both PPG4: Industrial, Commercial Development and Small Firms and PPS4: Planning for Sustainable Economic Development (Consultation draft); these are considered significant material considerations in the determination of this application.
- 11.16 Both PPG4 and Consultation Draft PPS4 – the latter of which will replace the former – set out the Government’s guidance on planning for economic development. Broadly the Government’s policy is to promote new economic development where possible balanced against the principles of sustainable development because of the evident job creation potential that this brings. Consultation Draft PPS4 particularly emphasises that local authorities should be positive, proactive and flexible when considering these matters.
- 11.17 Paragraphs 9 and 10 of PPS4 (Consultation draft) are considered particularly relevant to consideration to the current proposals:
- 9. The Government wants planning policy to support economic growth in line with the principles established in Planning Policy Statement 1: Delivering Sustainable Development and within the plan led approach. Planning can help create sustainable communities which will enable people to meet their aspirations and potential. To fulfil this role, planning strategies, at every spatial level, must be underpinned by a robust evidence base to enable regional planning bodies and local planning authorities to plan effectively and to develop policies which allow a quick response to changing economic circumstances.*
- 10. However, there is a limit to the extent local planning authorities can predict the future of their local economies and so a flexible approach to the supply and use of land will be important. In this way the planning system will help to ensure increased competition and enterprise, enhanced skills and innovation, increased job opportunities and greater investment in the UK economy.*
- 11.18 Furthermore, draft PPS4 goes onto to advocate that local planning authorities should ‘Consider proposals favourably unless there is good reason to believe that the economic, social and/or environmental costs of development are likely to outweigh the benefits.’(paragraph 26).

- 11.19 Furthermore both WNDC and the District Council's stated aspirations reflects the above national and regional planning guidance. WNDC's Planning Principles (2009) document sets out that new development is supported by appropriate jobs whilst DDC's Economic Development Strategy which is encompassed in the consultation response to the Strategic Northamptonshire Economic Action Plan (SNEAP) that is being prepared sets out their objectives of improving the skills base within the district.
- 11.20 As noted above the development has the potential to deliver in region of 175 full time equivalent jobs, the majority of which would be classified as falling within the high-wage sector, which is broadly in compliance with District Council's strategy for economic development. Furthermore, because of the nature of the 'incubator units' that are proposed in the building, the development offers the opportunity to be extremely flexible to future occupiers in terms of affording a wide range of spaces that include breakout rooms and conference facilities. This flexibility extends to the building's internal layout insofar as the incubator units can be extended to form larger single offices as and when companies expand their staff numbers and therefore allows businesses to grow.
- 11.21 In addition to the office element of the proposal the development would provide a large open space that could be used for a variety of uses. This flexible space could provide seating for up to 300 people for events such as plays, concerts or for public meetings, amongst other things.
- 11.22 In short, it is considered that the inherent benefits the proposed development would bring are considerable and in today's economic climate cannot be understated. However, notwithstanding the difficult economic situation it is considered that the proposed development would bring such benefits in any case that would outweigh the loss of a small area of open space which would otherwise be protected by Policy RC2 and would be welcomed whatever the current financial climate. The nature of the development and the economic and employment benefits the scheme would bring in a location that is accessible to the town centre and public transport provision, are essentially consistent with Government Policy on economic and sustainable development, the recently published East Midlands Regional Plan and WNDC and DDC economic development aspirations.
- 11.23 It is therefore considered that in weighing the various considerations of the loss of a small area of informal open space against the provision of a new development that would have considerable economic and employment benefits, the balance lies with the latter.
- 11.24 Following sections of the report will consider the proposal against the emerging policy framework (and guidance) and the physical and environmental consequences of the development. Subject to the proposal not resulting in significant harm to those interests (that cannot be satisfactorily mitigated) the proposal, despite representing development on informal open space within Daventry, is not, for the reasons outlined above, considered to amount to an unacceptable departure from the Development Plan policy as a matter of principle.

- 11.25 It should be noted that in accordance with the Town and Country Planning (Development Plans and Consultation) (Departures) Directions 1999 were Members minded to approve planning permission this application would need to be referred to the Government Office for East Midlands for their consideration because the development is on land that is owned by a local planning authority (the District Council). It should be noted that were it not for the matter of land ownership the application would not have been referred to the Government Office on the basis of the significance of the departure.

Emerging Core Strategy

- 11.26 Notwithstanding the national and regional policy framework against which the development proposal has been considered above there remains the need to consider whether the granting of any permission in advance of the allocation of the site through the 'proper' spatial process of the Local Development Plan would prejudice that process.
- 11.27 It is noted that DDC have published a Daventry Masterplan – Interim Draft (December 2006), and that this Masterplan part of this site (referred to in the document as Site 4G) for an 'innovation centre'. However, whilst this is consistent with the application the Masterplan cannot be afforded any significant weight in planning policy terms because it is not a statutory document forming part of the Development Plan (nor for that matter the emerging Local development Framework).
- 11.28 In terms of the emerging Local Development Framework, the three local authorities in West Northamptonshire and the County Council have established a Joint Planning Unit (JPU) to produce a Joint Core Strategy (JCS) for West Northamptonshire. This will identify the broad locations for the growth identified in the regional strategy (as outlined above). A Joint Core Strategy Issues and Options Paper was published for consultation in 2007 (Members may wish to note that recent changes in Government regulations require the West Northamptonshire Joint Planning Unit to carry out some additional consultation on the Issues and Options for the Joint Core Strategy known as Regulation 25 consultation) and included land to the north west of Daventry (broadly speaking the current application site) as a possible site for development (DO12). In line with the recently approved Local Development Scheme (November 2008) the West Northamptonshire Pre Submission Core Strategy will be realised in November 2009 and the Joint Core Strategy adopted in January 2011.
- 11.29 The Government has issued guidance on dealing with applications that may prejudice future planning documents. The Planning system: General Principles (Supplement to PPS1) says (paragraph 17):
- “In some circumstances, it may be justifiable to refuse planning permission on grounds of prematurity where a DPD is being prepared or is under review, but it has not yet been adopted. This may be appropriate where a proposed development is so substantial, or where the cumulative effect would be so significant, that granting permission could prejudice the DPD by predetermining decisions about the scale, location or phasing of new development which are being addressed in the policy in the DPD.”*

11.30 Where planning permission is to be refused on grounds of prematurity, the local planning authority must demonstrate clearly how the grant of permission for the development concerned would prejudice the outcome of the DPD process. PPS1 also states (in The Planning system: General Principles paragraphs 18 and 19) that in relation to the weight to be given to emerging policies:

“18. Otherwise, refusal of planning permission on grounds of prematurity will not usually be justified. Planning applications should continue to be considered in the light of current policies. However, account can also be taken of policies in emerging DPDs. The weight to be attached to such policies depends upon the stage of preparation or review, increasing as successive stages are reached. For example:

- *Where a DPD is at the consultation stage, with no early prospect of submission for examination, then refusal on prematurity grounds would seldom be justified because of the delay which this would impose in determining the future use of the land in question.*

- *Where a DPD has been submitted for examination but no representations have been made in respect of relevant policies, then considerable weight may be attached to those policies because of the strong possibility that they will be adopted. The converse may apply if there have been representations which oppose the policy. However, much will depend on the nature of those representations and whether there are representations in support of particular policies.*

19. Where planning permission is refused on grounds of prematurity, the planning authority will need to demonstrate clearly how the grant of permission for the development concerned would prejudice the outcome of the DPD process.”

11.31 As such the consideration is then (i) whether the scale, location and phasing of the proposed development would prejudice the emerging DPD, and (ii) if so what weight could be afforded to this in terms of the stage the DPD is currently at.

11.32 It is noted that the development is, relatively speaking, very modest in scale comprising just 4,027 sq m of commercial floorspace. However, the LDS envisages the preparation of a Daventry Town DPD which will identify site specific allocations for the town which could include an allocation for this site. Therefore it is WNDC's view that the application is premature in the context of the emerging Joint Core Strategy.

11.33 Given WNDC's statutory objective to secure regeneration of Daventry, and the current timetable for adoption of the Local Development Framework for West Northampton, it is considered appropriate for WNDC to have regard to the short to medium term employment requirements for the town alongside residential growth required by Development Plan policy. Having regard to the site's location, the proposed scale of the development in the context of development patterns reality, planning policy objectives to support appropriate employment proposals and the contribution of the site towards realising employment within the town, the proposed development is considered unlikely to seriously undermine the development plan process. In this regard it is considered that a lesser weight should be afforded to the matter of prematurity in the context of the JCS. Longer term growth options for the

town should be considered through the development plan process, having regard to the principles established for sustainable communities within national and regional policy.

- 11.34 Whilst clearly falling ahead of an adopted Development Plan policy allocating the site, and therefore premature, the release of the site for this development is on balance considered to represent an appropriate response to the current market and employment needs of the town, along with the considerable economic benefits the scheme could bring. This reflects and is consistent with the statutory object of WNDC and the thrust of up to date and emerging planning policy.

Conclusion

- 11.35 It is concluded that whilst the proposed development of the site at this time would be contrary to some Local Plan 'saved' Policy RC2, in that it proposes development on an area of informal open space, this needs to be weighed against the requirement to deliver growth set out in RSS8 and other material considerations that are strongly in favour of the application. It is considered that the application would be premature in the context of the emerging Joint Core Strategy but that for the detailed rationale identified above it is appropriate to release the site at this time.

Visual impact, layout, design and landscaping

Visual impact

- 11.36 There are a number of regional and local planning policies that consider the potential visual and landscape impact new developments should have regard to. RSS policy 1 sets out one of the Regional Core Objectives as being to protect and where possible enhance the quality of the environment in urban and rural areas to as to make them safe and attractive places to live and work. Policy 2 promotes better design for new developments.
- 11.37 Local Plan policy GNI requires all new development to protect and enhance the environment and to concentrate development in or closely associated with the large and small towns. GN2 also seeks to ensure that development safeguards various features. Policy EN25 requires detailed landscaping schemes to provide for the protection and incorporation of existing trees, hedges and other features of the site together with proposals for new planting, respect the unique distinctiveness of the site, and be designed to soften and enhance the development. Off site planting should be provided where appropriate and block screening only provided where appropriate.
- 11.38 As noted above the proposal is a modest development, being of a domestic scale and relatively small footprint. As such it is not considered that full Landscape and Visual Impact Assessment (LVIA) is required as would be for larger developments. It is considered that the building would have an impact on its immediate setting in the context of Eastern and Northern Way and not on the wider town.
- 11.39 With reference to the comments received from DDC, Officers consider that sufficient information has been submitted with the application to make a full and comprehensive

assessment of the planning application. The following information has been submitted: detailed architectural layout and elevational drawings (size A1 and A3); extensive sectional drawings through the site; a comprehensive Design and Access Statement that sets out the design rationale for the building, includes colour drawings of the building as well as close-ups to specific parts; a number of photomontages. Officers' assessment of the application has of course been undertaken following a site visit.

- 11.40 Given the separated nature of the application site away from the existing built up areas of the town and its relationship to existing buildings in terms of its lower level it is not considered that the building would have any form of significant impact upon the wider townscape. As described above the building would essentially sit at the same level of Eastern Way. In this context the building, set back some 10-15m from Eastern Way depending on which point one would be standing, would be just 10m in height to the roof eaves (the tip of the timber fins). By comparison the eaves of the rear of the Abbey Retail Park here are approximately 8.5m whilst the top of this building is some 13m above the level of Eastern Way.
- 11.41 To the north of the application site the land does increase in height along Northern Way and the prosperities on Welton Road are set at a higher level. The proposed undercroft car park, along with planned canal basin in this area, leads to the floor level of the iCon building being lower here. However, Officers do not consider that the proposed the building would have any significant impact upon the wider townscape in terms of the Holy Cross Church or Conservation Area, or for that matter the most immediate adjacent buildings such as the District Council offices.

Layout

- 11.42 Within the application site the building would be located on the eastern side addressing the roads of Eastern and Northern Way and the connecting roundabout. A single vehicular access would be of Eastern Way to the east of the junction with Lodge Road.
- 11.43 It is noted that during the course of the planning application the applicant has revised the site layout slightly by way of removing a significant area of car parking that was proposed on the site to serve the development. 68 open air car parking spaces that were proposed to be located adjacent to Eastern Way have now been removed and are instead proposed to be located in the Abbey Retail Park undercroft car park; this matter will be discussed in more detail in a later section of this report.
- 11.44 However, this revision has lead to some minor amendments to the schemes layout in the western section of the site. Instead of the access road circumnavigating an area of open air parking this will now surround a smaller area of open space (and consequently the road has been reduced as well). This has not had any impact upon the site levels.
- 11.45 The impact of this is that where previously an open air car park was proposed this would now remain as an area of informal open space, which will be banked to reflect the change in levels. The applicant has advised that based on discussions with the District Council (who at present are the landowner of this section for the site) have indicated that it would be their preference for this area to now remain as an informal

area of open space with very moderate landscaping (i.e. just grassed). The rationale for this is that this area has the potential to be developed in the future for a building akin to the iCon as the proposals for this area are progressed.

- 11.46 The future aspirations for this particular plot of land, and the wider area in general, have been well established by the District Council and its partners through the Daventry Masterplan – Interim Draft (December 2006), which, as discussed above, whilst not being a formal planning document does give an indication for the direction for growth and development in this area. Therefore, whilst recognising the weight that can be afforded to the Daventry Masterplan – Interim Draft (December 2006) and its associated aspirations, it is considered appropriate to take into account the future development of this land and to ensure that the current development does not prejudice such development. Whilst not undermining the ‘each case on its own merits’ approach it is considered that the revised layout as proposed would not prejudice the future development of this or adjacent sites and its siting has been carefully planned to ensure this is the case. Similarly, this is the approach that has been taken to the north of the building where it would interface with the proposed canal basin arm. As such it is considered that the applicant has addressed the comments of DDCs Planning Committee and on this basis it is considered acceptable.
- 11.47 Insofar as the proposed building is concerned this would be essentially split into three distinct areas. These are the conference and associated facilities, and restaurant and café area within the southern section of the building. In the northern section of the building the proposed offices would be sited over three floors. Finally a large open air glazed atrium would run through the centre of the building and divide the two uses of the building. This space would be used a public and exhibition area.
- 11.48 Immediately around the building would be a public piazza and open space pedestrian routes around the building.

Design

- 11.49 Due to the location of the proposed buildings all views of it would essentially be public. This gives an added importance to the design as there are no parts of the building, with the exception of the undercroft car park, that can be hidden away.
- 11.50 As one could infer from the name of the development, the building is intended to be ‘Iconic’. The proposed development would consist of a striking new three storey building sited on land that is in essence sits below all of the surrounding land. As noted above the application site is not within a Conservation Area and there is a mix of different development styles in the area.
- 11.51 As noted above the design of the proposed building has been developed through a design competition and review process. One of the most striking features of the proposed building is the intended use vertical Gluelam timber fins along the southern elevation. This elevation addresses the curve of Eastern Way and the roundabout. It is proposed that Cold cathode lighting is housed on the back of the fins, which enable the wall to be lit to communicate the energy consumption of the building. At the ground level the elevation is predominantly composed of glazing with a timber box

section to the rear. Supergraphics and manifestation would be applied to the surface of the glazing to communicate the 'exciting activities' which take place within the building. The glazing to the proposed kitchen area would be obscured glass and dark grey aluminium louvres are proposed in areas where air intake is required.

- 11.52 The height of the building above the existing level of Eastern Way is approximately 10m, although this is to the top of the timber fins with the actual roof structure of the building sitting slightly lower.
- 11.53 The northern elevation of the building would at present face onto open land. This is a public elevation and members will be aware of aspirations to develop this land for a canal basin and link to the Grand Union Canal here. Whilst these proposals are not fixed through the LDF yet the need for the proposed building to address the future proposals has been highlighted by Officers at pre-application stage and therefore the northern facade of the building is an important elevation.
- 11.54 The applicant has advised that as a response to comments made by the East Midlands Design Review Panel the architect has developed and refined the design so that this elevation does not appear to be the back of the building and instead is an attractive front. The elevation now consists of a series of horizontal bands angled in a saw tooth fashion to face the hillside running up to Falconers Close and in the future the proposed canal and axis of the Masterplan. The applicant states that this has addressed the Review Panel's suggestion that the mass of the building is broken up by pushing and pulling some of the units forwards and backwards. The windows continue to the point where the next portion of the elevation is pushed out so that a rhythmic overlapping between the four elements is emphasised. Fins run along the entirety of the elevation so that the elevation maintains a horizontal continuity. The mass of the first, second and third floor balance above a louvred screen and gates to the underground car park which is set back from the majority of the elevation so that the floors above appear to float. Finally splashes of colour of different sizes appear on the roof cowls, spandrel panels and the fins on the louvred screen.
- 11.55 The western elevation would be a combination of the features of the north and south elevations (i.e. timber fins and cladding). However, between these two sections would be a large glazed feature that forms the central atrium for the building. The tip of the atrium would be highest part of the building, approximately 12m above the ground level along Eastern Way, although one would only see this in profile when viewing the building from the east or west.
- 11.56 Overall it is acknowledged that the design of the building may not be to everybody's tastes and certainly an assessment of this matter is inherently somewhat subjective. However, having said that given that the building is not sited in a Conservation Area and the context is somewhat mixed with no strong architectural reference point, the proposed design is considered to add a very positive feature to this area and as such is acceptable. It is recommended that details of materials should be submitted to and approved by WNDC by way of a planning condition.

Landscaping

- 11.57 The comments of DDC in relation to the landscaping of the site are noted. At this time the applicant has not submitted a comprehensive scheme for the site.
- 11.58 The applicant has stated that “the vision is to create an appropriate, sensitive whilst imaginative soft and hard landscaping scheme, driven by a link to indigenous species but interplayed with unusual architectural ornamental plants. Tactility of material, distinctive way finding and fun in street furniture will be carried through in the detail.”
- 11.59 Officers consider that insofar as the landscaping is concerned this can be separated into two distinct parts. Firstly, there are areas of landscaped open space to the north of the proposed building adjacent to the planned canal arm and also to the west of the proposed building where previously the open air car parking was proposed (as described above). Secondly, there is the public piazza, landscaped open space to the immediate west of the building and the open space pedestrian routes around the proposed building.
- 11.60 Insofar as the area of open space to the north of the proposed building adjacent to the planned canal arm and also to the west of the proposed building where previously the open air car parking was proposed are concerned Officers do not consider that these should be significantly landscaped. These are areas that may accommodate future development – the proposed canal arm or water feature and further commercial development – and therefore it is important that this is not prejudiced. Whilst it is not considered that they should be left sparse or bear such that it would detrimentally affect the appearance and setting of this development (in the interim prior to other development going forward) modest landscaping would be appropriate.
- 11.61 The applicant has identified that these areas would be treated as an ornamental planting zone to encourage biodiversity of species to the site. In particular in relation to the area to the north of the building the applicant has stated that meadow flowers, ornamental grasses and other architectural plants laid in a formal pattern would create interest and formality across this edge and help define the boundary edge of the site giving visitors a literal and visual link to what the area of water will be in the future.
- 11.62 The piazza and areas around the proposed building would be a key area of hard landscaping that would form the main interface of the public user to the entrance of the building. The applicant has stated:
- “Research into hard wearing and innovative recycled external grade materials will be undertaken to introduce in these areas a direct physical link to emerging technologies in construction. This may involve recycled glass and stone products, which can create a real talking point. It is also intended that a concentric circular pattern be etched into the floor finish, which will reinforce the sense of entry. The key concept is to provide art in use by integrating visual prompts in the hard landscape. The floor finish will run seamlessly through from outside to inside, running through the street and around the external perimeter of the showcase building.”*
- 11.63 It is noted that areas for street furniture, such as bench seating and bins etc would be introduced in a hard landscaping scheme. At the wider pavement, adjacent to the showcase building and at street level evergreen topiary hedges will reinforce the sense

of movement and form created by the building but soften it.

- 11.64 Throughout this piazza and key-landscaping zone the careful and appropriate planting of trees would be introduced. However, given the restricted size of the area the applicant has stated that it may be more effective to plant one species of oak or ash representing sustainability, locality and rebirth rather than creating a traditional boulevard which would screen the building from a public viewpoint.
- 11.65 The comments of Cllr Over in connection to a holistic approach to landscaping for this development and the wider area is noted. Landscaping of the new roundabout would the potential to deliver a boost to the aesthetics of the area. Clearly this land is now in direct ownership of the applicant and the upgrading of landscaping of the roundabout (which has only recently been completed) could not be secured solely through the current proposed development.
- 11.66 In terms of the landscaping of the site Cllr Over's comments regarding onsite trees are noted. As described above the applicant has some design aspirations in this regard and this matter would be fully addressed through further discussions with the applicant and DDCs Landscaping Officer.
- 11.67 It is noted that notwithstanding that the applicant has described both the hard and soft landscaping details in detail in their Design and Access statement that a comprehensive final landscaping scheme (i.e. planting drawings etc) has not been submitted. The comments of DDC insofar as Local Plan policy EN25 are noted. However, it is considered entirely reasonable and appropriate to deal with this matter by way of a planning condition. This is for two reasons. Firstly, there are a number of areas as described above that have the ability to accommodate future development. It is therefore important this development is not prejudiced by the current development, and control of landscaping of the areas by way of a planning condition allows this. Secondly, in relation to the public piazza and associated areas whilst these are critical to delivering a high quality scheme it is considered that based on the small size of the area along with the information to date control of these details through a planning condition is appropriate. As has always been the case, Officers would seek to liaise with DDCs Landscaping Officer on the details submitted to discharge a planning condition. As such an appropriate planning condition is recommended.

Neighbouring amenity

- 11.68 Given the scale, siting and design of the proposed building there are no nearby dwellings (the closest being some 115m away) that would be impacted to any significant extent. There will be no issues of overlooking, overshadowing or visual dominance of or within dwellings from this proposal. Overall the impact on neighbouring amenities is considered acceptable. Existing and future properties nearby are considered to be sufficiently remote to allow for extended hours operations (i.e. falling outside of normal office hours) without significant harm to residential amenity. Impact upon other commercial uses is considered unlikely to prejudice viability or operation.

Environmental Impact Assessment

- 11.69 The development falls within the thresholds set out in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (the Regulations) whereby an Environmental Impact Assessment may be required to accompany the planning application for the purposes of assessing the likely significant environmental effects of the development.
- 11.70 Schedule 2 paragraph 10(a) of the Regulations states that proposals for industrial development of more than 0.5 hectares in area (which this application falls within) may require an Environment Impact Assessment (EIA). The applicant did not request a Screening Opinion for the development prior to submitting the application and therefore in accordance with the Regulations Officers have screened the development based on the planning submissions details.
- 11.71 As required pursuant to 4(5) of the Regulations and having regard to the criteria set out In Schedule 3, which provides criteria against which a local planning authority can consider whether an EIA is required, it was concluded that the characteristics of the proposal, the location of the development and the characteristics of the potential impact would be of a nature that did not warrant the submission of an Environmental Impact Assessment.

Environmental impacts

- 11.72 Given the mix of uses associated with the development proposal – public space for concert hall / exhibition, and a Restaurant / Café facility it is considered that the application may have the potential to have some minor environmental impacts.
- 11.73 DDCs Environmental Health Office (EHO) has returned comment on the application. DDC EHO have stated that they are satisfied with the noise report submitted and recommend a planning condition to control the noise from the site in accordance with the levels identified in the assessment submitted. This condition will limit the noise levels from the site 39dB LAeq 1hr at the nearest residential property during the day (07:00-23:00) and an LAeq of 31 dB Laeq 5mins during the night (23:00-07:00hrs).
- 11.74 The applicant has submitted a land contamination assessment, although this has only been recently received by the planning authority and thus DDCs EHO have not yet had a reasonable period to assess the document. Officers will update Members at the Committee of the comments of DDC EHO in relation to this matter and any associated planning conditions that are required should they be needed.
- 11.75 As noted above the applicant is proposing a conceptual lighting scheme within the profile of the building and this would add to its striking design. Furthermore, given the domestic scale of the building and the proposed uses it is not considered that the development would entail any significant bulkhead or other large lighting system that would cause any undue glare or light pollution. However, it is still considered appropriate that external lighting be controlled by a planning condition to ensure it is appropriately positioned and would not cause any undue glare into the night sky. This

is recommended below with a note on the condition to ensure that the applicant is aware of what sort of lighting scheme should be submitted.

Highway matters

- 11.76 There are a number of regional and local planning policies that consider the potential highway impacts new developments should have regard to. RSS8 Policy 1 identifies the need to ensure new development is located so as to reduce the need to travel, especially by car. Policy 2 promotes the use of public transport and non-car means of travel to new developments as well as stressing the need for highway and parking design that improves the safety and quality of public space.
- 11.77 Structure Plan 'saved' Policy SDA1 requires transport choice to be a key feature of sustainable urban extensions and requires various measures to be incorporated to encourage walking, cycling and use of public transport to reduce dependency on the car.
- 11.78 The County Council has also produced a 'Transport Strategy for Growth' adopted September 2007 which sets out the integrated transport strategy to support the planned growth in the County and includes an overall target of 20% modal shift for new development. In more specific terms it indicates that urban extensions will be required to be served by high quality public transport systems and refers to the need to provide high quality cycle and walking routes to encourage increased use.
- 11.79 Local Plan 'saved' Policies CM7 and CM8 adopt a similar approach in seeking to require the provision of public transport and the retention and provision of safe and convenient cyclist and pedestrian routes.
- 11.80 PPS1 sets out the overarching planning policies on the delivery of sustainable development through the planning system. It emphasises the importance of planning in creating sustainable communities, of reducing the need to travel, and encouraging public transport provision to secure new sustainable patterns of transport development.
- 11.81 PPG13 sets out the overall strategy for a sustainable transport system, with the objectives of integrating planning and transport at the national, regional, strategic and local level to:
- i) promote more sustainable transport choices for both people and for moving freight;
 - ii) promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling; and
 - iii) reduce the need to travel, especially by car.
- 11.82 As noted above the development is relatively modest in scale. Notwithstanding this a Transport Assessment (TA) that considers the traffic implication for the development has been submitted with the planning application. The TA identifies that the estimated traffic generation from the iCon building during the 8-9 AM peak (based on 3600m² of

B1 Office trip generation rates, consistent with the Daventry Transport Study (DTS)) is 94 trips (84 arriving and 10 leaving the site).

- 11.83 In terms of the local highway network the TA identifies that:
- The Eastern Way/ Southern Way/ Northern Way roundabout is not expected to be impacted by the estimated traffic generation for the iCon and will continue to operate within capacity.
 - A single access to the site is proposed off Eastern Way, it creates a staggered intersection between the iCon access and the existing Lodge Road. The function of this access as a stagger has been agreed in principle with NCC and is considered the most appropriate access arrangement for the iCon. The distance between these two access points will be a minimum of 20m to prevent any weaving of vehicles undertaking a through movement. The demand for through movement is expected to be very low due to the pedestrian zone on the northern portion of Lodge Road, which prevents through traffic.
- 11.84 The TA concludes that the development would not cause any significant increase in traffic flows in the local highway network that cannot be accommodated. Northamptonshire County Council (NCC) as the local highway authority have no objection to the development proceeding.
- 11.85 It is proposed that 100 car parking spaces would be provided to serve the development. Again NCC Highways have no objection to this provision of car parking spaces.
- 11.86 However, the layout of the site insofar as the car parking spaces has been altered during the course of the application. 32 spaces are proposed in an undercroft car park under the iCon building itself. This remains and has not changed. However, where previously 68 spaces were proposed on the application site adjacent to the entrance of the site off Eastern Way the applicant has removed these from the scheme, and now proposes to utilise the recently finished undercroft car park at the adjacent Abbey Retail Park. The applicant has advised this is for two reasons. Firstly, by removing the car parking area from this part of the site this facilitates the future development of the land as discussed above. Secondly, the applicant has advised that this approach entails a significant cost saving in the budget for the development, which is as already noted publicly funded.
- 11.87 Members may recall that prior to the Abbey Retail Park development going ahead a public car park existed on that site that was owned and managed by the District Council. As part of the planning permission for the Abbey Retail Park the developer constructed a new undercroft car park under their Units B-G (Halfords etc) that would in essence replace the previous public car park. The new Abbey Retail Park undercroft car park is also owned and managed by the District Council.
- 11.88 In terms of the relative capacities of the old and new car parks the Abbey Retail Park undercroft contains 179 spaces for cars (and eight for motorcycles and 10 for pedal

cycles) whilst the previous car park had 106 spaces, an increase of 73 car parking spaces, as well as additional provision for motor and pedal cycles.

- 11.89 The offshoot off all of this is that an agreement is now in place to provide 68 car parking spaces for the iCon in the Abbey Retail Park undercroft car park. As discussed above DDC has confirmed that there is sufficient capacity in the Abbey Retail Park car park to accommodate this.
- 11.90 It is noted that in using the Abbey Retail Park undercroft car park to serve the iCon building people would have to walk some 50m approximately from their cars to the building. This short distance is considered acceptable. However, the route from the Abbey Retail Park undercroft car park to the iCon building would utilise a new toucan crossing across Eastern Way. This is considered acceptable but given these works fall outside of the application site and are considered necessary to facilitate the development it is recommended that a Grampian style planning condition is imposed that requires details of this crossing to be secured and implemented prior to the development first being occupied. Further details of measures to ensure this route is safe and secure would be sought through a Section 106 Obligation which is discussed later on in this report.
- 11.91 A Green Travel Plan has been submitted with the applicant that identifies how the development would endeavour to reduce car use by a modal shift of 22% (which is greater than the Local Transport Plan target of 20%). Shower facilities and cycle parking would be provided on the site to help facilitate this. This is considered acceptable but further more detailed provisions in a Travel Plan should be sought by way of a planning condition which is recommended.
- 11.92 NCC highways have no objection to the proposed development and as such it is considered that the impact of the new building upon the local and strategic highway network would be acceptable. Planning conditions are recommended covering the points discussed above, including the provision of a Travel Plan that would endeavour to secure a reduction in the level of car use associated with the site. The application is therefore considered acceptable in this context.

Rights of Way matters

- 11.93 The comments of NCC Rights of Way Officer are noted. The site is not affected by a statutory right of way although the underpass under Eastern Way that runs through the site does allow pedestrian and cycle access.
- 11.94 The planning submission identified that the existing underpass would remain open (although it may have to be closed off during development which would have to be considered by a separate application to the County Council). However, as highlighted above a new toucan crossing is proposed across Eastern Way. The applicant has advised that this would tie into the Daventry Cycle path network (and will also satisfy DDA regulations and Part M compliance for disabled access to the iCon which has been agreed with Daventry District Councils Building Control department).

Flooding and drainage

- 11.95 The site is within designated flood zone 1, which is a 'low probability' flood risk. As such a Flood Risk Assessment (FRA) has not been submitted with the application. The Environment Agency (EA) have not raised any concerns insofar as flood risk is concerned but are recommending two planning conditions in relation to groundwater contamination and surface water; this is considered acceptable.
- 11.96 The EA has objected to the scheme on the basis of prematurity in advance of the Water Cycle Strategy. Anglian Water has no objection to the planning application subject to comments and state that under the Water Industry Act 1991 they are obliged to provide water and wastewater infrastructure to new developments when requested to do so. However, they have also commented that at present Whilton Sewage Treatment Works only has capacity to deal with wastewater from allocated development sites (in the existing Local Plan or Local development Framework)
- 11.97 The basis of the objection from the EA on this matter is that the site is not allocated in the existing Development Plan and therefore its impact on the capacity of the local sewerage works is unknown. The EA contend that until the outcome of the Water Cycle Strategy is known they cannot be sure that adequate capacity either exists or can be created and therefore the development should not proceed.
- 11.98 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.
- 11.99 It is noted that whilst the site is not allocated for development in the Local Plan or LDF the proposed development is very modest in scale. Whilst the exact level is not known it is not considered that this site on its own would significantly contribute to the existing capacity issue at Whilton STW; of course the argument that the cumulative impact of a number of small sites such as this would. However, as with any proposals for development there is clearly a lag time between when permission is granted (should Members be minded to do so) and when it is completed and *fully* occupied.
- 11.100 The applicant has advised that were they to receive planning permission they would be minded to commence works on site in July and it would have an approximate build period of 15 months. Therefore the building would be first used around Christmas time of 2010. It is considered that given the imminence of the Water Cycle Strategy and the lag time between now and the building being first used it is appropriate to deal with this by way of a planning condition. This condition would require the applicant to submit a foul water drainage strategy and for this to be approved and implemented before the building is first occupied.

Ecology

- 11.101 RSS policy 29 requires LPA's and developers amongst others to work together to promote a major step change increase in the level of the region's biodiversity. This should be achieved by various methods including the management of features of the landscape which act as corridors and 'stepping stones' essential for the migration and dispersal of wildlife and to ensure that development results in no net loss of BAP habitats and species and that net gain is achieved.
- 11.102 Local Plan policy EN35 indicates that development will not be permitted where it would adversely affect listed ecologically important sites, none of which is within the application site.
- 11.103 In addition the advice in PPS9 and supporting Good Practice Guidance is relevant. Amongst the key principles of PPS9 are that planning decisions should be based on up to date information about the environmental characteristics of the area and they should aim to maintain, and enhance, restore or add to biodiversity and geological conservation interests. In taking decisions, local planning authorities should ensure that appropriate weight is attached to designated sites of international, national and local importance; protected species; and to biodiversity and geological interests within the wider environment.
- 11.104 The applicant has submitted an ecological assessment of the application site and the proposed development. The Wildlife Trust and Natural England have returned comment on this assessment.
- 11.105 The Wildlife Trust has no objection to the application and are satisfied with the Ecological Assessment submitted. The Wildlife Trust have advised that a detailed ecological management plan is produced prior to the commencement of works on site. They have stated that this plan should include all the ecological mitigation and concepts for enhancement as outlined in the Ecological Report and it should also include a mitigation strategy for bats based on the results of the proposed future bat activity survey results. This is considered acceptable and a planning condition is recommended accordingly.
- 11.106 However, Natural England (NE) had advised that they have some concerns over the Ecological Assessment submitted on the basis that inadequate information has been provided with the application to demonstrate whether or not the development would have an adverse effect on species especially protected by law.
- 11.107 In response to these concerns the applicant's ecological consultant is undertaking further survey work of the site to investigate this matter. The consultant has advised that, subject to appropriate weather conditions, the surveys were due to take place on the week commencing 30th March, and that report would be submitted to WNDC on the 14th April. Preliminary investigations have indicated that the presence of protected species habitats on the site is likely to be very low (due to the current nature of the site and its ecological value) and that there is only a small chance of transitory protected species (i.e. from the Country Park).

- 11.108 Based on the updated information provided by the ecological consultant, NE now has no objection to the application subject a condition that requires a further survey to be undertaken prior to trees being removed.
- 11.109 It is noted that the applicant indicated on the application form that there were no existing trees on the site, and that this was incorrect. However, none of the existing trees on the site are subject of a Tree Preservation Order (TPO). Since the submission of the application the applicant has employed a specialist to assess whether any of the onsite trees are worthy of retention and should be incorporated into the development. This survey has identified that none of the onsite trees are worthy of retention and therefore can be removed, however this would of course be subject to the findings of the ecologist report.
- 11.110 Based on this Officers are satisfied that biodiversity and ecology can be resolved through the imposition of appropriate planning conditions that would require an Ecological Mitigation Plan to be submitted an approved that would restrict the destruction or removal of vegetation unless outside the months of March to August and to restrict the removal of trees until a survey has been undertaken to ensure that they do not contain any roosting bats. The details of any such measures would be agreed with NE prior to the condition being approved.

Crime and Safety

- 11.111 The Crime Prevention Design Advisor (CPDA) has no objection in principle to the application. However, the CPDA has raised concerns regarding various aspects of the proposal. In their view, and that of the Force Counter Terrorism Security Adviser, the proposed facility falls within the government's Crowded Places Agenda, and as such, consideration should be given to the possibility of a terrorist attack, and reasonable safeguards built in to help prevent or mitigate the effects of such an incident.
- 11.112 The CPDA identifies that their main areas of outstanding concern are:
- 1) Construction of the ground floor, and its ability to withstand or mitigate blast.
 - 2) Lighting throughout the development should comply with BS 5489-1: 2003, where this is necessary and appropriate. Certificates should be produced to verify this.
 - 3) An Operational Requirement should be prepared for the CCTV system, setting out the expectations for the system. Concerned that what is on offer will not provide, for example, images of evidential quality. Number, specification and positioning of cameras, lighting, and the recording system etc are all critical issues if the system is to perform. In addition, a limited number of cameras should be linked to the town centre scheme, with PTZ capability and live monitoring, so that resources can be deployed to a live incident if required, rather than just recording "evidence" from fixed cameras, which may or may not be pointing in the right direction.
 - 4) Bollards, whether fixed or rising, should be specified to BS PAS 68 and installed to comply with BS PAS 69, which deals with selection, installation and use.

- 5) Windows and doors should be specified to LPS1175 SR2, and laminated glass should be included. Further advice should be sought with regard to this aspect.
- 6) States that Daventry District Council will expect the car parking provision to gain the Park Mark Safer Parking award, as is the case in all its town centre parking areas.
- 7) It is unclear what form the perimeter of the service yard will take. It is vital that this should be a secure area, to prevent damage and anti-social behaviour.
- 11.113 Officers have requested that the applicant respond to the points made by the CPDA. Their response is as follows:
- The applicant does not concur with the CPDA that bomb blast mitigation measures are necessary for a development of this type.
 - The applicant does not concur with the CPDA that BS 5489-1: 2003 is required for this development.
 - The CCTV will be linked to Daventry / Northamptonshire CCTV network and will be monitored.
 - Accept that rising bollards will be acceptable and are satisfied for a planning condition to be imposed requiring these details.
 - All ground floor glass in a location with a finished floor level lower than 800mm to the exterior of the building has been specified as laminated glass.
 - Has stated that the undercroft car park would achieve a Park Mark Safer Parking award
 - Has stated that it is the intention to have a barrier to the service yard. States that 24h access to the substation is required it is not appropriate to fully secure the area with a fence or other such means. Provision of good lighting and CCTV in this area will make the area secure.
- 11.114 It is noted that the applicant has indicated that a number of the security measures outlined by the CPDA such as CCTV, lighting, secure glazing, bollards and a Park Mark Safer Parking award would be utilised to reduce crime and safety concerns from the development. This is considered positive.
- 11.115 It is noted that the applicant is resistant to incorporating bomb proof materials into the scheme. The applicant has advised that the cost of this would be prohibitive to say the least and would likely have a detrimental impact upon the design of the scheme. Whilst the concerns of the CPDA in this respect are noted it is considered that this particular requirement seems somewhat excessive. It is recognised that planning must respond to the requirements of new developments in the 21st insofar as security measures are concerned, and also accepting the comments of the CPDA that this building falls within the Government's 'Crowded Places Agenda', but that ultimately it is for the Planning Committee as the decision maker to weigh up the various material considerations on this matter. It is Officers' views that for the reasons set out by the applicant the proposal is acceptable as it currently stands.

Archaeology

- 11.116 In accordance with national guidance and regional and local planning policies the applicant has undertaken an assessment of the archaeological value of the site, and this assessment forms part of their planning submission. The Archaeological Desk-Based Assessment considers and assesses the likely significant environmental impact the development would have insofar as it would affect archaeology.
- 11.117 In undertaking the archaeological investigations the applicant has advised that the archaeological assessment has been informed by the following sources:
- Archaeological records (Historic Environment Record for Northamptonshire).
 - Previous Ordnance Survey and other maps of the area (Records Office, Northamptonshire County Council)
 - Geological maps (ULAS Reference Library)
 - Historical background material (ULAS Reference Library and University of Leicester Library).
 - A site visit was also carried out in order to assess the current land use and condition of the area.
- 11.118 The Historic Environment Record (HER) for Daventry shows evidence of archaeological activity to the south of the site, mainly within the town centre. Most of these sites can be dated to the medieval and post-medieval periods, although there is also evidence of Roman and Anglo-Saxon material. Roman and Anglo-Saxon activity has also been discovered to the north of the assessment area. As most of the known archaeological activity is focussed on the town centre and given the fact that part of the site has been developed before, along with the presence of a culvert in the playing field area there is low potential for medieval and post-medieval activity and low to moderate potential for Roman and Anglo-Saxon activity to be present within the application area.
- 11.119 The Archaeological Desk-Based Assessment identifies that as the site has effectively been developed before there is little likelihood that archaeological remains would be found under the eastern part of the site. However, the western part of the site has not been built on before and any underlying archaeology here may be well preserved, although a culvert runs underneath part of the land here and so undisturbed areas here may also be fairly limited.
- 11.120 The Archaeological Desk-Based Assessment area lies outside of the medieval core and it is likely that this renders it too far from the focus of medieval and post-medieval activity. Roman activity has been found relatively nearby and therefore the likelihood of activity from this period to be discovered during any groundworks associated with the new development is slightly higher. Therefore there is low potential for archaeology from medieval and post-medieval periods to be discovered during any groundworks and low to moderate potential for any activity from the Roman period.

11.121 Based upon the investigations that have been carried out to date it is considered that the issue of archaeology has been appropriately considered and that there is a need for a watching brief to be agreed during the sites construction. This is considered appropriate and as such a suitable worded planning condition is recommended.

Sustainability

11.122 Members may be aware through the pre-application publicity of the reputation of the proposed development insofar as the buildings sustainability credentials are concerned. Securing a high quality sustainable building was a fundamental criterion for the public funding that the building is receiving.

11.123 The construction methods can be split into three approaches best suited to the three areas of the building: the conference area, incubator units and the street. The large span of the conference space would be accommodated by the use of glue laminated (Glulam) timber for both the perimeter columns and roof beams; the Incubator Units would be constructed from a simple timber frame, while the street space would be constructed with a hybrid Glulam and stainless steel bowstring truss which forms the roof structure to support the ETFE roof system above.

11.124 The applicant has stated that it is the intention of the design that the timber structure and construction method is expressed and made visually evident to the occupants thus reinforcing the buildings sustainable agenda.

11.125 A major focus of the scheme's design is minimising the buildings environmental impact and this has influenced the architectural form of the building. The applicant has stated that the methods used to reduce the buildings impact include;

- Massing and siting the building to minimise heat gain and maximise opportunities for beneficial heating
- Specification of low embodied energy materials, for example timber structure, timber cladding. Also taking into account the recyclability of materials.
- Maximisation of day-lighting and sophisticated controls to minimise artificial lighting use.
- Increasing thermal performance of the building envelope. Using high performance glass, increased insulation thickness and careful detailing.
- Minimising air leakage.
- Increasing duct sizes to increase efficiency of fans.
- Rainwater recycling.
- Heat recovery systems to heat and cool building (Ground source heat pump).

11.126 The applicant has stated that key to this strategy is the predominant use of passive ventilation for the incubator units. This strategy uses chimneys to move air and generate cross ventilation without the use of fans and air handling plant. In the

conference suite and kitchens where there will be occasionally very high heating loads the use of some mechanical ventilation will be required. By using very efficient systems with integrated heat recovery this impact will be minimised.

- 11.127 Of course as well as the environmental benefits these strategies will result in a building with lower energy costs and because of the reduction in mechanical plant the on-going maintenance costs will be reduced.
- 11.128 The applicant has stated that a BREEAM 2008 pre-assessment for office design has been carried out for the iCon to review the environmental performance of the proposed design. The building has an aspiring BREEAM rating “Excellent” and meets the brief requirement by scoring over 70 points. In accordance with WNDCs Planning Principles (2009) document it is considered that this level is acceptable.
- 11.129 In order to secure the BREEAM Very Good / Excellent criteria, and in accordance with previous applications WNDC have considered, it is considered appropriate and reasonable to impose a planning condition that requires a ‘sustainability strategy’ to be submitted and approved in writing. This strategy will cover the measures used to achieve BREEAM Very Good, details of the provision of on-site renewable energy to meet 10% of the developments overall energy needs (or other level to be agreed with the Local Planning Authority where appropriate) and the mechanism for an independent post-construction assessment that would demonstrate the schemes compliance with the strategy.
- 11.130 Therefore subject to the imposition of a planning condition requiring a sustainability strategy the proposal is considered acceptable in this respect.

Section 106

- 11.131 Policy GN3 of the Local Plan seeks to ensure that development proposals make adequate provision for both infrastructure and community facilities that directly relate to the development. Developers will be expected to meet the full cost of facilities required as a consequence of development and to contribute to resolving deficiencies where these would be made worse by development.
- 11.132 Members will be aware of WNDC’s position regarding securing Section 106 benefits on commercial developments to date. Whilst it is important to recognise that each application must be considered on its own merits, and of course being mindful of the current economic climate, it is also essential to consider the demands on infrastructure that are generated through development proposals. WNDC is moving to an approach whereby residential and commercial developments across West Northamptonshire contribute to the infrastructure requirements cumulatively across the area and have developed a Planning Obligations Strategy document accordingly. This Strategy went before the WNDC Board on 28/10/2008 and was published in January 2009. Bearing in mind the other recent S106 contributions achieved in relation to commercial schemes it would be reasonable and consistent to seek an appropriate contribution from this site. It is noted that the Panasonic development at Brackmills Industrial Estate in Northampton contributed £10 per sqm of commercial floorspace, whilst the more

significant development on greenfield land at Grange Park achieved an in principle contribution of £25 per sqm for B1 offices. The strategy document itself takes a more open view in relation to commercial sites, which takes account of context, viability and scale of development.

- 11.133 The Planning Obligations Strategy suggests that the Section 106 Heads of Terms should cover Green Infrastructure, Public Realm, Transport, Employment Training, Voluntary and Community Sector and Emergency Services and Secure by Design for commercial sites. The document talks of £50 to £100 per sqm but in the current market that scale of financial contribution is not achievable. It is considered that for a development of this modest scale the viability of it to deliver financial contributions to the wider infrastructure improvements will be a key factor to take into account when making this assessment.
- 11.134 Officers have initiated discussions regarding a potential Section 106 Agreement for this site with the applicant to establish the level of financial contributions and other relevant obligations. As set out in the Planning Obligations Strategy financial contributions for commercial schemes are considered on a scheme-by-scheme basis. It is recognised that the proposed development has the potential to deliver a sizeable public benefit in terms of the community facilities the building would offer. It is accepted that on this basis an offset against the total contribution would be appropriate where this can be demonstrated. At this time Officers can only advise that we are currently waiting for a response and further information from the applicant on this matter.
- 11.135 It is considered that there is one important matter that needs to be secured through the Section 106 Agreement and that is for the provision of contributions for WNDCs Construction Futures project. Members will be aware of this project and it is understood that funding is specifically in place on this project to make a meaningful contribution to this scheme.
- 11.136 It is considered that the level of contribution to be secured for this project should reflect the scheme approved by WNDCs Board in October 2008. For a commercial scheme such as the one proposed the following matters should be secured in the Section 106 Agreement:

iCon to enter into a covenant to provide each of the following:-

Trainee employment

- 47 person-weeks per £1m in works cost
- all trainees to be recruited from a source agreed by WNDC

Payments for training related to the development

- £640 per £1m in works cost for WNDC support and monitoring
- £320 per £1m in works cost towards training costs

Agreeing targets and payments

- prior to implementation of each development to submit a Construction Training Method Statement using a WNDC pro-forma;
- the method statement includes the calculation of the person-week targets and the sums that are payable.

Monitoring & reporting

- register the recruitment, transfer and termination of trainees with WNDC;

11.137 Notwithstanding the above matters that relate to financial contributions from the scheme to fund the wider infrastructure improvements for the town it is considered that there are several site specific matters that would need to be controlled through the Section 106. These are 'security measures' for the site including the provision of CCTV cameras and Secure by Design principles to be incorporated into the development; offsite parking provision in relation to the 68 spaces that would be in the Abbey Retail Park undercroft car park; matters in relation to connecting the site to the existing Rights of Way network; any other matters. It is considered that these matters should be controlled through obligations in a Section 106 Agreement.

Other matters

- 11.138 The comments of a member of the public in relation to the proposed developments potential impact upon the Phoenix Community Centre is noted. However, it is not considered that the proposed development would inherently have an impact on other existing community facilities in the town and therefore this matter can be afforded limited weight.
- 11.139 A comment received objecting to future developments in Daventry Town Centre is noted but as Members will be aware each planning application must be considered on its own merits and therefore this comment can be given limited weight.
- 11.140 The comments of the Town Council in relation to the removal of highway verges across the town are noted. As described above the development has been assessed in layout and design terms and is considered be to be acceptable. The loss of highway verges as future applications are submitted will have to be assessed on their own merits.
- 11.141 Cllr Over's comments in relation to the connection of this site to a future PRT system are noted and this matter would have to be dealt with as and when such a transit system is brought forward.

12. Conclusion

- 12.1 It is considered that the proposed iCon development would make a significant and positive contribution to the ongoing development of Daventry as an important sub-regional centre. The proposal before Members represents a positive example of a number of key stakeholder partners working together to deliver an exceptional and distinctive new building that would be known both regionally and nationally (and with

references to it at the recent MIPIM conference in the south of France potentially even internationally). A number of key stakeholders, including WNDC, Daventry District Council, Northamptonshire County Council, East Midlands Development Agency and the European Regional Development Fund, have worked together to bring forward this development.

- 12.2 Notwithstanding the particular design and sustainability credentials the proposed building would deliver, a fundamental part of the development is its ability to deliver much needed economic development, facilitate new and innovative businesses and increase the skills base of Daventry. That it would also provide an exhibition space and community facility is also considered significant.
- 12.3 Whilst the site is not allocated in the current Development Plan its ability to deliver much needed economic development and job creation in both the immediate and long term is considered of significant weight, especially when tied in to the planned housing growth for Daventry. The issue of bringing this site forward in advance of the Joint Core Strategy has been considered and whilst it is accepted that it is premature in advance of the LDF process being completed it is considered appropriate to release this site now on the basis of the economic benefits that would be derived.
- 12.4 All other matters, including representations received, have been fully considered and, subject to the planning conditions listed below and the resolution of Section 106 negotiations, are considered acceptable in the context of the current application. On balance therefore and for the reasons set out above the proposal should receive planning permission.

13. 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 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
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 within that phase.
Reason: To achieve a satisfactory elevational appearance for the development.
3. Prior to the occupation of the building, details of external lighting 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 within that phase.
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 and shall include low energy luminaries where possible.

4. Full details of the method of the treatment of the external boundaries and within the site shall be submitted to and approved in writing by the Local Planning Authority, implemented prior to the occupation of the building hereby permitted and retained thereafter.

Reason: To ensure that the boundaries of the site are properly treated so as to secure a satisfactory standard of development.

5. Full details of all roads, the cycleway link and drainage including cross-sections, longitudinal sections, highway boundaries and proposed ground and floor levels shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction on the site.

Reason: To secure a satisfactory standard of development.

6. Prior to the occupation of the building a Green Travel Plan for the development shall be submitted to and approved in writing by the local planning authority. The content of the Travel Plan shall be formulated so as to maximise travel to the site by methods other than the private car and shall be reviewed and updated on an ongoing basis.

Reason: In accordance with local and national planning policy advice which seeks to minimise travel by private car.

7. 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 31dB(A) between the hours of 23.00 – 07.00 and 39dB(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.

8. Prior to the removal of any trees on site, a further assessment and survey will be undertaken to ensure that they do not contain roosting bats. This survey shall be submitted to and approved in writing by the Local Planning Authority and the development shall be completed in strict accordance with the approved details.

Reason: in the interest of protecting exiting habitats

9. 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

10. Prior to the commencement of development a Construction Environmental Management Plan (CEMP) Construction Environmental Management Plan (CEMP) scheme shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include, but not be limited to, details of the intended hours and duration of work, measures proposed to minimise dust and noise, on and off site traffic management proposals (including details of wheel washing facilities) and the location of waste management and site compound areas within the site.

Reason: To manage the impact of the development upon the local area during its construction in the interests of public amenity and the local natural environment in accordance with Policy E19 of the Northampton Local Plan.

11. Operations that involve the destruction and removal of vegetation and/or hedgerows shall not be undertaken during the months of March to August inclusive, except when approved in writing by the Local Planning Authority (subject to being satisfied that breeding birds will not be adversely affected).

Reason: in the interest of protecting exiting habitats

12. Before 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.

13. No goods or articles shall be stored on any part of the site or within the car park area except within the buildings 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.

14. Notwithstanding the submitted details, no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a detailed scheme of hard and soft landscaping for the site. The scheme shall include indications of all existing trees and hedgerows on the land and details of any to be retained.

Reason: In the interests of amenity and to secure a satisfactory standard of development.

15. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner, and which shall be maintained for a period of five years; such maintenance to include the replacement in the current or nearest planting season whichever is the sooner or shrubs that may die are removed or become seriously damaged or diseased with

others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and to secure a satisfactory standard of development.

16. Before the development hereby permitted is occupied a Sustainability Strategy, detailing the method of achievement of BREEAM 'very good or excellent' (or successor), the provision of on-site renewable energy to meet 10% of the developments overall energy needs (or other level to be agreed with the Local Planning Authority), and mechanisms for independent post-construction assessment shall be submitted to and approved in writing by the Local Planning Authority. Within 3 months (or other such period agreed in writing by the Local Planning Authority) of the first occupation of the development a post construction assessment shall be undertaken for each phase demonstrating compliance with the approved Sustainability Strategy which thereafter shall be submitted to the Local Planning Authority for written approval.

Reason: To ensure the delivery of a sustainable development in accordance with PPS1 and its supplement Planning and Climate Change, Policy GS5 of the Northamptonshire County Structure Plan adopted 2001 and Policy E19 of the Northampton Local Plan adopted 1996.

17. 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.

18. No development shall commence until details of the proposed Toucan crossing across Eastern Way shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the subsequently approved Toucan crossing is built and operational in accordance with the approved details.

Reason: In the interests of the safety and convenience of users of the public highway.

19. 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 amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To protect Controlled Waters.

Note: The site is located over a Minor Aquifer with surface water in close proximity, although previous uses of the site are believed to have been greenfield and former highway. These are not considered likely to have resulted in contamination, although no preliminary risk assessment is provided. The planning application indicates that

some form of contamination survey may be undertaken. The Environment Agency request that results of any such survey is forwarded for their attention.

20. All surface water from parking and manoeuvring area shall be passed through a petrol interceptor prior to disposal to groundwater, watercourse or surface water sewer and the interceptor shall be maintained in accordance with manufacturers guidelines.

Reason: To prevent pollution to the water environment.

