



**Applicants:**

Daventry District  
Council

**Application No:**

06/0180/OUTWND

**Date Registered:**

06/04/2006

**Expiry Date:**

06/07/2006

**Grid Ref:**

457986 (E) 261494 (N)

**Ward:**

Daventry Hill

# Daventry UDA Planning Committee Paper

Report by Director of Planning Services

**Date of Committee Meeting:** 26/07/2011

**Agenda Item:** 4

**Description:** Outline planning application for high tech industrial development involving the formation of development plateau and new access to South March. All matters reserved except for access and landscaping (to include earth plateau works and structural planting only).

**Address:** The Knoll, South March, Daventry, NN11 4PH

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## 1. Recommendation

1.1 The application be **Approved** and outline planning permission be granted with all matters reserved except for access and landscaping (to include earth plateau works and structural planting only) subject to delegated authority being given to the Director of Planning Services to issue the decision notice subject to

- the signing of a S106 legal agreement in compliance with the Corporation's Interim Planning Obligations Strategy
- the Environment Agency withdrawing their objection to the application
- the finalisation of the appended conditions subject to minor amendment for the following reason:

1.2 The proposed development is acceptable given its location within an allocated existing industrial estate. It would also contribute to the regeneration of the site and the wider area and would have a satisfactory impact upon the character and amenity of the area in compliance with Policies GN1, GN2, GN3, EN25, EN35, EN42, EM4 of the Daventry Local Plan (1997).

## **2. Description of Site**

- 2.1 The application site lies to the south eastern side of Daventry, within the Marches industrial estate. West March is situated to the immediate south of the site, with South March and Middle March to the north and north-west, and South Way to the east. South Way forms part of the main distributor road network around the town and links into the London Road / A45 roundabout. There is an existing area of open space / highway verge containing some trees along the western side of South Way abutting the application site. The three industrial estate roads adjacent to the other boundaries of the site contain a variety of industrial units in terms of their age, size and use.
- 2.2 The application site comprises an undeveloped area of land of some 2.2ha in area, which forms a mounded topography. The site contains a large number and variety of trees and shrubs which are visible from the surrounding area. The tree heights range from 4-5 metres to approximately 15-20 metres. A small open paddock lies to the immediate east of the site, but this is excluded from the application.

## **3. Description of Proposal**

- 3.1 The application is in outline form and for high tech industrial units with a new access. The applicant has clarified that the high tech industrial units being applied for would fall within the following Use Classes: B1(b) Research and Development, B1(c) Light Industry and B2 (General Industry) with B1(a) Offices making up only an ancillary part of the development. The matters that are under consideration are the principle of development, the means of access, the extent of the plateau development area (including associated retaining wall features) and the structural landscaping surrounding the site. All other matters such as appearance, layout scale and internal landscaping will be determined at a later stage under separate reserved matter applications. The building form will be single storey and will have a total gross floor area of 2,700m<sup>2</sup>.
- 3.2 The developable area is set out in two areas. The largest, which is marked upon the proposed site plan as the 'main plateau', will contain (as shown on the indicative plan) 6no. commercial units while a much smaller area, termed the 'second plateau', is set in the northeast corner of the site containing 1no. commercial unit.
- 3.3 The application was first submitted in 2006 and gained a resolution at the Daventry UDA Planning Committee (September 2006) of approval subject to an appropriate S106 legal agreement being negotiated. This S106 was never finalised and the application has lain dormant for a notable period of time. The applicant has however demonstrated a renewed urgency to progress the application towards formal determination, which has necessitated the updating of various application documents and plans. These updates have reflected changes in the surrounding area since the original submission and reflect updates to such documents as the Ecological Survey and Flood Risk Assessment.

#### 4. Policy Considerations

##### WNDC Purpose:

- 4.1 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. The proposal is consistent with the Corporation’s objectives.

##### National Policy:

- 4.2 PPS1: Delivering Sustainable Development

PPS1: Delivering Sustainable Development: Planning and Climate Change

PPS4: Planning for Sustainable Economic Growth

PPS9: Biodiversity and Geological Conservation

PPG13: Transport

PPG24: Planning and Noise

PPS25: Development and Flood Risk

##### Development Plan:

- 4.3 East Midlands Regional Plan (2009): Policies 1, 2, 35, 46, 48

DDC Local Plan (1997): Policies GN1, GN2, GN3, EN25, EN35, EN42, EM4

##### Other Material Considerations:

- 4.4 WNDC Planning Principles (2009): Set out in this document are WNDC’s three corporate objectives: 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.

WNDC Manual for Design Codes (2009)

WNDC Sustainability Manual (March 2010)

WNDC Interim Planning Obligations Strategy (June 2011)

**5. Representations.**

- 5.1 Original representations in respect to the 2006 application submission are stated, with additional comments in response to the March 2011 re-consultation added below each respondent.

DDC Development Control:

- 5.2 No objections.
- 5.3 (Response to re-consultation exercise): It is understood that no significant changes have occurred to the scheme, only an updating of the information. Please refer to the original response.

DDC Environmental Health:

- 5.4 No objection subject to conditions regarding noise emissions; contaminated land; hours of commercial or industrial operation.
- 5.5 (Response to re-consultation exercise): B1 use is acceptable to be located in close proximity to residential properties; there are no residential properties in close proximity to this development. Any noise and odour impacts from B2 activities should be controlled through separation distances to residential properties and could therefore be adequately controlled through Statutory Nuisance legislation. It is not considered that Conditions 16, 19 or 20 contained within the original 2006 Committee Report are necessary. As regards contaminated land, the end use of the site is low risk and the Council has no records to indicate that the land has been used for anything that would increase the risk of contamination being present - therefore Conditions 17 and 18 as drafted within the original Committee Report are not considered necessary.

DDC Planning Policy:

- 5.6 No comments received.

DDC Landscape Assessment:

- 5.7 No comments received.

DDC Engineer:

- 5.8 (Response to re-consultation exercise): The development will result in increased intensity of surface water runoff; therefore ensure that the Environment Agency is consulted for an opinion. In the absence of any recommendations from the Agency, a condition should be imposed to control runoff in the interest of not generating additional flood risk elsewhere. All proposed foul and surface water drainage details should also be secured by way of condition.

Daventry Town Council:

- 5.9 Requests a site visit.

5.10 (Response to re-consultation exercise): Support for the planning application.

Northants Police:

5.11 The perimeter of the site should be secured prior to any major construction work commencing. This is to prevent crime and to guard against juvenile problems from the local estates. Access control during the construction phase and beyond will make the development attractive to high tech companies who require a higher level of security than usually offered.

5.12 (Response to re-consultation exercise): No formal objection, general recommendations made in respect to boundary treatment and layout of the site. The applicant has accepted that they will discuss Secured by Design as part of the BREEAM process as part of the reserved matters applications in the future.

Wildlife Trust:

5.13 Comment that planting should be a mix of native trees, and January is not an ideal time to carry out an ecological survey.

5.14 (Response to re-consultation exercise): Welcomes the submission of an Ecological Survey report, which is acceptable in general terms. The ecologist's own recommendations are supported and should perhaps be conditioned. The potential for Green Infrastructure (GI) delivery is significant at this site in the form of habitat connectivity and contributions to local GI networks. Consideration should be given as to the benefit of requiring an Ecological Management Plan (EMP) document to set out appropriate conservation management of existing and new habitats in perpetuity with continued monitoring. A Construction Ecological Management Plan (CEMP) should also be considered.

5.15 It is encouraging that the landscaping drawings include very few non-native species, but perhaps the applicant could be asked to justify the inclusion of selected non-native species as these are not desirable in soft landscaped areas in the interests of habitat provision.

Environment Agency:

5.16 No objection subject to a Flood Risk Assessment (FRA) being carried out; comments made regarding the layout and design of the scheme.

5.17 (Response to re-consultation exercise): The FRA requires updating to meet current policy standards, which does not currently comply with the principles contained within PPS25: Development and Flood Risk.

5.18 (Further comments 15/06/2011): The revised FRA continues to be non-compliant with PPS25, the previous objection is maintained. The hydraulic region used for Daventry is currently incorrect. There is a lack of assessment of storage requirements associated with critical storms. Confirmation from Anglian Water is required to detail that there is capacity within their sewers in South March and if they have any specific requirements

for the treatment of surface water to facilitate adoption of the drainage system and their requirements for the treatment of surface water.

Natural England (formerly English Nature):

- 5.19 No objection. There is no evidence of protected species other than breeding birds on the site. A condition should be imposed to ensure breeding birds are not adversely affected by the removal of vegetation or buildings.
- 5.20 (Response to re-consultation exercise): Welcomes the mitigation measures in respect to bats contained within the ecologist's report, a condition should be applied to ensure that work is halted immediately should bats be discovered during development. It is considered unlikely that Great Crested Newts would use the site for foraging, although a condition should be applied requiring works to be halted immediately should they be identified on-site. It seems unlikely that the disused badger sett on-site would be affected by the development, although the site holds the potential to be used for foraging by the local badger population. The applicant should be asked to provide further details as regards usage of the site and of any nearby main sett by badgers. A pre-construction badger survey should be undertaken as detailed within the ecological report.

Anglian Water Services:

- 5.21 No comments received.

Northants Bat Group:

- 5.22 (Response to re-consultation exercise): Agree with the ecological assessment's summary in respect to bats, so have no comments.

West Northants Badger Group:

- 5.23 No comments received.

Highways Agency:

- 5.24 (Response to re-consultation exercise): Considering the location of the site and the trip rates that would be generated by the development it is concluded that the proposed development would not be expected to have a material impact on the closest trunk road, the A5. Therefore, under Article 25 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the Highways Agency has no objections to the proposal. However, the Agency has concerns regarding the proposed level of parking provision, which is noted to be almost 3 times the maximum provision recommended for B2 development uses in Northamptonshire County Councils (NCC) 'Supplementary Planning Guidance – Parking' (2003).
- 5.25 (Further comments 11/07/2011): In response to WNDC's letter dated 05/07/2011 outlining the view that the proposed development would reduce the existing capacity

at the A5/A45 junction and should therefore contribute to a fair and proportionate share of the costs towards the improvements of the strategic infrastructure serving the area – the A5/A45 works and/or the Daventry Relief Road, the Agency accepts this view and supports the Corporation’s approach.

NCC Sustainable Transport (Local Highway Authority):

- 5.26 No objection in principle. Measures should be implemented to prevent on street parking within the development; any redundant access points should be removed and the footway reinstated; improved entry/exit radii are required to each unit; construction details for all retaining walls to the rear of the highway shall be provided and the applicant will be required to meet the costs of the technical audit of the retaining walls.
- 5.27 On the basis that the working pattern of staff will be standard office hours, a public transport infrastructure contribution of £20,000 is required to pay for a pair of bus stops, raised bus boarders and bus shelters (with 5 years maintenance) on Long March.
- 5.28 (Response to re-consultation exercise): Repetition of original comments. No objection in principle. Measures should be implemented to prevent on street parking within the development; any redundant access points should be removed and the footway reinstated; improved entry/exit radii are required to each unit; construction details for all retaining walls to the rear of the highway shall be provided and the applicant will be required to meet the costs of the technical audit of the retaining walls.

NCC Access Development Officer:

- 5.29 There are no public rights of way recorded within the site or in the immediate vicinity. Connections to and from the site for walkers and cyclists, ideally along car free corridors, are recommended to be provided. If this is not locally achievable then contributions could be sought to improve infrastructure within the town.

NCC Planning Policy:

- 5.30 Waste management facilities, including for kerbside collection and community recycling, should be incorporated into the design and layout of the development.

## **6. Notifications and Responses**

- 6.1 When the application was originally validated in 2006, neighbouring occupiers were notified and a site notice erected. 5no. letters of objection were received from companies operating on South March, which can be summarised as follows:
  - (i) South March is already congested with articulated lorries queuing to access the units for loading/unloading and on-street parking
  - (ii) there is a lack of parking and turning space available within the sites of the individual units, and access into the yards is difficult

- (iii) the proposal will worsen the existing highway congestion situation and increase the danger of serious pedestrian and vehicular accidents
- (iv) the access is close to a busy roundabout and road junction
- (v) access to the site should be via West March or Middle March
- (vi) insufficient parking is proposed for each unit
- (vii) the footpath over The Knoll should be retained.

6.2 Upon the receipt of revised information from the applicants in February 2011, neighbour notification letters were sent out to close proximity neighbours and 3no. site notices were erected adjacent to the site. The application was also advertised in the local press by virtue of being classified as a Major Development. Ino. response was received from an original objector and can be summarised as follows:

6.3 Concerns about the increase in traffic that would result upon South March. The road is already quite congested and the resulting increase in traffic will not help matters. Access via West March could be investigated, which would be a shorter access route and would probably be easier to find.

## 7. Site History

DA/2001/1144 – Outline application for industrial development within use classes B1, B2 & B8. (Disposed of without determination: 11/08/04).

## 8. Considerations

8.1 **The key points for consideration are: Planning Policy, Design, Access & Transport, Crime Prevention, Environmental Health, Biodiversity, Flooding, Sustainability, Planning Obligations**

### **Policy**

8.2 The application site lies within the built up area of Daventry, in an area designated as an “Existing Industrial Estate” in the Daventry Local Plan. It remains undeveloped due partly to the constraints previously imposed by the topography of the site. In local planning policy terms there is no objection in principle to the proposed use of the land. The proposal would also represent a good use of undeveloped land within the built up area of Daventry, of benefit to the local economy.

8.3 In terms of national planning policy guidance, PPS4: Delivering Sustainable Economic Growth is of direct relevance. Policy EC10 of this guidance dictates that all applications for economic development should be assessed against a number of impact considerations. These considerations include the impact upon economic and physical regeneration and the impact upon local employment. The proposals would clearly have a positive impact in the aforementioned contexts and would comply with the principles contained within Policy EC10.

- 8.4 It should also be noted that PPS4 endorses a sequential approach to site selection for main town centre uses (Policy EC5), whereby locations within existing centres should be considered first in preference to edge-of-centre and out-of-centre sites. However, in this instance the applicant has confirmed that Offices (Use Class B1a) would make up only an ancillary part of the development. The main uses proposed (B1b, B1c and B2) are not classified by PPS4 as main town centre uses and are therefore not subject to the sequential approach.

### **Design Considerations**

- 8.5 The remodelling of The Knoll will necessitate the removal of many of the trees on the crest of the site, although many of the largest trees are situated upon the lower slopes and are to be retained. This will, however, have a significant visual impact in the immediate area as the trees provide an attractive backdrop to the industrial estate when viewed from the north and form a significant screen from the south. The application proposes the replanting of trees around the perimeter of the site and on the new and existing slopes. Planting within the individual sites will however be a matter for the future occupiers when applications for approval of reserved matters are submitted. The extent of the structural replanting associated with this application is clearly depicted upon the proposed Planting Plan (ref 513/05), the proposed specimens are annotated.
- 8.6 Although it is regrettable that mature trees have to be removed in association with the development, new structural planting is proposed and the species are considered acceptable (to be covered in greater detail within the Biodiversity section of this report). Due to the elevated nature of the land, distant views of the site are available from the surrounding area including the residential streets close to the town centre. Whilst the remodelling of the hill and loss of the established trees will change the appearance of this part of the Marches Estate it is considered that this will not have a significant impact in the wider vista available in this area, which will still include other large groups of trees against the backdrop of surrounding hills and buildings.
- 8.7 In addition, providing the buildings on the site are single storey only and the replacement structural planting is carried out at an early stage in the development process, the buildings will not intrude unduly in the context of the surrounding area and more distant vistas. The detailed design and external appearance of the buildings are matters to be fully assessed at reserved matters stage, but controls should be imposed on any outline planning permission to limit the overall height of the buildings and the amount of built development on the land. The design of this building, and especially the roof form and the use of materials, will play a critical role when the reserved matters are considered.

## Access & Transport

- 8.8 Access to the development would be off the end of South March and involves the formation of a new adopted estate road. Detailed plans have been provided showing the construction and layout of this road, which would extend into the site by some 98m, terminating in a turning head. The Local Highway Authority has raised no objection to the development in principle, subject to construction details for all retaining walls to the rear of the public highway being provided. Improvements to the entry/exit radii to the individual units to allow for servicing of HGV's are also required, but this is a matter which would be addressed at reserved matters stage.
- 8.9 As this application is in outline form with some matters reserved including the internal layout of the development, it is considered that the extent of the access road to be considered within the realms of this application should be the limit of the adoptable road running into the site (a length of approximately 98m). The proposed plans detail the indicative position of internal routes and car parking within the site. These are detailed matters that shall be considered at reserved matters stage. An informative should be attached to any approval to ensure clarity as regards the extent of the means of access being assessed in this instance.
- 8.10 The Local Highway Authority have commented that the existing footways and turning head on South March are frequently obstructed by parked vehicles and that measures should be put in force to address this problem and prevent the same situation arising on the application site. It is noted that occupiers of 5no. units along South March objected to the proposals when the original consultation exercise was undertaken in 2006 (1no. of these objectors submitted a further comments in response to the recent re-consultation exercise undertaken in March 2011) in light of the existing problems that they experience in servicing their units and accommodating parking within their sites, which often results in congestion along South March. Consequently these objectors consider that the proposal will exacerbate the situation and result in additional highway danger.
- 8.11 Whilst it is accepted that the individual sites and units of the objectors' premises on South March were not laid out or constructed to accommodate the size, type and number of vehicles which now visit the premises, this is an operational issue for the individual occupiers rather than a matter for the West Northamptonshire Development Corporation to resolve. In addition, although on-street parking takes place along South March, it must be noted that it is a public highway and the occupiers of the adjacent units should not rely on this land to accommodate their overspill parking and servicing needs. Furthermore, with the opening up of the turning head to facilitate the formation of the new estate road it will no longer be possible to park at the end of South March, which in turn may result in freeing up the existing turning area at the end of the road to the benefit of vehicles visiting the adjoining units.
- 8.12 It has been suggested by objectors that access to serve the development should be via Middle March or West March. However this would likely be very challenging in

technical terms due to the gradients involved, particularly in respect to the existing turning head already in position on West March.

- 8.13 The proposed Site Plan demonstrates that on the basis of a total gross external floor area of 2,700 sq m, the development could be laid out to secure parking spaces in excess of current standards to serve the units (the plan indicates 115no. car parking spaces being provided to serve the whole development). In addition, cycle parking spaces can be required to be provided by condition.
- 8.14 The Highways Agency in their consultation response have detailed some concern in respect to what they perceive to be a high allocation of car parking spaces for the scheme when compared to the maximum standards contained within the NCC Parking SPG (2003). These standards are set with the motives of discouraging private car travel in the interests of securing sustainable development. Officers note that the thresholds contained within PPG13: Transport carry greater weight than the SPG guidance given that this was superseded by the adoption of the East Midlands Regional Plan in 2009. There is, however, a strong degree of similarity between the SPG and PPG13 standards, which specify maximum standards of 1no. car parking space per 30 sq m of B1 floor space – this translates to a total of 90no. spaces for the 2,700 sq m proposed. The SPG specifies a maximum standard of 1no. space per 55 sq m of B2 (General Industrial) floor space, which translates to 49no. spaces should the entire development be B2. PPG13 does not state a B2 threshold.
- 8.15 Officers consider that the indicative level of car parking provision detailed upon the proposed Site Plan (115no.) appears to be potentially excessive in the context of the policy guidance discussed above. It is considered appropriate to impose a planning condition requiring a car parking plan to be drawn up once the end user is known, hence ensuring that an appropriate level of car parking is secured. In addition, a Travel Plan for the site should be secured via the associated S106 agreement.
- 8.16 A neighbour comment has been made that there is a footpath over The Knoll which must be maintained. Apart from an informal track this is not apparent on the site and the County Access Development Officer has confirmed (in 2006) that there are no official rights of way in this area. It is also not possible to secure car free corridors along which pedestrians could access this site as required by the County Council's Access Development Officer in 2006. However, this industrial area is well served by an existing network of footpaths adjacent to the roads and this would be continued into the development site.

### **Crime Prevention**

- 8.17 Northants Police were consulted upon the application and responded with no formal objection to the application. They did however make a number of recommendations in respect to access, boundary treatment alarm provision and car parking surveillance. The

applicant has noted that these issues shall be attended to at Reserved Matters stage through further consultation with the Crime Prevention Design Adviser.

### **Environmental Health**

- 8.18 DDC's Environmental Health department were consulted upon the application and responded by stating that there are no residential properties located within close proximity of the application site so as to cause any noise concerns. In respect to potential contaminated land the EHO has stated that the end use of the site is low risk and that the Council has no records to indicate that the land has been used for anything that would increase the risk of contamination being present. WNDK Officers consider that it would be prudent to attach a watching brief planning condition requiring construction work to cease in the event of unsuspected contamination becoming evident.

### **Biodiversity**

- 8.19 PPS9: Biodiversity and Geological Conservation sets out planning policies on protection of biodiversity and geological conservation through the planning system. The aim of planning decisions should be to prevent harm to biodiversity and geological conservation interests. It is noted within PPS9 that planning authorities should ensure that species of principal importance for the conservation of biodiversity are protected from the adverse effects of development, where appropriate, by using planning conditions or obligations.
- 8.20 To assess the biodiversity value of the site protected species surveys have been carried out in support of the application; these have been updated and resubmitted this year by way of a consolidated Ecological Assessment report. As part of the ecological work undertaken a disused badger sett was found to be present on the eastern boundary of the development site. This sett exhibited no evidence of trails, latrines or foraging within its immediate environs and was also found to be disused during surveys undertaken in 2005 and 2006, although evidence of mammal foraging was found across the site. The report recommends a full badger survey being undertaken immediately prior to the construction phase given the potential for the sett to become reoccupied.
- 8.21 Natural England (NE) was consulted upon the application and welcomed the recommendation of a further survey being undertaken and being covered by way of an appropriately worded planning condition. Given the potential for the application site to be used for foraging by the local badger population NE also requested clarification in terms of the position and usage of the main badger sett in the area, which is referred to within the Design and Access Statement (DAS). The applicant responded to this by stating that, although briefly referred to within the DAS, no main sett was identified within the immediate surroundings of the site during the ecological survey work. Further, the desktop study element of the ecological work identifies no specific badger sightings within the application site, rather general sightings to the southern and eastern urban fringes of Daventry. It should also be noted that The Knoll is located within the urban extent of Daventry and is bound in its entirety by either highway or

neighbouring built form, which would likely decrease the likelihood of the site being used for extensive foraging by badgers. Even so, a further survey should be secured by way of condition.

- 8.22 In respect to bats, the Northants Bat Group agrees with the contents of the Ecological Assessment. Natural England has requested that the mitigation measures contained within the Ecological Assessment should be secured. These measures include a sensitive lighting scheme to avoid light spillage and the provision of at least 4no. bat boxes (preferably attached to mature trees situated along the eastern site boundary). Officers consider that appropriate planning conditions can be formulated.
- 8.23 Natural England have alluded to Great Crested Newts and stated that it should be ensured that there are no ponds within 500m of the site that could support such creatures. The Ecological Assessment was subsequently updated by the applicant to confirm that all ponds within 500m are separated from the site by industrial development and A-roads. NE confirmed their acceptance subject to a planning condition being imposed to ensure that work on-site is halted in the event of a Great Crested Newt being identified.
- 8.24 NE have also suggested a planning condition to ensure that the removal of vegetation shall not be undertaken from March to August inclusive to ensure that breeding birds will not be affected.
- 8.25 The Wildlife Trust (WT) was also consulted upon the application and has responded positively to the production of an Ecological Assessment report. They have also detailed general acceptance in respect to the proposed structural soft landscaping, which is noted to be dominated by wildlife-friendly native species. The only comment that has been made is that, by exception, a few of the proposed species are non-natives – the named examples are Horse Chestnut, Norway Maple and London Plane. The applicant in response has commented that all of the aforementioned species were introduced to the UK several hundred years ago, while Horse Chestnut and Norway Maple specimens are already present on site. Officers consider that the proposed planting mix is robust, dominated by wildlife-friendly native species and therefore acceptable.
- 8.26 The WT have noted the high potential for Green Infrastructure (GI) delivery in the form of corridor / habitat connectivity and contributions to local GI networks. The WT support a GI approach. They also suggest the submission of Ecological Management Plan (EMP) and Construction Ecological Management Plan (CEMP) documents to cover the sympathetic conservation management of the on-site biodiversity assets during construction and in perpetuity. Officers consider that such conditions should be imposed to ensure effective ecological management moving forwards.

### **Flooding**

- 8.27 The originally submitted Flood Risk Assessment (FRA) was reviewed against the requirements of the now superseded PPG25. An updated FRA was subsequently

requested by the Environment Agency (EA) to comply with the guidance contained within PPS25: Development and Flood Risk. The EA have noted that, although the application site lies within the low risk Flood Zone 1, the proposed scale of the development may present flooding issues if surface water run-off is not effectively managed. The latest revised FRA has still not been accepted by the EA as PPS25 compliant. There are however only a selected number of points that now need addressing, including attaining confirmation from Anglian Water that their sewers hold the appropriate capacity to allow for the development. It is considered that any positive recommendation for approval of the application should be subject to the Environment Agency's objection being withdrawn prior to any decision notice being issued.

### **Sustainability**

- 8.28 The submission contains no reference to the sustainability measures to be incorporated within the built scheme. There is no initial rating assessment against BREEAM standards, which is suggested to accompany all application submissions in accordance with the requirements of the Corporation's Sustainability Manual (2010). In this instance, given the outline nature of the application and the lack of certainty at this stage associated with the precise form of development that is to come forward, it is considered that this matter can be adequately dealt with via an appropriately worded planning condition. This condition would require an initial rating assessment (detailing the achievement of a BREEAM Excellent rating or other rating to be agreed in writing) to be submitted to the Local Planning Authority prior to the commencement of development in addition to securing details of post-construction assessment.
- 8.29 In addition, a further planning condition should be imposed to secure on-site renewable energy provision to meet a minimum of 10% of the overall energy needs of the development. This level is consistent with the minimum 10% articulated within the Energy and Development SPD (2007).

### **Planning Obligations**

- 8.30 Since gaining a positive Committee resolution in 2006, the applicants have not sought to progress the outstanding S106 agreement. However the applicants have now once again expressed a desire to progress the application towards formal determination. Since the application originally went before the Daventry UDA Planning Committee in September 2006 the Corporation has adopted its Interim Planning Obligations Strategy (IPOS), which endorses a standard approach to accumulating contributions towards infrastructure improvements across West Northamptonshire Development Corporation's area.
- 8.31 It is considered appropriate to reflect the benchmark figures set out within the Corporation's IPOS for B2 and B8 development (£25 per sq m) as the starting point for discussions to oversee the total value of section 106 contributions. The IPOS represents a fundamentally different S106 landscape in contrast to when the application was first validated in 2006 when preliminary S106 negotiations were

undertaken. In 2006 site specific contributions were discussed in respect to a Public Transport Contribution and an Employment Co-ordinator Contribution. A fresh start to negotiations in accordance with IPOS shall be required prior to the formal determination of the application – this is reflected in the wording of the Officer’s recommendation at the outset of this report.

8.32 Indicative Heads of Terms at this stage would constitute: Green Infrastructure, Public Realm, Cultural Investment, Transport, Community Cohesion, Training- Construction Futures, Monitoring.

## **9. Conclusion**

9.1 The proposed development is acceptable given its location within an allocated Existing Industrial Estate, it would also contribute to the regeneration of the site and of the wider area and would have a satisfactory impact upon the character and amenity of the area in compliance with Policies GNI, GN2, GN3, EN25, EN35, EN42, EM4 of the Daventry Local Plan (1997).

## **10. Conditions**

(1) Approval of the details of the appearance, internal landscaping, layout and scale ("the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced in respect of the particular unit(s) that is/are the subject of the reserved matters application.

Reason: This permission is in outline only granted under Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2010.

(2) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: To comply with Section 92 of the Town & Country Planning Act 1990.

(3) The development hereby permitted shall be begun no later than the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

(4) The development hereby approved shall relate to the construction of B1(b) Research and Development, B1(c) Light Industry and B2 (General Industry) units of a total maximum floor area of 2,700sqm (gross external measurements).

Reason: In the interests of highway safety and protecting the visual amenity of the immediate area and more distant views, in accordance with Policies GN2 and EN42 of the Daventry District Local Plan (1997).

- (5) Use Class B1(a) Offices shall at all times be ancillary to the primary use of the buildings set out in Condition 4 above.

Reason: To ensure that a sequential approach to site selection is employed in respect to the location of main town centre uses as defined within PPS4: Delivering Sustainable Economic Growth.

- (6) The units hereby approved shall not exceed 6m in height, measured externally, from the new approved ground level of the main development plateaux (as detailed on the approved Proposed Site Plan ref. 040683/A/002 Rev E).

Reason: To protect the visual amenity of the immediate area and more distant views, in accordance with Policies GN2 and EN42 of the Daventry District Local Plan (1997).

- (7) Prior to the commencement of development full construction details of the retaining wall structures to be located to the eastern side of the access road and depicted upon the approved Proposed Site Plan (040683/A/002 Rev E) shall be submitted to and approved in writing by the Local Planning Authority. Development shall be undertaken in accordance with the approved details and retained at all times thereafter.

Reason: In the interests of highway safety, in accordance with Policy GN2 of the Daventry District Local Plan (1997).

- (8) Prior to the commencement of any development on site full details of all external lighting shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To protect the visual amenity of the immediate area and more distant views, in accordance with Policies GN2 and EN42 of the Daventry District Local Plan and to ensure that bat species are not negatively impacted upon.

- (9) In association with the submission of reserved matters for the individual units full details shall be provided of the parking, turning, loading and unloading areas for the unit (including for lorries and vans), cycle parking, waste management facilities, recycling facilities, external on site lighting, on site landscaping and boundary walls/fences, and the finished floor level of the unit in relation to the new and existing

ground levels adjacent. The development shall be carried out in accordance with the approved details prior to the occupation of the unit, and the parking, turning, boundary treatments and waste management facilities shall thereafter retained for the life of the development, unless otherwise agreed with the Local Planning Authority.

Reason: To ensure that the development is acceptable in highway safety terms, provides suitable waste management and recycling facilities, protects the visual amenity of the area and is sympathetic to potential roosting bats in accordance with Policies GN2, EN25, and EN42 of the Daventry District Local Plan (1997) and the guidance contained within PPS9: Biodiversity and Geological Conservation.

- (10) In association with the submission of the reserved matters for the individual units details of the type, height and location of protective fencing to be erected around the retained trees or structural landscaping adjacent to/within the site shall be submitted to and approved in writing by the Local Planning Authority. Prior to the commencement of any construction work on the unit the protective fencing shall be erected and shall remain in place until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored, disposed of, or placed, nor fires lit, in any area fenced in accordance with this condition and the ground levels within these areas shall not be driven across by vehicles, altered, nor any excavation made (including addition/removal of topsoil/subsoil) without the written consent of the Local Planning Authority.

Reason: In the interests of the visual amenity of the area in accordance with Policies GN2, EN25 and EN42 of the Daventry District Local Plan (1997).

- (11) The approved on site landscape scheme shall be implemented prior to the unit being first occupied. If within a period of five years from the date of the planting of any tree or shrub, they, or any planted in replacement for them, are removed, uprooted or destroyed or die (or becomes in the opinion of the Local Planning Authority, seriously damaged or defective) another tree or shrub of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason: In the interests of the visual amenity of the area in accordance with Policies GN2, EN25 and EN42 of the Daventry District Local Plan (1997).

- (12) The structural landscape details hereby approved shall be carried out in accordance with the agreed specification prior to the commencement of any construction works in respect of the individual units, or unless otherwise approved in writing by the Local Planning Authority. If within a period of five years from the date of the planting of any tree or shrub, they, or any planted in replacement for them, are removed, uprooted or

destroyed or die (or becomes in the opinion of the Local Planning Authority, seriously damaged or defective) another tree or shrub of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason: To protect the visual amenity of the locality in accordance with Policies GN2, EN25 and EN42 of the Daventry District Local Plan (1997).

- (13) No development that involves the destruction or removal of trees and/or vegetation shall be undertaken between the months of March to August, unless it can be demonstrated that breeding birds will not be adversely affected, and written approval for carrying out the work during that time has been gained from the Local Planning Authority.

Reason: To protect any birds breeding on the site.

- (14) The access into the site shall be laid out in accordance with the approved plans prior to the commencement of any construction works for the individual units.

Reason: In the interests of highway safety, in accordance with Policy GN2 of the Daventry District Local Plan (1997).

- (15) In association with the formation of the access into the site the existing redundant access point off the turning head on South March shall be removed and the footway reinstated in accordance with details to be firstly agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety, in accordance with Policy GN2 of the Daventry District Local Plan (1997).

- (16) No display or storage of goods or materials or plant and equipment, or any industrial/business operations shall take place other than within the buildings which will be erected on this site.

Reason: In the interests of protecting public health and amenity in accordance with Policies GN1 & GN2 of the Daventry District Local Plan (1997).

- (17) Prior to the commencement of development full details of the provision of a minimum of 4no. bat boxes (including their precise locations and specifications) shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of bat protection in compliance with the recommendations contained within the submitted Ecological Assessment report (January 2011).

- (18) A full Badger Survey shall be undertaken in order to determine whether the disused badger sett located to the eastern side of the site is still not in current use. The Badger Survey shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

Reason: In the interests of badger protection in compliance with the recommendations contained within the submitted Ecological Assessment report (January 2011).

- (19) Prior to the commencement of development an Ecological Management Plan (EMP) detailing appropriate conservation management of both existing and new habitat areas within the site including monitoring arrangements shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To accord with the objectives contained within PPS9: Biodiversity and Geological Conservation in the interests of biodiversity protection in perpetuity.

- (20) Prior to the commencement of development a Construction Ecological Management Plan (CEMP) detailing appropriate conservation management of existing habitat areas within the site shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To accord with the objectives contained within PPS9: Biodiversity and Geological Conservation in the interests of biodiversity protection during construction activities.

- (21) If either Great Crested Newts or Bats are discovered at any point during construction works on site the relevant work shall be halted immediately with Natural England being notified and further advice sought.

Reason: To accord with the objectives contained within PPS9: Biodiversity and Geological Conservation in the interests of biodiversity protection during construction activities.

- (22) Prior to the commencement of development a Sustainability Strategy, detailing a method of achievement of BREEAM 'Excellent' (or other rating to be agreed in writing by 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 a period of 3 months from the first occupation of the development a post construction assessment shall be submitted to and approved in writing by the Local Planning Authority to demonstrate compliance with the approved Sustainability Strategy.

Reason: To ensure the delivery of a sustainable development in accordance with Policy 2 of the East Midlands Regional Plan (2009) and the guidance contained in PPS 1: Delivering Sustainable Development and Planning and Climate – Supplement to Planning Policy Statement 1 and the DDC & SNC Energy and Development SPD (2007).

- (23) The development shall achieve on-site renewable energy to meet a minimum of 10% of the overall development's energy needs (or other level to be agreed in writing by the Local Planning Authority).

Reason: To ensure the delivery of a sustainable development in accordance with Policy 2 of the East Midlands Regional Plan (2009) and the guidance contained in PPS 1: Delivering Sustainable Development and Planning and Climate – Supplement to Planning Policy Statement 1 and the DDC & SNC Energy and Development SPD (2007).

- (24) The presence of any significant unsuspected contamination which becomes evident during the development of the site shall be brought to the immediate attention of the Local Planning Authority. Any remediation works required shall be carried out in accordance with agreed details.

Reason: In order that the Local Planning Authority may decide what remedial steps are required to satisfactorily deal with the contamination in the interests of protecting public health and amenity in accordance with Policies GN1 & GN2 of the Daventry District Local Plan.

- (25) Prior to the commencement of development a to-scale Car Park Plan precisely detailing the number and location of all car parking spaces shall be submitted to and approved in writing by the Local Planning Authority, development shall be implemented in accordance with the approved details and be retained at all times thereafter.

Reason: To ensure an acceptable allocation of car parking to serve the development in the interests of supporting alternative means of transportation in compliance with the guidance contained within PPG13: Transport.

- (26) Prior to the commencement of development the full details of the 'main plateau' and 'second plateau' as depicted upon the approved Proposed Site Plan (ref: 040683/A/002 Rev E) including the precise extent of developable area and associated levels details shall be submitted to and approved in writing by the Local Planning Authority; development shall be implemented in accordance with the approved details and retained at all times thereafter.

Reason: To ensure an acceptable standard of development in the context of the site's surroundings in accordance with Policies GN1 & GN2 of the Daventry District Local Plan.

**Informatives:**

1. All access works associated with the application will be subject to a Section 38 Agreement with the Highway Authority.
2. All costs associated with the technical audit of the retaining walls shall be the responsibility of the applicant.
3. For the avoidance of doubt this permission relates to the means of access into the site, the structural landscaping around the perimeter of the site and the formation of the development plateaux by the remodelling of the land (including the imposition of retaining wall structures to the eastern side of the access road).
4. The extent of the structural planting hereby approved shall be in accordance with the annotated specimens shown on the approved Planting Plan (ref: 513/05), which are positioned to the perimeter of the site. The non-annotated specimens shown to be positioned within the centre of the application site on the approved Planting Plan are not covered by this consent.
5. The extent of the means of access hereby approved is depicted upon the approved Proposed Road Layout Plan (ref: 040683/C/601 Rev C).

# SITE PLAN

