

PLANNING COMMITTEE:17th July 2014DIRECTORATE:Planning and RegenerationHEAD OF PLANNING:Susan Bridge

N/2014/0068: Demolition of farm house, associated farm buildings and two semi-detached industrial units. Erection of a strategic warehouse and distribution unit with ancillary outbuildings (totalling 60,108sq.m of floorspace), car parking, new site access off Liliput Road, attenuation ponds, infrastructure and landscaped bunding.

and;

- N/2014/0545: Application for a permanent diversion of footpath.
- WARD: Rushmills
- APPLICANT:Roxhill Developments LimitedAGENT:Savills
- REFERRED BY:Head of PlanningREASON:N/2014/0068: Major Application requiring a
S106 legal agreement
N/2014/0545: Called in by Cllr Larratt as
associated with a contentious application

DEPARTURE: YES

APPLICATION FOR DETERMINATION:

1. **RECOMMENDATION**

N/2014/0068

1.1 **APPROVAL IN PRINCIPLE** subject to conditions and the matters in paragraphs 1.2, 1.3, 1.4 and 1.5 for the following reason:

The proposed development would secure economic growth and additional job opportunities, would appropriately mitigate against its impacts upon the strategic and local road network, would safeguard residential amenity and biodiversity and would not unacceptably prejudice the function of designated green space and the significance of designated heritage assets and is therefore in accordance with the National Planning Policy Framework, Policies E1, E6, E9, E19, E20, E26 and E40 of the Northampton Local Plan and Polices SA, S1, S7, S8, S10, S11, BN1, BN2, BN4, BN5 and INF2 of the Submitted West Northamptonshire Joint Core Strategy.

- 1.2 Delegated authority being passed to the Head of Planning to consider any further consultation responses upon the application received pursuant to consultation, the display of site notice and the advertisement placed in the local press, which expires 17th July 2014.
- 1.3 The prior completion of a Section 106 Legal Agreement to secure:
 - i) A financial payment towards the Northampton Growth Management Scheme;
 - ii) A financial payment towards the provision of a Green Infrastructure and Sustainable Transport Contribution to enhance or maintain improvements to green infrastructure and sustainable forms of transportation;
 - iii) A financial payment to fund the provision of new bus shelters and a commuted sum for their ongoing maintenance within the vicinity of the site;
 - iv) A Noise Mitigation Scheme;
 - v) A financial payment to fund the monitoring of the Travel Plan; and
 - vi) The Council's monitoring fee.
- 1.4 Delegated authority being given to the Head of Planning to negotiate the detail of the Section 106 Legal Agreement and to amend the list of planning conditions where appropriate.
- 1.5 It is also recommended that in the event of the Section 106 Legal Agreement not being completed within three calendar months of this Committee meeting, in addition to being able to grant planning permission as recommended above, the Head of Planning be given delegated authority to either refuse or finally dispose of the application (at her discretion) for the reason that the necessary mitigation measures have not been secured to make the proposal acceptable in line with the requirements of Northampton Local Plan Policy E19 and the National Planning Policy Framework.

N/2014/0545

1.6 **APPROVAL** to draft an order to authorise the diversion of the Footpath KU9 under Section 257 of the Town and Country Planning Act 1990 in the event that planning permission N/2014/0068 is granted for the following reason:

The footpath diversion is necessary to enable the development granted planning permission under N/2014/0068 to be carried out in accordance with the approved details.

2. THE PROPOSAL

- 2.1 The scheme would involve the demolition of a farm house and associated farm buildings at the northern corner of the application site adjacent to Bedford Road, these removals would allow for the provision of balancing ponds as part of the scheme's drainage strategy. To the western side of the site it is proposed that two-semi-detached vacant industrial buildings (accessed off Weddell Way) be demolished to provide the opportunity to create car parking to serve the scheme.
- 2.2 The proposals are for the erection of a strategic warehouse and distribution unit of 59,534 sqm gross internal area, which is proposed would have unrestricted hours of operation. It would have a maximum height of 21.5m measured from finished floor level to ridge height (providing 18m of clear internal height within the warehouse). The total extent of floor space proposed (including the ancillary outbuildings of a gatehouse, car park office and pedestrian link bridge) is 60,108 sqm. The development has a named end occupier: Carlsberg.
- 2.3 The scheme includes the construction of an external storage yard of some 13,074 sqm in area to the western side of the site as well as HGV trailer parking (178 spaces) to the west and north of the proposed warehouse. Loading docks for HGVs would be provided to the western and northern elevations of the proposed warehouse. In addition a car park (308 spaces) is proposed off Weddell Way to the north-western side of the site on land currently occupied by employment units.
- 2.4 The proposals involve extensive earthworks, ground profiling and structural landscaping in the interests of incorporating the warehouse and supporting infrastructure into the landscape. A landscaped bund, measuring up to 18m in height, would be formed to the eastern and southern sides of the warehouse.
- 2.5 The scheme is supported by an Environmental Statement (ES) due to the development requiring Environmental Impact Assessment (EIA) given its scale and potential to have significant environmental effects. The ES sets out the baseline environmental conditions, identifies the potential environmental effects of the development and sets out the mitigation measures envisaged in order to avoid, reduce and, if possible, remedy any significant adverse effects and to summarise the residual environmental effects that the proposed development may have.

- 2.6 The scheme would necessitate the diversion of Public Footpath KU9, which runs south-east to north-west across the application site. The applicant has made, under Section 257 of the Town and Country Planning Act 1990, an application for the permanent diversion of this footpath in the interest of enabling the development to occur (Council reference: N/2014/0545). N/2014/0545 only need proceed should planning permission be granted under N/2014/0068. In the event that N/2014/0068 is refused, a diversion under N/2014/0545 would no longer be justified to enable development. The present route of the footpath runs along the eastern edge of the proposed building; it is proposed that this be re-routed to curve around the north-eastern side of the proposed landscape bund. The difference in alignment between the existing and proposed route would, at its widest point, be approximately 100m.
- 2.7 This report considers the merits of N/2014/0068 and N/2014/0545 in tandem given their inherent links. The bulk of the report is focussed upon the planning application (N/2014/0068); the diversion application (N/2014/0545) is evaluated in the 'Highways & Rights of Way' section of the Appraisal below.

3. SITE DESCRIPTION

- 3.1 The site is located to the south eastern side of Northampton and measures 19.5 ha in area. It abuts the eastern edge of the Brackmills Industrial Estate and constitutes open agricultural pastureland with the exception of an approximate 0.8 ha area to the north west of the site, which is accessed from Weddell Way and currently contains two attached vacant industrial buildings. The pastureland serves Martins Farm, which is located at the northern end of the site and is accessed via Bedford Road, which runs east-west along the northern tip of the site.
- 3.2 The topography of the site typically slopes and falls from its southeastern side down to its north-western boundary that abuts the current industrial estate. The difference in ground levels at alternate ends of the site equates to as much as 19m. The area constitutes a broad river valley landscape with gently undulating valley slopes. The Brackmills Estate, to the northern-western side of the site, occupies a low-lying position in a natural, shallow bowl.
- 3.3 Great Houghton village is located to the eastern side of the site. The boundary of the Great Houghton Conservation Area, which contains the grounds of Great Houghton Preparatory School, also abuts the eastern boundary of the site.
- 3.4 Public Footpath KU9, which links Great Houghton to Bedford Road at the edge of the Brackmills Estate, runs through the application site from its southeast corner to the northern boundary. A dismantled railway line, which now serves as a footpath and cycle route (National Cycle Route 6), runs the southern boundary of the site and is lined with

trees and shrub vegetation. There is a residential property, Little Norway located adjacent to the south west corner of the site. A further public right of way runs along the north-western boundary of the site and provides a footway / cycleway connection between Bedford Road and the Brackmills Industrial Estate.

4. PLANNING HISTORY

4.1 No recent or relevant planning history upon the application site.

5. PLANNING POLICY

5.1 **Development Plan**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the Northampton Local Plan 1997 saved policies and, whilst not yet adopted, weight can be attributed to the Submitted West Northamptonshire Joint Core Strategy (as subsequently modified).

5.2 **National Policies**:

The National Planning Policy Framework (NPPF) states that the Government is committed to securing economic growth (Paragraph 18); Paragraph 19 states that the planning system should operate to encourage and not act as an impediment to sustainable growth. Paragraph 56 notes that good design is a key aspect of sustainable development and is indivisible from good planning whilst Paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Paragraph 109 notes that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and by providing net gains in biodiversity where possible. Planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development in accordance with Paragraph 123 and should limit the impact of light pollution in accordance with Paragraph 125.

Paragraph 131 states that Local Planning Authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (Paragraph 132); consent should be refused when substantial harm to or total loss of significance would be caused unless substantial public benefits would be achieved (Paragraph 133). The effect of an application upon the significance of a non-designated heritage asset shall be taken into account with balanced judgement being required in decision-making as regards the scale of any harm or loss to its significance (Paragraph 135).

5.3 Northampton Local Plan 1997 (Saved Policies)

E1 – 'Landscape and Open Space' requires new development to respect the character and structure of the landscape.

E6 – 'Greenspace' requires that planning permission only be granted for new development when the function of designated greenspace is not unacceptably prejudiced.

E9 – 'Locally Important Landscape Areas' requires special importance to be attached to the effect of proposed development upon the landscape.

E19 – 'Implementing Development' requires any adverse effect of development to be allowed for or appropriately mitigated against.

E20 – 'New Development' requires the design of any new built development to adequately reflect the character of its surroundings and to ensure adequate standards of privacy, daylight and sunlight.

E26 – 'Conservation Areas' requires development to either preserve or enhance the character and appearance of designated conservation areas.

E40 – 'Crime and Vandalism' requires development to pay adequate regard to the need to deter crime and vandalism.

5.4 **Supplementary Planning Guidance**

Planning Obligations Strategy SPD (February 2013)

5.5 **Other Material Considerations**

Submitted West Northamptonshire Joint Core Strategy (as subsequently modified).

Weight can be given to the West Northamptonshire Joint Core Strategy (JCS), this would be significant where a policy has received few representations and unresolved objections are not considered likely to have a significant bearing on the strategy of the Plan. The JCS provides an up to date evidence base and considers the current Government requirements for plan making, being prepared in full conformity with the NPPF. The plan has been the subject of an examination in public and the findings of the Inspector are awaited.

Policy SA – 'Presumption in favour of Sustainable Development' requires local planning authorities to take a positive approach to determining development proposals.

Policy S1 – 'The Distribution of Development' requires that development be concentrated primarily in and adjoining the principal urban areas of Northampton.

Policy S7 – 'Provision of Jobs' requires that provision will be made for a minimum net increase of 28,500 jobs in the period 2008-2029 in order to maintain a broad balance between homes and jobs and to maintain a diverse economic base.

Policy S8 – 'Distribution of Jobs' requires the majority of new job growth to be concentrated within the principal urban area of Northampton.

Policy S10 – 'Sustainable Development Principles' requires development to achieve the highest standards of sustainable design and to be designed to improve environmental performance and energy efficiency.

Policy S11 – 'Low Carbon and Renewable Energy' requires major development to contribute to reductions in carbon emissions. Proposals should be sensitively located and designed to minimise potential adverse impacts on people, the natural environment, biodiversity, historic assets, should mitigate pollution and should achieve a minimum rating of at least BREEAM Very Good standard.

Policy BN1 – 'Green Infrastructure' requires that measures to enhance existing and provide new green infrastructure provision be designed and delivered sustainably.

Policy BN2 – 'Biodiversity' requires that the ecological assessment of sites be carried out where development has the potential to harm sites of ecological importance and states that development will be supported when a net gain in biodiversity is achieved.

Policy BN4 – 'Upper Nene Valley Gravel Pits Special Protection Area' requires that new development will need to demonstrate that there will be no significant adverse effects upon the integrity of the Special Protection Area.

Policy BN5 – 'The Historic Environment and Landscape' requires that the settings and landscapes of designated and non-designated heritage assets will be conserved and enhanced in recognition of their individual and cumulative significance. Heritage and landscape features, such as conservation areas and significant historic landscapes, that contribute to the character of an area should be sustained and enhanced. Policy INF2 – 'Contributions to Infrastructure Requirements' requires that development will only be permitted if the necessary on and off-site infrastructure that is required to support it, and mitigate its impact, is either already in place, or there is a reliable mechanism in place to ensure that it will be delivered.

6. CONSULTATIONS/ REPRESENTATIONS

- 6.1 Consultation of local neighbours and consultees has been undertaken and a number of responses have been received in respect to N/2014/0068. The consultation has included two re-consultation exercises following the receipt of additional information pursuant to a request from the Council for further information pursuant to Regulation 22 of the Environmental Impact Assessment Regulations (2011). The latest 21-day re-consultation period is due to expire on 17th July 2014 (following the publication of this Committee Report). Any further responses received shall be reported to Members through the Addendum. Representations received to-date are summarised as follows:
- 6.2 **NBC Environmental Health:** In terms of contamination, the site investigation report submitted with the application is considered to be satisfactory in its scope and methodology. Parts of the site have yet to be investigated; therefore suitable planning conditions are suggested.

In relation to noise, the survey and assessment methodology followed is considered to be appropriate. Issues associated with the use of reversing sirens have been considered and the layout provides shielding by the building to noise sensitive premises. The implementation of noise mitigation measures should be conditioned. The developer's purchase of 'Little Norway' is a positive step in ensuring that noise protection is provided for this site.

In relation to air quality, a statement of intent in respect to air quality mitigation measures has been submitted and precise measures need to be finalised, which could be conditioned.

The lighting details that have been provided detail a framework and methodology for a further fuller submission on lighting – the standards that need to be met are agreed. Suitably worded planning conditions, to include the requirement for a detailed lighting scheme to be submitted, should be imposed in the interests of appropriately controlling illumination.

6.3 **NBC Conservation:** The key issues are whether the proposed development retains the special interest of the setting of the listed buildings and preserves or enhances the character and appearance of the setting of the Great Houghton Conservation Area. It is possible to understand Great Houghton within its wider context and there is a green 'buffer zone' between the village of Great Houghton and the

urban / industrial development surrounding Northampton, this would be permanently obliterated by the proposed development (and the bund designed to mitigate its impact). There would be a significant detrimental impact upon the character and appearance of the Great Houghton Conservation Area. The development therefore needs to be considered in light of paragraphs 132 and 133 of the NPPF where 'substantial public benefits' that outweigh the 'substantial harm' to the setting and context of the heritage assets would need to be demonstrated. The 50 additional jobs in the locality are not seen as proportionate to the size and scale of the development. The remodelling of the landscape bund is not considered to mitigate the impact of the development upon the setting of the heritage assets.

- 6.4 **NBC Arboriculture:** Due to the loss of high quality trees along the northern boundary to accommodate the entrance road and gatehouse, it is felt that the application should be refused. The overall principle of development is however acceptable and the reconfiguration of the entrance should be looked at so as to accommodate these trees. An Arboricultural Method Statement would be required to be secured via condition should the application be approved.
- 6.5 **NBC Urban Design:** The layout and location of the proposed development is related to the very functional nature of the existing Brackmills Industrial Estate. Mitigation by way of the earth bunding (of up to 18m in height) and landscaping is designed to screen views of the warehouse from Great Houghton and the proposed diverted footpath. Concerns are raised with the impact of such major landform on long distance views from the edge of Great Houghton and how it affects the setting of Great Houghton, its conservation area and listed buildings. Revising the design and integration of the bund offers the scope to create a lower structure that appears to be more natural in form and more appropriately landscaped.

The revised proposals, including the re-profiled bund, effectively follow the advice given by the independent landscape consultants. It needs to be considered if these revisions satisfy heritage concerns. There are concerns about the impact of the development on Little Norway. No details have been submitted in respect to the potential omission of a contrasting eaves trim to the building.

- 6.6 **NCC Development Management:** The development shall lead to additional demands being placed upon the Fire and Rescue Service resources, a contribution towards local fire and rescue infrastructure costs should be sought or, alternatively, sprinkler systems should be installed throughout the development. New developments also generate a requirement for additional fire hydrants.
- 6.7 **NCC Highways:** The Transport Assessment along with the addendum documents are considered to be acceptable subject to the implementation of all of the proposed mitigation measures at affected junctions. The Travel Plan is approved. The proposed highways

access and stopping-up arrangements are acceptable subject to a planning condition securing the work. No objections in principle to the diversion of public footpath KU9.

- 6.8 **NCC Archaeology:** A geophysical survey and targeted trial trenching were requested at pre-application stage to inform the Environmental Statement. It is clear from the work that has been undertaken that the south eastern part of the proposed development area contains a distinct and contiguous area of archaeological activity. The site also contains an extensive area of ridge and furrow with various orientations. The ridge and furrow is very well preserved in places and while not selected as nationally important does form part of the landscape of the area. The proposed development will have a detrimental impact upon any archaeological deposits present; this does not however represent an over-riding constraint on the development provided that adequate provision is made for the investigation and recording of any remains that are affected. A programme of archaeological work should be secured via condition should the application be approved, to include detailed drawings and methodologies with regard to construction activities.
- 6.9 **Highways Agency:** The Agency is content to lift its original holding objection. Arrangements for the payment of an appropriate contribution towards the Northampton Growth Management Scheme have been agreed.
- 6.10 **English Heritage:** Objection; the open character of the development site along with the ridge and furrow cultivation remains makes a strong positive contribution to the rural setting and historic interest of the Conservation Area of Great Houghton. The proposals would result in substantial harm to the setting of the Conservation Area and its listed buildings.
- 6.11 **Anglian Water:** A surface water management strategy should be secured via condition should planning approval be granted
- 6.12 **Environment Agency:** Initial objection on flood risk grounds. Following the submission of additional information, the surface water drainage for the site has now been explained in full detail. The majority of the site is to be positively drained through the surface water system and the discharge from the site is not increased. The original objection is withdrawn. A planning condition should be attached to any approval securing compliance with the submitted Flood Risk Assessment.
- 6.13 **Natural England:** The application site is in close proximity to the Upper Nene Valley Gravel Pits Special Protection Area (SPA) / Site of Special Scientific Interest (SSSI), which is a European site afforded protection. The proposals would not represent a loss of supporting habitat to over-wintering birds. A series of surveys have been undertaken to prove this; there are no other likely impacts upon the SPA. No objections subject to the proposed development being

carried out in strict accordance with the details of the application as submitted.

- 6.14 **Northants Police:** No formal objection, security tested doors and windows are proposed in addition to secure boundaries and CCTV. Uniform lighting levels should be provided in addition to full cycle storage details; these could be secured via condition.
- 6.15 **Western Power:** No objections on the basis that the developer contacts Western Power prior to work commencing in order to discuss any alterations to the electricity network.
- 6.16 **The Ramblers Association:** No objections to the application. The proposed diversion of Public Footpath KU9 is accepted, which should be constructed to a minimum width of 1.8m and be an all-weather surface. Any new planting should be implemented in such a way so as not to obstruct the footpath.
- 6.17 **South Northants Council:** No objections in principle, but concerns relating to the suitability of this particular site and the impact of the development upon the rural character of the area. Alternative sites should be considered fully before any approval is granted.
- 6.18 **Great Houghton Parish Council:** Objection to the application. The scheme would permanently destroy an important rural setting and the quality of life of Great Houghton villagers. The site is unsuitable for a development of this scale and type. The development would not be sustainable and would be in non-compliance with the National Planning Policy Framework and with saved Local Plan policies. The Parish Council is supportive of the needs of major local employers, but the consideration of the application must assess other implications, such as environmental, social and heritage aspects. It is believed that other, more suitable, sites are available in the Northampton area.

It should be made clear what form of screening is proposed to the disused railway line, appropriate drainage in this area of the site needs to be considered. Further investigation into alternative sites is required. A future concern would be if the new bespoke premises were vacated in the future, it would be difficult to find a new occupier. The submitted emissions report does not address the cumulative effect of the increase in traffic movements. It is not felt that the issue of additional traffic movements and associated congestion have been adequately addressed. The loss of significant trees along the boundary is unacceptable.

6.19 **Little Houghton Parish Council:** Objection to the application. Congestion on the A428 is already severe; the additional traffic from the proposed facility shall make the situation intolerable. Any increase in traffic can only lead to greater risk of accidents and more 'rat run' traffic through Little Houghton.

- 6.20 **Hardingstone Parish Council:** Objection, a development of this size and function would be totally unsuitable for the site in non-compliance with local planning policies.
- 6.21 Brackmills Industrial Estate Business Improvement District (BID): Support for the application subject to measures being secured to ensure both nil detriment to the current business community and a further security enhancement to the estate, including cycle path upgrades and highway junction enhancements
- 6.22 Objections have been received from 58 different addresses as a result of the three separate consultation exercises. In addition a petition of objection to the scheme has been submitted signed by 358 local residents. The comments / objections that have been received can be summarised as follows:

2, 8, 11, 14, 18, 24, 26 Atterbury Way; Chartlands, 9 Cherry Tree Lane; 5, 10 Dobson Close; The Old Rectory, 5, 7, 7A, 17, 32A, 32B, 36A, 45, 46, 48, 75 High Street, Gt. Houghton; 7, 10 Keats Close, Gt. Houghton; 3, 14, 15, 20, 21, 29, 43 Limefarm Way, Gt. Houghton; 1, 3 Rectory Close, Gt. Houghton; 1, 2, 7 Paget Close, Gt. Houghton; 1A, 5, 7, 12, 18, 24A The Green, Gt. Houghton; 2, 8, 35 Willow Crescent, Gt. Houghton; 1A, 20A Willow Lane, Gt. Houghton; 2, 3, 4, 5, 11, 12, 14 Wymersley Close, Gt. Houghton; 18 Canal Lane, Deanshanger; Blue Goose Property Company Limited, Capstone, Forest Hill, Oxford; ProBike Ltd, Sterling Business Park, Brackmills.

- The proposals are contrary to national and local planning policy, the development would not be sustainable. The site is allocated as green space and as a special landscape area and should be retained in these capacities.
- Inadequate justification has been provided as to why alternative sites cannot be considered.
- The development would extend beyond the boundaries of the Brackmills Industrial Estate and would encroach into an important 'buffer zone' located between the estate and the village. The scheme would provide for a major step towards settlement coalescence.
- The proposals, in light of their scale, would have an adverse visual impact. The proposed bund would provide for a huge visually unappealing wall of earth and would only mitigate in selected places.
- The historic ridge and furrow landscape would be destroyed.

- The setting of the Great Houghton Conservation Area would be adversely impacted upon and the rural character of the area would be lost.
- The proposals would set a precedent for other similar inappropriate developments.
- If built and subsequently vacated the development would be an unnecessary and permanent blot on the landscape.
- The numbers of jobs associated with new warehousing are relatively low. The application represents an amalgamation of existing operations and would provide limited job creation that would be unable to provide adequate justification for the development.
- The proposals would exacerbate traffic congestion most notably along the A428. Pedestrian safety would also be adversely impacted upon.
- The scheme would exacerbate flood risk concerns in this area of the town; the site requires appropriate drainage.
- The development would have adverse air quality impacts, particularly given the high number of HGVs that would visit the site.
- It is unclear if adequate car parking is to be provided and how many HGV movements will be necessitated; the development will impact upon the highway network.
- The development would lead to light and noise pollution, particularly given the proposed 24 hour use of the site. Noise complaints have already been made from residents in Great Houghton related to industrial noise emanating from the estate; this problem would be exacerbated. The proposed mitigation measures are unclear.
- The scheme would have an adverse impact upon natural habitat along the dismantled railway line, for example, where potential bat habitat would be adversely impacted upon through tree losses.
- 6.23 In respect to the footpath diversion application (N/2014/0545), notwithstanding the lack of any requirement to undertake consultation of residents at this stage, objections have been received from 4 addresses and can be summarised as follows:

1 Rectory Close; 36a High Street; 35 Willow Crescent; 15 Winchester Road.

- The current route constitutes a direct path whilst the new route would be longer, indirect, meandering, dark and isolated sandwiched between a bund and the school.
- The new path would be subject to poor air quality and noise pollution from adjacent industrial operations.
- It would be irresponsible to locate the footpath adjacent to school playing fields.
- The sole reason for the diversion is to locate a development that is in contravention to local planning policy.

7. **APPRAISAL**

Principle of development

- 7.1 The NPPF advises that applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework places considerable importance on the need to have an up-to-date development plan and that where the development plan is out of date Local Planning Authorities are advised to grant planning permission unless any adverse impacts of doing so would demonstrably outweigh the benefits, when assessed against the policies of the Framework as a whole.
- 7.2 As stated in Paragraph 18 of the NPPF, the Government is committed to securing economic growth in order to create jobs and prosperity significant weight should be placed on the need to support economic growth through the planning system.
- 7.3 The proposals have a named intended end occupier, this being Carlsberg who is an existing commercial operator in Northampton and one of the town's long established major employers. The company employs approximately 300 employees at its brewery site, a further approximate 200 employees within its UK Headquarters on Bridge Street and a further approximate 180 employees at its National Distribution Centre at Swan Valley. It is estimated by the applicant that the proposed development would constitute financial investment in the town of £35-40 million.
- 7.4 It is stated within the applicant's submission that the development would be expected to create 50 new jobs whilst safeguarding and consolidating Carlsberg's existing operations across the town, which would become focussed to this site. These new employment opportunities would be provided alongside multiplier effect jobs in the supply chain and support services. Furthermore, Carlsberg's existing National Distribution Centre at Swan Valley would be vacated following transition to the new premises, therefore providing a prime-located 28,000 sqm facility for the potential occupation of other businesses.

- 7.5 The scheme would sit comfortably alongside the strategic framework provided by the submitted policies contained within the West Northamptonshire Joint Core Strategy, which set out requirements to provide for a minimum of 27,500 additional jobs to complement planned housing growth in the period 2008 2029.
- 7.6 A critical element of establishing the principle of development is the consideration of alternative sites for development. The process of examining alternative sites and development options is also a specific requirement of the EIA Regulations (2011). As detailed within the submitted Environmental Statement (ES), potential alternative sites for assessment were informed by (and restricted to) Carlsberg's specific accommodation requirements. These requirements are set out in the ES and include the site being of an approximate 20 ha in size and able to accommodate a single warehouse building of 60,000 sqm. Furthermore, convenient access to the strategic highway network is necessary whilst any site would be required to be immediately available to meet Carlsberg's operational timescales, i.e. occupancy and operation by autumn 2015.
- 7.7 The research that has been undertaken in respect to alternative sites is contained within the ES and is informed by the opinion of commercial agents. This work identified five sites with potential for immediate strategic scale warehouse development and, in addition, has noted the proposed strategic employment site allocation (as part of the submitted WNJCS) at Junction 16 of the M1. The five identified sites are situated at Milton Ham (15.23 Ha), Pineham (12.4 Ha); Brackmills (10Ha) and Grange Park (9.4Ha and 7.5Ha). These have been discounted in the ES for reasons of either lack of availability (i.e. owned / controlled by other strategic businesses) or because they are not of sufficient size to accommodate the scheme.
- 7.8 Following initial assessment of the ES, it was acknowledged that the majority of the work undertaken in respect to alternative sites is robust; it is accepted that there is a distinct lack of potential and available employment sites that meet the specific requirements of Carlsberg. Notwithstanding this, it was noted and communicated to the applicant that further justification was required in respect to specific sites that have been put forward for allocation as strategic employment sites as part of the Joint Core Strategy site selection process. These sites are namely Junction 16 of the M1 and the proposed Pineham extension. Pineham was one of the five sites initially identified by the applicant, but was discounted on size limitations, the site has subsequently been extended from 12 ha to 34 ha. Given the scale/extent and apparent suitability of these sites, it was felt that they needed to be comprehensively appraised whilst factoring in reasonable timescales for availability and occupational requirements.
- 7.9 The applicant, in response to the Council's request for further information, has submitted further letters of justification that seek to tackle the reasons for selecting the application site and to provide

further site-specific analysis in respect to discounted sites. It is stated that Carlsberg require practical completion no later than the end of second / early third quarter of 2015 based on agreed corporate timings for the delivery of the new facility. It has been explained that, following recent investment into the Northampton Brewery, stock holding requirements have grown and have necessitated the increased use of outside storage locations throughout the town. The existing distribution centre at Swan Valley has approximately half of the required capacity, which would be provided in full by the proposed development. The present operation, it has been explained, is considered inefficient and unsustainable in this context.

- 7.10 The potential use of the Junction 16 site has been discounted by Carlsberg for a number of reasons. There is multiple land ownership across the site, which would have implications in the context of how expediently the land could be brought forward for development, i.e. the promoters of the site would need time to acquire the land and to prepare pre-application surveys and reports before submitting a planning application. Furthermore, these procedures would be dependent upon the site becoming allocated via a favourable outcome of the WNJCS Examination in Public.
- 7.11 It has also been stated that the new facility must be located within 5km of the brewery so as not to require to be bonded by HMRC, which would have implications in terms of the future efficient operation of the warehouse. The Junction 16 site does not fall within this specified distance. An administrative burden would be placed upon Carlsberg because every movement of stock from the brewery to the site would need to be reported on a daily basis to HMRC and the duty liability would arise at the point the beer left the brewery.
- 7.12 The proposed Pineham extension has also been discounted by Carlsberg. The site was initially considered and discounted for the reason that it was not large enough to accommodate Carlsberg's requirements. The site area has recently been extended. However, it has been stated that the indicative configuration of the site shows that it is unlikely to provide the critical dimensions required, no further specific details have been provided on this point and at the time of writing the report are awaited and will be reported as an addendum. Carlsberg's corporate timescales for delivery would also be compromised, it is analysed that delivery would be some 12-18 months behind their business strategy requirements, again further information on this issue is awaited and will be reported as an addendum.
- 7.13 Subject to receiving this additional information formally in writing, it is considered that sufficiently robust information has been provided to demonstrate that realistically deliverable sites (that meet the individual requirements of the identified end occupier) are not available. It is accepted, subject to the additional information, that both of the potential sites identified for individual assessment by the Council are not in the position to be developed imminently. Neither site has yet

been formally allocated nor have preliminary pre-application discussions commenced. There would undoubtedly be delays associated with readying the sites for development and the applicant has raised doubts that the Pineham site would offer appropriate dimensions within which to accommodate development.

- 7.14 Whilst further information is awaited on the Pineham site, it is concluded that alternative site options have been comprehensively explored and that no reasonable alternatives exist. The named end-occupier has demonstrated and applied adequate flexibility in respect of their occupational requirements when discounting potential other sites for the development.
- 7.15 In the context of the work done to discount alternative sites, it should be noted that the application site, whilst not allocated for business use, is located directly adjacent to the designated Brackmills Industrial Estate and existing employment uses. The orientation of the layout of the proposed development would ensure that the warehouse would have a direct operational relationship with the industrial estate. The northern elevation would incorporate the main areas of activity; i.e. the office element and the majority of the proposed loading docks.
- 7.16 Whilst the application site has a direct relationship with the Brackmills Industrial Estate and the scheme would clearly provide economic growth in order to create jobs and prosperity in compliance with the NPPF and the target for job creation identified in Policy S7 of the submitted WNJCS, it must be noted that there are other key considerations and site constraints that need to be factored into the decision-making process, not least the site's Local Plan allocation as 'Greenspace' and as a 'Locally Important Landscape Area' and its proximity to Great Houghton Village and its designated heritage assets. These specific matters shall be considered in the following sections of this report.

Design & Landscaping

- 7.17 The Northampton Local Plan was adopted in June 1997. The application site is allocated as 'Greenspace' under Policy E6 of the Local Plan. The policy states that planning permission should only be granted where the proposed development would not unacceptably prejudice the function of such areas. In accordance with the schedule of sites identified as Greenspace (Appendix 2 of the Local Plan), the specific area containing the application site serves to create space between development and surrounding areas and is important to maintain in order to reduce future impact of development upon surrounding areas.
- 7.18 The site is also designated as a 'Locally Important Landscape Area' under Policy E9 of the Local Plan. This requires special importance to be attached to the effect upon the character of such areas when considering the impact of proposed development upon the landscape.

In the supporting schedule of landscape characteristics that make each area locally important (Appendix 28 of the Local Plan), it is acknowledged that the site provides one of the few areas of 'ridge and furrow' within the boundary of Northampton and, as such, provides historically important landscape and an appropriate setting for the village of Great Houghton.

- 7.19 Whilst Policies E6 and E9 of the Local Plan still hold relevance, more recent policy changes such as the NPPF and the WNJCS as submitted for examination are a relevant and material consideration. Policies E6 and E9 do however demonstrate a degree of compliance with the contents of the NPPF and WNJCS. Most specifically paragraph 109 of the NPPF notes that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and by providing net gains in biodiversity where possible. The WNJCS, under Policy BN5, states that heritage and landscape features that contribute to the character of an area should be sustained and enhanced and also recognises the importance of ecological resources on individual sites.
- 7.20 Incorporated within the ES is the chapter 'Landscape & Visual Resources', which sets out the methodology and assessment criteria adopted and the likely significant landscape and visual effects which will arise as a result of the proposed development. It is recognised as part of this work that the land within and adjoining the site serves an important function in providing a break / buffer between the existing edge of the Brackmills Estate and Great Houghton.
- 7.21 A detailed visual assessment was undertaken as part of the ES work in order to identify receptors that have a viewing opportunity over, towards or within the site so as to establish the approximate extents of the visibility of the site. It is analysed within the ES that existing development on the Brackmills Industrial Estate together with established hedgerows along the A428 corridor reduce viewing opportunities from the west and north. The main views towards the application site, which are most likely to be sensitive to the development of the site, are from residences and receptors that have restricted views towards the site from the edge of Great Houghton. Furthermore, Little Norway adjoins the western site boundary and would be afforded close-proximity views. There would also be views from public rights of way that extend through or in close proximity to the site.
- 7.22 A number of key landscape design issues are identified within the ES. In order to address views towards the proposed development, particularly from the edge of Great Houghton and public footpaths to the south east, the need to screen the development whilst positively assimilating the necessary ground modelling and earthworks with the existing landscape and topography are highlighted as key issues.

- 7.23 In the context of Policies E6 and E9 of the Northampton Local Plan, which designate the site as 'Greenspace' and as a 'Locally Important Landscape Area' respectively, the ES notes that the encroachment of the development within these designated areas would be permanent and irreversible. The inclusion of a significant swathe of mounding and associated landscape proposals around the south and east of the site would however significantly reduce and mitigate these specific effects. A buffer would be maintained between the resultant extended Brackmills Industrial Estate and Great Houghton, with the reduction in physical size and width of this area being compensated for by the strong and enduring landscape edge that would be provided.
- 7.24 It is concluded within the ES that the operational effects of the development upon visual receptors (including the nearest settlements and public rights of way) would be 'Minor / Moderate Adverse' when factoring in the residual effect of the implementation of the proposed landscape framework (including bunding / earthworks).
- 7.25 In light of the significant size and scale of the proposed development and associated earthworks, the Council commissioned external consultants (+PlusUD) to undertake an Independent Landscape & Design Review (Review). This was for the purpose of examining (from the professional perspective of a landscape architect) the landscape and urban design case put forward by the applicant within the application and accompanying ES.
- 7.26 The Review has highlighted that the proposals have a logical strategy, in that the west and north facing sides of the newly proposed building represent a functional response to the wider industrial estate environment whilst, to the south and east, an engineered bund would be intended to reduce the full impact of the building mass recognising the sensitivity of the setting of Great Houghton.
- 7.27 Within the Review, it is noted that the scheme represents a significant change when compared to the existing view from Viewpoint K (view west from Public Footpath KU9 at the western edge of Great Houghton). Notwithstanding the historical context of the view towards Northampton, it is noted that the screening and earthworks could provide the Great Houghton Conservation Area and Listed Buildings with a greater sense of removal from the encroaching urban edge of Brackmills Industrial Estate. It could therefore be considered beneficial in the context of preserving the rural independence and setting of the village.
- 7.28 A key recommendation of the Review was that the design and profile of the bund is revisited in the interests of providing natural contouring and a variety of gradients. Such re-design would offer the opportunity to soften the hard top edge profile of the bund, which would be at its most visible during the first ten years following development (i.e. before the new associated landscaping has matured).

- 7.29 The applicant, in response to the findings of the Review, has accepted that re-profiling could soften the appearance of the bund. Revised details, consisting of a levels plan, landscape strategy and photomontage, have been submitted and re-consulted upon. The visualisation indicates clear variations in the ridge height of the bund, whilst still providing comprehensive visual screening to the building. +PlusUD has confirmed that the modified approach is far more convincing and is appropriate in their view.
- 7.30 In association with the re-profiling of the bund and in accordance with the recommendations of the Review, the Landscape Strategy has also been revisited by the applicant. The proposed native woodland planting would be concentrated to the outer slopes of the bund. Such planting would be used to reinforce existing planting gaps alongside the dismantled railway link (that runs the southern side of the application site), this would provide suitable mitigation to soften the impact of the bund along this footway / cycleway link. Planning conditions would be required to secure the final specification and subsequent implementation of soft landscaping.
- 7.31 A further design recommendation raised in the Review is that any contrasting eaves trim and related decoration, which could unwittingly emphasis the top of the building against the sky, is removed from the detailed design. This would appear to be an appropriate recommendation in the interests of minimising the visual impact of the proposed development. A planning condition would be applied should planning permission be granted to secure full details / samples of external-facing materials. The applicant has agreed that any coloured trim could be omitted from the final design.
- It is acknowledged that the visual / landscape impact of the scheme 7.32 upon the residential receptor of Little Norway would be pronounced. The built extent of the development would however be situated approximately 250m away from the eastern boundary of Little Norway. development would not therefore The be overbearing or overshadowing in this context. A 5m 'green wall' would be erected upon the boundary between Little Norway and the proposed external storage yard, this would aid noise mitigation (see 'Noise' section below) as well as providing an appropriate visual barrier to the service yard in the interests of safeguarding residential amenity. The detailed specification of the 'green wall' would be secured via condition. It would be located approximately 20m from the nearest external façade of Little Norway so as not to have an overbearing effect in its own right.

Heritage

7.33 It is recognised within the NPPF that heritage assets are an irreplaceable resource that should be conserved in a manner appropriate to their significance. As highlighted within paragraphs 132 and 133 of the NPPF, when considering the impact of proposed development on the significance of a heritage asset, great weight

should be given to the asset's conservation with any harm or loss requiring clear and convincing justification. Substantial public benefits would be required to outweigh any substantial harm.

- 7.34 The submitted ES lists the designated heritage assets located in close proximity to the application site and assesses the role of the development site in the context of contributing to the significance and setting of these heritage assets. This work concludes that the development site plays a negligible role in contributing to the significance of each listed building, including the Grade II* Listed Church of St. Mary located 220m west of the development site.
- 7.35 The ES concludes that the development site plays a minor role in respect to the conservation area because there are no significant views from the conservation area over the development site, although it does provide a degree of separation between the town and the village. The proposed woodland landscaping works, as they mature, would aid in creating a barrier between the development site and conservation area.
- 7.36 English Heritage has objected to the application, they are of the opinion that the open character of the development site along with the ridge and furrow cultivation remains makes a strong positive contribution to the rural setting and historic interest of the Conservation Area of Great Houghton. They consider that the scale and extent of the proposed development would constitute substantial harm to the setting of the Conservation Area of Great Houghton and its listed buildings.
- 7.37 The scheme has also received objections from the Council's Conservation Section. Although the conclusions of the Independent Landscape Review have been noted, Conservation has stated that, although views and visual considerations are significant, these are not the only relevant elements of setting. The surroundings in which a heritage asset is experienced should be the principle consideration, for example, changes to built surroundings and spaces, changes to skyline and changes to general character. The development would necessitate the loss of an important green buffer zone that frames the setting of Great Houghton as a separate entity to the town of Northampton. The scheme, it is stated, would constitute substantial harm to the setting of the Great Houghton Conservation Area and its listed buildings.
- 7.38 In respect to the ridge and furrow landscape that would be lost to the development, it is first important to note that this feature constitutes a non-designated heritage asset it is not selected as nationally important (as confirmed by NCC Archaeology). Although its loss would be regrettable, it is not considered that there would be a significant adverse impact upon the village of Great Houghton.
- 7.39 The Independent Landscape & Design Review has noted that, notwithstanding the proposed development, a ridge and furrow field would be retained between the newly proposed bund and the nearest

dwellings in Great Houghton. In support of the application, the applicant's heritage consultants have noted that the village exhibits a historical settlement pattern developed over time along a straight axis. In this context the agricultural and rural setting of the village plays a minor role in creating or adding to the significance of designated heritage assets. This is consistent with the findings of the Review where it is noted that the village is inward looking and enclosed with very little general outlook over the ridge and furrow landscape.

- 7.40 The adverse impact of the development upon the setting of the Great Houghton Conservation Area and its listed buildings (designated heritage assets) and the weight to be afforded to this adverse impact is critical to the decision-making process on this application. Both English Heritage and the Council's Conservation Section have identified 'substantial harm', which is at odds with the conclusions of the relevant section of the ES.
- 7.41 As part of a request for further information from the applicant under Regulation 22 of the Environmental Impact Regulations, it was requested that the applicant revisit and amend their proposed mitigation measures in this area to deal with English Heritage's concerns. The resultant statement (Cgms Consulting, 28th April) reiterates the findings of the ES and states that less-than-substantial harm would result. The additional submission concludes that, in their view, the agricultural and rural setting of the conservation area formed by the application site, whilst playing a role in creating the significance of the conservation area, does not form a major part of its significance.
- 7.42 Referencing back to paragraphs 132 and 133 of the NPPF, substantial harm to designated heritage assets should only be justified by substantial public benefits. In this instance, as outlined within the 'Principle of development' section of this report, the development would serve a long-established major employer within the town and would constitute major, multi-million pound investment to the benefit of the local economy.
- 7.43 The applicant has been accommodating in terms of factoring in the requests of the Council's appointed independent landscape professionals and it is considered that the re-profiled bund approach offers an acceptable scheme in landscape and visual terms.
- 7.44 It is acknowledged that the economic benefits of the scheme should not automatically take precedence over all other factors, a balanced planning decision should be made with appropriate weight being afforded to the key issues. English Heritage, as well as the Council's Conservation Section, provides professional and well-researched advice that should always be duly considered and weighted in planning decisions. In this case however, which is finely balanced, it is considered that in light of the confirmation received from the Council's appointed independent landscape consultants that they consider that the re-profiled bund is acceptable in landscape and visual terms, the

appropriate recommendation is for the approval of the application (subject to the due consideration of the remaining issues to be discussed below).

Archaeology

- 7.45 The submitted ES is supported by archaeological information contained within the 'Cultural Heritage' chapter. An initial geophysical survey of the site has been followed by a programme of trial trenching. The trenching recorded evidence of settlement activity dating from the middle Iron Age to Roman periods focussed on the higher ground to the southern end of the application site. The recorded below-ground remains present are not considered to be of the highest significance (i.e. of national importance) to warrant their preservation in-situ, but are important in a local and regional context.
- 7.46 NCC Archaeology has commented upon the archaeological work undertaken and has noted that the south eastern part of the proposed development area contains a distinct and contiguous area of archaeological activity. The building and proposed land-works will impact upon these remains, but this does not represent an overriding constraint to development. This is subject to adequate provision being made for the investigation and recording of any remains that are affected, which can be conditioned. The programme of archaeological work shall need to provide detailed drawings and methodologies with regard to construction activities.

Highways & Rights of Way

- 7.47 Contained within the 'Transport and Access' Chapter of the ES is a Transport Assessment (TA) and Travel Plan (TP). The TA considers the potential transport and highways impact of the proposals including the impact of the development generated traffic on the capacity and safety of the surrounding road network and the implications for public transport, pedestrian and cycling movements.
- 7.48 The scheme would include a number of transport measures and improvements. The off-site highway improvements proposed would involve kerb realignment and lane marking alterations to the Bedford Road / Rushmills Road and Bedford Road / Liliput Road roundabouts in the interests of offering increased capacity and reduced queuing. Furthermore, carriageway widening is proposed to the eastbound Bedford Road exit arm from the Barnes Meadow Roundabout to offer reduce morning peak hour queuing. A financial contribution towards highway improvements on the A45 corridor as part of the Northampton Growth Management Strategy (NGMS) is also proposed.
- 7.49 The access into the site would be provided via an extension to the existing southern arm of the Liliput Road roundabout that already serves the new Brackmills Point development. This would provide HGVs with access to parking, loading bays and an external storage

area within the site. A car parking facility would be provided to the northern side of the site with separate access points provided from Weddell Way and from the main access route into the site. A pedestrian access bridge would provide a direct route from the car park to the office element of the proposed distribution centre without conflict with HGV movements.

- 7.50 The submitted TA has assessed the baseline situation on site, including acknowledgement of the good location of the site in the context of being able to encourage cycle-based travel (proximity to designated routes) and travel by bus (good accessibility to frequent The TA also contains comprehensive trip local bus services). generation forecasts in the interests of quantifying the impact of the development upon the local transport system. The forecasts have been based upon empirical data from surveys of similar development elsewhere and information provided from Carlsberg as regards their anticipated operations. This data has been used in specific junction analysis (the coverage and test scenarios of which were agreed with the Local Highway Authority). The results of this work have informed the scope of the off-site highway improvement works required to ensure at least a nil-detriment impact from the development in terms of junction and highway capacity.
- 7.51 The Local Highway Authority (LHA) has confirmed that the TA (with supporting addendum documents) is fit for purpose, subject to the implementation of all of the mitigation measures outlined within the TA. The submitted Travel Plan, the detail of the proposed access into the site and the internal layout of the site have also been approved by the LHA subject to conditions requiring the applicant to undertake such highway improvement works in accordance with a formal Section 278 Agreement to be entered into with the LHA.
- 7.52 It is confirmed within the TA that the proposed level of car parking (307 spaces); lorry parking (177 spaces) and cycle parking (40 spaces) has been led by consideration of the Local Highway Authority's standards and the operational requirements of Carlsberg. The levels proposed appear commensurate to the type and scale of development proposed and have drawn no objections from the Local Highway Authority.
- 7.53 The applicant is seeking to permanently divert Footpath KU9 to enable its re-alignment to avoid interference with the built extent of the proposed development and associated earthworks. The Council may by order authorise this diversion if satisfied that it is necessary to enable development to be carried out. The Local Highway Authority has no objections in principle to the proposed re-alignment, subject to being provided with a copy of the draft order before it is made. The Ramblers Association also have no objections in principle subject to any new pathway being constructed to an appropriate specification.
- 7.54 It is considered that the proposed re-alignment of the footpath is appropriate. The re-alignment is logical so as to ensure that the

footpath is a level and readily useable route. The visual impact of the development is proposed to be mitigated via significant earthworks to provide a bund around its southern and eastern sides. The new route would avoid the steep topography of the bund's slopes, as it would essentially run the perimeter of this feature.

7.55 The diversion would not unduly inconvenience users of the footpath, its re-alignment would not greatly increase the distance of the route so as to prejudice its usability. Furthermore, it is proposed that the route be upgraded from a grassed link to a 2m wide tarmac surface with concrete edgings. Should planning permission be granted, an order would be made under Section 257 of the Town and Country Planning Act 1990. This would be formally consulted upon. The order, if opposed, would not take effect unless confirmed by the Secretary of State.

Tree Retention

7.56 The Council's Arboricultural Officer has noted that the proposed access alignment would necessitate the removal of high quality tree specimens along the northern boundary of the site. It was requested that the access alignment be revisited in the interests of potentially retaining existing trees in this location. The applicants have however confirmed that there is no scope to re-align the access route because of the space constraints of the site. It is acknowledged that the loss of trees along the boundary is regrettable. The scheme however, in overall terms, would see a great increase in tree cover through new tree planting, including high-quality tree planting around the entrance to the site. Planning conditions would be imposed to secure the full details of proposed tree / hedgerow retention, new planting and future maintenance, as well as an Arboricultural Method Statement to secure full details of works and protection measures to be undertaken to retained trees across (and adjoining) the site.

Ecology

- 7.57 The Upper Nene Valley Gravel Pits SPA (Special Protection Area) / Ramsar site is an internationally designated series of water bodies that serves important populations of breeding and over-wintering birds. The closest part of the SPA lies approximately 400m to the north of the northern boundary of the application site. Furthermore, the national importance of this feature is also recognised via its designation as a SSSI due to the nationally important breeding and over-wintering populations of birds and wet woodland habitat.
- 7.58 Development of the application site shall not result in the direct loss of habitat within the Upper Nene Valley Gravel Pits SPA / Ramsar. However, the capacity of such to support internationally important species can be dependent upon their surrounding habitats. Accordingly the ES is supported by over-wintering bird surveys (undertaken between the months of October and December), no bird

species of special interest were recorded as part of this survey and it is concluded within the ES that it is reasonably unlikely that the application site is used by significant numbers of golden plover or lapwing.

- 7.59 Natural England within their consultation response has confirmed that the applicants have undertaken appropriate work to demonstrate that the site is not used by any bird species for which the Ramsar site was designated. Natural England has also advised that the proposals, if carried out in strict accordance with the details of the application, will not damage or destroy the interest features for which the site was notified; the SSSI designation does not represent a constraint in determining this application.
- 7.60 Further to the bird survey work referenced above, the application is supported by a suite of additional survey work relating to various protected and notable species including Badgers, Bats, Great Crested Newts, Reptiles and Water Voles. It has assessed through the ES that the scheme would not provide for any residual adverse effects upon existing fauna. The creation of woodland, grassland and wetland habitats as well as the provision of green infrastructure would provide for enhanced breeding and foraging habitats for such species.
- 7.61 A single active badger sett has been identified within the confines of the application site. The sett is however located outside of the main proposed development areas and, subject to precautionary construction activities being undertaken, it is considered that any potential disturbances to the sett can be mitigated. In terms of residual operational impacts, optimum foraging habitat would be provided and previous commuting routes maintained.
- 7.62 It should be noted that the survey work highlighted the presence of Great Crested Newts (GCNs). A series of aquatic surveys were carried out upon a total of five ponds located either within the application site or within 500m of the site's boundary. The presence of GCNs was confirmed in one of the ponds; a small shallow field pond located within the site adjacent to its western boundary.
- 7.63 In light of the recorded presence of GCNs and the proposed loss of the affected pond as part of the development proposals, it is clear that the development would have an adverse impact upon the local great crested newt population and would result in the permanent loss of breeding habitat (to be replaced by hardstanding / buildings).
- 7.64 A Mitigation Strategy has been drawn up by the applicant in the interests of ensuring that the GCN population is maintained. This Strategy includes the establishment of a receptor area (including purpose-built ponds and enhanced habitat) to receive any captured GCN and a methodology for trapping and translocating any GCNs from the currently affected pond. It is stated within the ES that, once habitat

enhancements have become established, it is expected that the proposals will result in a moderate beneficial impact to GCNs.

- 7.65 In terms of the bat survey work that has been undertaken, it was established that no bat roosts were confirmed within any of the trees on site, with tree species exhibitive of significant potential for roosting being subject to detailed inspection. Bat activity levels were recorded as generally low with the site offering no more than local value for foraging and commuting bats.
- 7.66 During the surveys, a single occasionally-used small common pipistrelle roost was recorded in association with one of a group of farm buildings to be demolished as part of the development. It has been acknowledged by the applicant that an appropriate Natural England licence would be required to facilitate the loss of this roost, which would need to be mitigated by way of a series of bat boxes to be placed upon retained trees within the site, the programme of which can be secured via condition.

Noise

- 7.67 The submitted ES contains a chapter entitled 'Noise & Vibration', which provides an assessment of the likely significant effects of the proposed development upon nearby sensitive receivers. The operational effects of the development have been modelled based upon the proposed scheme layout, proposed on-site levels, predicted traffic flows and observations, measurements and vehicle logs provided at a similar existing Carlsberg depot in Warrington. This work was undertaken in relation to day-time and night-time periods.
- 7.68 It should be noted that inherent noise mitigation is provided by the scheme's design. The development would be set behind excavated material to form a bund around the southern and eastern sides of the development. Furthermore, the building would be orientated such that the loading bays would face away from Great Houghton.
- 7.69 There is a history in the area of adverse noise impacts emanating from the reversing bleepers of delivery vehicles. Within the ES it has been confirmed that delivery vehicles over which Carlsberg have operational control would be fitted with broadband reversing bleepers in place of traditional narrow band high pitched bleepers. Vehicles operated by external contractors form approximately 25% of the total number of vehicles. There would also be rubber-matting applied to external loading areas. A formal Management Plan for the control of night time noise would need to be secured via planning condition should the application be approved.
- 7.70 Maximum noise levels from individual events at night were factored in to the operational assessment. At all receivers in Great Houghton Village, the predicted façade noise levels are below the appropriate

noise level (in accordance with WHO guidelines) for people sleeping in rooms with windows open.

- 7.71 At Little Norway however, where the benefits of the inherent noise protection would not be felt, a suite of further measures would be required to specifically mitigate adverse noise impacts. These would consist of a 5m 'green wall' barrier at the boundary between the development site and Little Norway to be extended at 3m in height along the boundary to the new car parking area. A 2m barrier to the external yard area would also be required. Final barrier / boundary treatment details would be secured via condition. Furthermore, a high-specification acoustic glazing system for Little Norway's windows and a mechanical ventilation system would need to be installed.
- 7.72 The applicant has provided evidence that they have agreed with the present owner / occupier of Little Norway an option to purchase the property should planning permission be granted. This situation provides the necessary assurances that the proposed specific measures to Little Norway (i.e. glazing and ventilation) can be installed in order to provide satisfactory residential living conditions for any future residential occupants of the premise.
- 7.73 The production and implementation of a Noise Mitigation Scheme to protect residential amenity would be secured via an obligation within the S106 agreement. This Scheme would secure the implementation of agreed noise mitigation measures prior to the commencement of development this timeframe for implementation is critical in the context of mitigating against the impacts of the development at both construction and operation stages. Post-works compliance testing to ensure that the residual internal noise levels at Little Norway comply with appropriate levels as specified within the ES would also be secured through the S106. This approach is supported by the Council's Public Protection Section.

Lighting, Air Quality & Contamination

- 7.74 The Council's Public Protection Section has reviewed the relevant sections of the ES in respect to the environmental matters of lighting, contamination and air quality. The 'Lighting' chapter of the ES provides a framework and methodology for a further detailed submission of lighting. This future submission would include plots and calculations to demonstrate compliance with the appropriate 'Institute of Lighting Engineers' standards outlined within the ES.
- 7.75 The importance of securing an appropriate bespoke lighting scheme was also highlighted in the Independent Landscape Review, to ensure that the proposed 24 hour operational use of the site does not have any detrimental effects in the context of light pollution. It is considered that this matter can be satisfactorily dealt with via planning condition.

- 7.76 A Site Investigation Report was submitted to accompany the planning application, which is considered to be satisfactory in both its scope and methodology. There would however be standard planning conditions required to secure further site investigation of, as yet, non-investigated areas of the site and subsequent potential remediation activities.
- 7.77 In respect to air quality considerations, the 'Air Quality' chapter of the ES assesses the likely air quality effects from the construction and operation of the proposed development. The significance of potential dust impacts during construction (predominantly from proposed earthworks) is assessed as being 'Minor Adverse' prior to mitigation.
- 7.78 A suite of mitigation measures, including screening during demolition and earthworks, sensitive positioning of site compounds, dampening of haulage routes and the use of dust suppression covers are detailed within the ES as well as within a Construction Management Framework Plan. It is considered that, in the interests of protecting the amenity of the area, a detailed Construction Management Plan to specify the precise measures and construction programme to be followed be secured via planning condition. This would ensure that the significance of construction impacts would be 'Negligible'.
- 7.79 In regards to operational air quality impacts, NBC Public Protection has confirmed that the assessment methodology used in the ES is appropriate, which monitors changes in the concentrations of pollutants associated with the operation of the development based on forecast traffic flows. It has been demonstrated that, in the most part, negligible increases in air pollution would result prior to mitigation. The work has highlighted the potential for small impacts on already sensitive properties located within the nearest designated Air Quality Management Area (AQMA) namely A45 London Road.
- 7.80 The ES references mitigation measures such as initiatives contained within the submitted Travel Plan that align with the Council's emerging Low Emissions Strategy, such as a commitment to reduce single occupancy car trips and the promotion of car sharing schemes. Notwithstanding these commitments, NBC Public Protection requested that a mitigation strategy be formalised in accordance with the Council's emerging Low Emissions Strategy, which outlines that mitigation measures should be provided in all cases of significant development. The applicant has provided a Mitigation Statement, which constitutes a statement of intent and refers the implementation of transport and energy efficient mitigation measures. It has been confirmed by NBC Public Protection that a schedule of the precise measures to be employed on-site can be secured via condition.

Flood Risk & Drainage

7.81 The application site is wholly located within Flood Zone 1; i.e. the lowest risk flood zone where the annual probability of flooding from rivers is considered to be less than 0.1%. In light of the major nature of

the application, the submitted ES is supported by a Flood Risk Assessment (FRA) to explain the methods proposed to control the flood risk proposed by the development and sets out the overall drainage strategy for the development.

7.82 The Drainage Strategy that has been formulated include provisions for proposed car parking area to be afforded porous paving, the provision of a swale at the south-western corner of the site and the installation of an underground storage structure beneath the proposed service and storage yard area (with controlled outflow to an open section of watercourse). The Environment Agency (EA) within their consultation response has confirmed that the majority of the site would be positively drained through the surface water system – ultimately the discharge from the site is not increased. The EA has requested that a planning condition be imposed to any approval so as to secure the proposed drainage strategy specification.

Sustainability

- 7.83 A Sustainability Statement has been produced and accompanies the application. This statement has sought to address the requirements of emerging Policies S10 and S11 of the Joint Core Strategy. A BREEAM pre-assessment of the development has been undertaken to demonstrate that a 'Very Good' rating can be achieved by the scheme.
- 7.84 The Statement specifies that a combination of different Low and Zero Carbon (LZC) technology sources are proposed to be utilised to provide for a minimum of 10% of the predicted energy demands of the development. These technology sources constitute air source heat pumps, solar thermal tubing and roof-mounted solar photovoltaic panels. A planning condition would be required to ensure compliance with the submitted Sustainability Statement including provisions for post-occupation assessment to demonstrate the achievement of 'Very Good' and 10% of energy demands through LZCs.

Crime & Security

7.85 The application has been met with a positive consultation response from Northants Police. Secure boundary treatments are proposed in addition to a high-specification CCTV system. A lighting scheme would be conditioned with a requirement to provide adequate levels of lighting uniformity across the site in the interests of aiding the effectiveness of the CCTV system and deterring crime.

S106 Legal Agreement

7.86 By reason of the scale and type of development, a Section 106 Legal Agreement is required. The Community Infrastructure Levy Regulations specify three key legal tests in ascertaining whether a particular obligation can be requested. These specify that obligations should be:

- i) Necessary to make the development acceptable in planning terms;
- ii) Directly related to the development; and
- iii) Fairly and reasonably related in scale and kind to the development.
- 7.87 The applicant has agreed to make financial payments to mitigate the off-site infrastructure requirements arising from the development. A Northampton Growth Management Scheme (NGMS) contribution of £104,844 would be paid in light of the impact that the development would have upon the strategic road network.
- 7.88 A payment of £356,875 towards enhancing and/or maintaining improvements to green infrastructure and sustainable forms of transportation in the area would be made, as would payments towards the provision of new bus shelters (and their maintenance once installed) and the monitoring of the approved Travel Plan (totalling £30,000). A Noise Mitigation Strategy (as detailed in the 'Noise' section above) would also be secured through the S106, as would a construction training scheme (including a payment of £42,000 to administer the scheme) in accordance with adopted policy.
- 7.89 The County Council has requested a payment for the provision of fire services. There is no adopted development plan policy support for this request and it is not clear what facilities would be addressed by this obligation. The new Community Infrastructure Levy Regulations, as discussed previously, also prevent the pooling of S106 funds to deliver infrastructure. For these reasons it is not considered that this request can be supported. The County Council have also requested that twelve fire hydrants be provided. This is a matter that would be addressed under the relevant building regulations and therefore does not need to be replicated as part of the planning process.

8. CONCLUSION

- 8.1 The proposed development would secure economic growth and additional job opportunities, would appropriately mitigate against its impacts upon the strategic and local road network would safeguard residential amenity and biodiversity and would not unacceptably prejudice the function of designated green space and the significance of designated heritage assets and is therefore in accordance with the National Planning Policy Framework, Policies E1, E6, E9, E19, E20, E26 and E40 of the Northampton Local Plan and Polices SA, S1, S7, S8, S10, S11, BN1, BN2, BN4, BN5 and INF2 of the Submitted West Northamptonshire Joint Core Strategy.
- 8.2 The footpath diversion is necessary to enable the development granted planning permission under N/2014/0068 to be carried out in accordance with the approved details.

9. 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.

(2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan (028 Rev P1); Proposed Site Layout (024 Rev P21); Gatehouse Details (029 Rev P4); Unit Plans (030 Rev P6); Office Plans (031 Rev P5); Unit Elevations (032 Rev P4); Unit Sections (033 Rev P5); Unit Roof Plan (037 Rev P2); Proposed Car Park Bridge (038 Rev P1); Security Kiosk Details (039 Rev P2); Secure Store Details (040 Rev P1); Cycle & Smoking Shelter Details (041 Rev P1); Highway Access (300); Drainage Strategy (301 Rev C); Drainage Details (302); Proposed Levels, Sections and Volumes (303 Rev B); Highway Access Sections (304); Highway Access Detail (305).

Reason: For the avoidance of doubt and to accord with the terms of the planning application.

(3) Prior to the first occupation of the development a Management Plan for the control of night time noise (between the hours of 2300 and 0700), which shall reference measures to control reversing sirens and the provision of rubber matting to external loading areas shall be submitted to and approved in writing by the Local Planning Authority; development shall be implemented and maintained in accordance with the approved Management Plan at all times thereafter.

Reason: To protect the amenities of adjacent residents from potential sources of noise in accordance with the National Planning Policy Framework.

(4) Full details of the method of the treatment of the external boundaries of the site together with individual plot boundaries shall be submitted to and approved in writing by the Local Planning Authority, implemented prior to the occupation of the buildings 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 in accordance with Policy E20 of the Northampton Local Plan.

(5) Prior to the first occupation of the development, full details of the treatment of the external boundaries of the site, of the external perimeter boundary of the distribution centre and of the perimeters of the external yard storage area shall be submitted to and approved in writing by the Local Planning Authority and shall be retained at all times thereafter.

Reason: In the interests of safeguarding both visual and residential amenity in compliance with Policy E20 of the Northampton Local Plan.

(6) The development hereby approved shall not be brought into use until the internal and off-site highway works have been completed in accordance with the details shown on the approved plans numbered 12-0560 300; 12-0560 301C; 12-0560 302; 12-560 303B; 12-0560 304; 12-0560 305; NTT/2226/002 P2; NTT/2226/003 P1; NTT/2226/004 P1; NTT/2226/005 P1 and site layout plan numbered 024 Rev P21. Thereafter, the site access and car parking areas shall be maintained free from obstruction and available for use whilstever the use subsists.

Reason: To ensure a satisfactory standard of development in the interests of highway safety in accordance with the guidance contained within the National Planning Policy Framework.

(7) Prior to the first occupation of the development the pedestrian / cycle route that runs the north-western boundary of the application site shall be resurfaced to a standard width of 3m and shall be equipped with measures to restrict vehcular entry in accordance with details to be submitted to and approved in writing by the Local Planning Authority and retained at all times thereafter.

Reason: In the interests of promoting sustainable development accessible by non-car modes of transport in compliance with the guidance contained within the National Planning Policy Framework.

(8) Full details of the proposed surface treatment of all roads, access and parking areas and footpaths including their gradients shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction work on site. Development shall be carried out in accordance with the approved details.

Reason: To secure a satisfactory standard of development in accordance with Policy E20 of the Northampton Local Plan.

(9) Development shall not commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following:-

a) the management of traffic during construction: to address site access, routes within site kept free from obstruction, wheel washing, travel plan for construction workers, loading and unloading, vehicle parking and turning areas, a scheme for prevention of surface water discharges onto the highway;

b) location of access points for site traffic;

c) detailed measures for the control of dust during the construction phase of development;

d) the location and size of compounds;

e) the location and form of temporary buildings, adverts and hoardings;

f) details for the safe storage of any fuels, oils and lubricants;

g) construction of exclusion zones to prevent soil compaction for large scale planting areas, public and school playing fields, and remediation of any soil compaction;

h) a scheme for the handling and storage of soil as a result of earthworks;

i) details of the methods of protection of trees, hedgerows and water features;

j) a scheme for the protection of areas of ecological interest and for the mitigation of any possible harm to such areas;

k) details of any temporary lighting;

I) details of hours of operation.

Reason: To ensure that appropriate consideration is given to environmental assets and safeguard the amenities of the locality in accordance with the NPPF.

(10) Prior to the commencement of the construction of the development, details of the materials to be used in the external finish of the building shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details.

Reason: To ensure that the external appearance of the development is satisfactory in accordance with Policy E20 of the Northampton Local Plan.

(11) Notwithstanding the approved details, the materials submission to satisfy Condition 7 shall include for the omission of any contrasting coloured eaves trim to the distribution centre.

Reason: To ensure that the external appearance of the development is satisfactory in accordance with Policy E20 of the Northampton Local Plan.

(12) Prior to the first occupation of the development, further to the submitted 'Carlsberg Low Emissions Mitigation Statement' (27th May 2014), a full schedule of the mitigation measures to be employed on-site shall be submitted to and approved in writing by the Local Planning Authority; development shall be implemented and operated in accordance with the full schedule of approved mitigation measures at all times thereafter.

Reason: To ensure that the air quality impacts of the development are properly mitigated against in accordance with the guidance contained within the National Planning Policy Framework.

(13) Prior to the first occupation of the development hereby permitted a Lighting Scheme shall be submitted to and approved in writing by the Local

Planning Authority and development shall be implemented and subsequently operated in accordance with the approved Scheme at all times thereafter. The Scheme shall provide data on the predicted lighting levels (including the vertical illuminance and uniformity levels) at all sensitive premises. The levels of illuminance shall not exceed the appropriate guide levels in the 'CIE Guide on the Limitation of the Effects of Obtrusive Light form Outdoor Lighting Installations: CIE 150:2003'; the development is situated in Environmental Zone [E2/3] for the purposes of this assessment.

Reason: In the interests of safeguarding residential amenity, enhancing site security and to minimise any potential impacts upon foraging / commuting bats in compliance with Policies E20 and E40 of the Northampton Local Plan and the guidance contained within the National Planning Policy Framework.

(14) Prior to the commencement of development a Mitigation Strategy detailing the measures required to safely remove any great-crested newts that may be present within the development area shall be submitted to and approved in writing by the Local Planning Authority, development shall be implemented in accordance with the approved details. The Mitigation Strategy shall include details of the provision and specification of two new ponds to be constructed at the southern edge of the application site (as depicted upon the approved Site Layout 024 Rev P21) and details of an appropriate Natural England European Protected Species Derogation Licence to undertake the Mitigation Strategy.

Reason: To ensure appropriate protection is afforded to protected species in accordance with the guidance contained within the National Planning Policy Framework.

(15) Prior to the commencement of the demolition of buildings on site a Mitigation Strategy detailing the measures to be put in place to ensure that the risk of harm to bats during demolition is minimised shall be submitted to and approved in writing by the Local Planning Authority, demolition shall be implemented in accordance with the approved details. The Mitigation Strategy shall include details of replacement bat boxes to be sited on retained features to provide alternative roosting opportunities and details of an appropriate Natural England European Protected Species Derogation Licence to undertake the Mitigation Strategy.

Reason: To ensure appropriate protection is afforded to protected species in accordance with the guidance contained within the National Planning Policy Framework.

(16) Development shall be implemented in full accordance with the Mitigation measures outlined on pages 8-9 of the submitted Confidential Badger Survey Report (January 2014).

Reason: To ensure appropriate protection is afforded to protected species in accordance with the guidance contained within the National Planning Policy Framework.

(17) No construction 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 in accordance with Policy E20 of the Northampton Local Plan.

(18) 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 in accordance with Policy E20 of the Northampton Local Plan.

(19) No vegetation clearance or tree felling shall take place within the bird breeding season, which runs from March to August inclusive, unless (i) the site has been inspected by an ecologist and assessed to be free of nesting birds (ii) the Local Planning Authority has received formal notification from the ecologist that no nesting birds are present and (iii) the Local Planning Authority has agreed in writing that vegetation or tree felling can begin.

Reason: To ensure appropriate protection is afforded to nesting birds in compliance with the ecological guidance contained within the National Planning Policy Framework.

(20) Prior to the commencement of development an Arboricultural Method Statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority. The AMS shall provide details of the tree protection measures to be installed for the duration of construction works, work to retained trees to facilitate the permission granted and full details of surface level works where it conflicts with the Root Protection Areas of those trees to be retained.

Reason: To ensure a satisfactory standard of development in compliance with the guidance contained within the National Planning Policy Framework.

(21) Within three months of the commencement of development a Green Infrastructure Management Plan shall be submitted to and approved in writing by the Local Planning Authority; development shall be implemented in full accordance with approved details. The Plan shall ensure the provision of corridors of movement for wildlife, ensure that there will be no adverse effects upon protected species and shall provide details of the management responsibilities and maintenance schedules for all soft landscaped areas within the site to ensure the sensitive long-term management of site habitats.

Reason: In the interests of safeguarding biodiversity in compliance with the guidance contained within the National Planning Policy Framework.

(22) Development shall be implemented in full accordance with the approved Sustainability Statement (December 2013), which demonstrates the achievement of at least a BREEAM 'Very Good' rating and the provision of on-site Low and Zero Carbon (LZC) technologies to meet at least 10% of the predicted energy demands of the development. Within 6 months of the first occupation of development a post-construction assessment shall be undertaken to demonstrate compliance with the approved Sustainability Statement and submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the delivery of a sustainable development in compliance with the guidance contained within the National Planning Policy Framework.

(23) No development shall take place within the application site indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded, in accordance with the National Planning Policy Framework.

(24) Development shall be implemented in accordance with the approved Flood Risk Assessment (FRA) prepared by THDA Limited Consulting Engineers, dated December 2013, and the following mitigation measure detailed within the FRA to be fully implemented prior to first occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme:

• Limiting the surface water run-off generated by the site as shown on drawing 12-0560-301 Rev C so that it will not exceed the run-off from the undeveloped site and not to increase the risk of flooding off-site.

Reason: To prevent flooding by ensuring the satisfactory storage / disposal of surface water from the site.

(25) Notwithstanding the approved details, the earthworks/bunding to the southern and eastern sides of the main building shall be constructed in strict accordance with the ground levels specified upon approved plan 'Proposed Levels, Sections and Volumes' (303B).

Reason: In the interests of safeguarding visual amenity in accordance with the guidance contained within the National Planning Policy Framework.

INFORMATIVES FOR THE APPLICANT

(1) The applicant is responsible for applying for all necessary permissions for 'stopping up' the existing highway along with any fees, paperwork or construction work associated with any 'stopping up'.

10. BACKGROUND PAPERS

10.1 N/2014/0068 & N/2014/0545

11. LEGAL IMPLICATIONS

11.1 None

12. SUMMARY AND LINKS TO CORPORATE PLAN

12.1 In reaching the attached recommendations regard has been given to securing the objectives, visions and priorities outlined in the Corporate Plan together with those of associated Frameworks and Strategies.

Location Plan for N/2014/0068



Location Plan for N/2014/0454

