

PLANNING COMMITTEE: 14th June 2016

DIRECTORATE: Regeneration, Enterprise and Planning

DIRECTOR: Steven Boyes

APPLICATION REF: N/2016/0178

LOCATION: Site 7C, Edgar Mobbs Way

DESCRIPTION: Erection of a unit for general industrial (Use Class B2) and storage

and distribution (Use Class B8) including mezzanine floor, office accommodation (Use Class B1), associated car parking, service yard, new sprinkler tank and pump house, external lighting,

boundary treatments, hard surfacing & landscaping

WARD: St James Ward

APPLICANT: Coltham Management Services Limited & HellermannTyton

AGENT: DFC Architecture

REFERRED BY: Director of Regeneration, Enterprise and Planning REASON: Major development requirement S106 agreement

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

- 1.1 **APPROVAL IN PRINCIPLE** subject to:
- 1.1.1 The prior completion of a Section 106 Legal Agreement to secure a financial payment to fund improvements to the A5076 Upton Way/Edgar Mobbs Way roundabout.
- 1.1.2 The Conditions contained within paragraph 9 below and for the following reason:

The development of the site as proposed is in accordance with the aims and objectives of the Council to promote and develop the Northamptonshire Waterside Enterprise Zone for business and commercial use and would contribute towards the provision of jobs in Northampton. The design and appearance are appropriate to the surroundings and subject to the conditions and mitigation measures proposed, the development would not lead to any unacceptable impacts on existing highway conditions, ecology, contamination or flood risk in accordance with the requirements of Policies SA, S7, S8, S10, C2, E1, BN2, BN7, BN8, BN9, INF1 & 2 of the West Northamptonshire Joint Core Strategy, Policies E18, E19, E20, B13, T4 & T12 of the Northampton Local Plan and the aims and objectives of the National Planning Policy Framework.

1.2 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 be able to grant planning permission as above, the Head of Planning be given delegated authority to either refuse or finally dispose of the application (at his discretion) on account of the necessary mitigation measures have not been secure in order to make the proposal acceptable in line with requirements of Policy INF2 of the Wet Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

2. THE PROPOSAL

- 2.1 The application proposes the erection of a unit for general industrial (Use Class B2) and storage and distribution (Use Class B8) including a mezzanine floor for ancillary office accommodation (Use Class B1), a new sprinkler tank and pump house and associated car parking and service yard on an area of undeveloped land which forms the western section of Site 7C, situated within the Northampton Waterside Enterprise Zone.
- 2.2 The proposed building would comprise of a steel portal framed building with a barrel vaulted roof to a maximum height of 10m and an overall floor area of 3,809 sq. m. Proposed materials would comprise of galvanised horizontal grey steel cladding with partial terracotta cladding to the front entrance. Internally, the ground floor would comprise of a reception area, training/classroom area and a single manufacturing/storage space, staff accommodation and canteen. Office accommodation would be provided in a mezzanine area above. Parking for 76 vehicles including 4 disabled spaces would be provided to the front of the building with covered cycle provision close to the entrance. A servicing area, sprinkler and pumphouse tank would be located to the west of the building.
- 2.3 The building is proposed for occupation by HellermannTyton, a company that specialises in providing solutions for networking, identifying, and managing wire, cable and components. The supporting information advises that the development would lead to the creation of 109 jobs full-time and 8 part-time jobs.
- 2.4 The application is accompanied by a number of supporting documents including a Design and Access Statement, Transport Statement, a Travel Plan, Flood Risk Assessment and Ecological Scoping Survey.
- 2.5 An outline application for the development of the remainder of Site 7C for business (Use Class B1), general industrial (Use Class B2) and storage and distribution (Use Class B8) (application reference N/2016/0015) has been submitted for consideration and is reported as a separate item in this agenda.

3. SITE DESCRIPTION

3.1 The application site comprises of the western half of Site 7C, an area of undeveloped remediated land located within the Northampton Waterside Enterprise Zone. The site has a gross site area of 1.21 ha. A footpath extends along the western boundary of the site from Edgar Mobbs Way linking to a footbridge that crosses River Nene, which runs along the southern boundary. Beyond the footpath to the west and also to the north-west are large areas of public car parking. To the immediate east of the site, the remainder of Site 7C comprises of further undeveloped land and raised earth mounds. To the north and further east are commercial, industrial and warehouse premises. Two Local Wildlife Sites are within the vicinity of the site; Duston Gravel Pit Local Wildlife, located to the south beyond the River Nene, and Storton's Gravel Pits, located to the west beyond the car park. The site lies predominantly within Flood Zone 1 with the southern tip situated within Flood Zones 2 and 3.

4. PLANNING HISTORY

4.1 N/2004/0930 – Provision of car, coach and disabled parking, construction of new service road and provision of associated development including foot/cycle ways, foot/cycle bridges and landscaping at Land West of Harvey Reeves Road, South of Ross Road and East of Storton's Pits. Approved 15.03.05.

N/2004/0496 – Southern development link road linking Upton Way and Harvey Reeves Road, Ross Road Spur Link and associated landscaping and infrastructure at Land North of River Nene and Storton's Pits. Approved 15.03.05.

5. PLANNING POLICY

5.1 **Statutory Duty**

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 adopted West Northamptonshire Joint Core Strategy (2014) and the Northampton Local Plan (1997) saved policies.

5.2 **National Policies**

The National Planning Policy Framework (NPPF) sets out the current aims and objectives for the planning system and how these should be applied. In delivering sustainable development, decisions should have regard to the mutually dependent social, economic and environmental roles of the planning system. The NPPF should be read as one complete document. However, the following sections are of particular relevance to this application:

Paragraph 17 - advises on the need to proactively drive and support sustainable economic development; seek high quality design; encourage the effective use of land.

Paragraph 19 - places considerable weight on the need to support sustainable economic growth, operating to encourage and not act as an impediment to sustainable growth.

Paragraph 32 - all developments that generate significant amounts of movement should be supported by a Transport Statement. Account should be taken of opportunities for sustainable transport modes depending on nature and location; safe and suitable access; and improvements within the transport network that limit the significant impacts of the development. Development should only be refused on transport grounds where the residual cumulative impacts are severe.

Paragraph 56 - seeks to ensure that good design is a key aspect of sustainable development.

Paragraph 100 - Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

Paragraph 101 - the aim of a sequential test is to steer development to areas with lower probability of flooding. Development should not be allocated or permitted if there are reasonably alternative sites appropriate for the proposed development.

Paragraph 102 - if it is not possible for the development to be located in zones with a lower probability of flooding, the exception test should be applied which demonstrates that the development provides wider sustainability benefits to the community that outweigh flood risk and the development will be safe for its lifetime without increasing flood risk elsewhere.

Paragraph 103 - in determining planning applications Local Planning Authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding when informed by a Flood Risk Assessment

Paragraph 109 - advises that the planning system should seek to minimise impacts on biodiversity, providing net gains where possible.

Paragraph 120 - seeks to ensure development is appropriate for its location having regard to unacceptable risks from pollution and land instability.

5.3 West Northamptonshire Joint Core Strategy (2014)

The West Northamptonshire Joint Core Strategy (JCS) provides an up to date evidence base and considers the current Government requirements for plan making as it has been prepared in full conformity with the NPPF. Policies of particular relevance are:

Policy SA: Presumption in Favour of Sustainable Development – the Council will take a positive approach in considering development proposals that reflect a presumption in favour of sustainable development. Applications that accord with the policies in the local and other relevant plans should be approved unless material considerations indicate otherwise.

Policy S7: Provision of Jobs – provision will be made for minimum net increase of 28,500 jobs in the period 2008-2029.

Policy S8: Distribution of Jobs – requires the majority of new job growth to be concentrated principally within the urban area of Northampton, including industrial/mixed/office development within the Northampton Waterside Enterprise Zone.

Policy S10: Sustainable Development Principles – seeks, amongst other things, to achieve high standards of sustainable design; protect, conserve and enhance the natural environment and built environment; and minimise pollution from noise, air and run off.

Policy C2: New Developments – new development, including employment, will be expected to achieve modal shift targets by maximising travel choice from non-car modes. Development will be required to mitigate its impacts on the highway network.

Policy E1: Existing Employment Area – existing and allocated employment sites will be retained for uses within Use Classes B1, B2 & B8.

Policy BN2: Biodiversity – development that has potential to harm sites of ecological importance will be subject to an ecological assessment.

Policy BN7: Flood Risk – all new development will need to demonstrate there is no increased risk of flooding to existing properties, and proposed development is (or can be) safe and shall seek to improved existing flood risk management.

Policy BN8: River Nene Strategic River Corridor – corridor will be enhanced and protected in recognition of its important contribution to the area's green infrastructure.

Policy BN9: Planning for Pollution Control – new development likely to result in exposure to sources of pollution will need to demonstrate provision of opportunities to minimise and where possible reduce pollution issues that are a barrier to achieving sustainable development.

Policy INF1: Approach to Infrastructure Delivery – new development will be supported by and provide good access to infrastructure. Where development generates a need for new

infrastructure developers will need to demonstrate that provision will be made to meet the necessary requirements arising from that development.

INF2 – Contributions to Infrastructure Requirements – new development will only be permitted if the necessary on and off-site infrastructure required to support and mitigate its impact is already in place or there is a reliable mechanism to ensure it will be delivered.

5.4 Northampton Local Plan 1997 (Saved Policies)

Due to the age of the plan, the amount of weight that can be attributed to the aims and objectives of this document are diminished, however, the following policies are material to this application:

E18 – permission will not be granted for development which would have a significant adverse effect upon the nature conservation value of local nature reserves.

E19 – permission for residential, business or commercial development should only be granted where any adverse effect or impact is mitigated and where infrastructure services are in existence or can be provided.

Policy E20 – the design of new development should adequately reflect the character of the surrounding area.

B13 – permission for development of areas for business should ensure the necessary related infrastructure is present or will be secured.

T4 – major development should demonstrate required improvements to existing or proposed roads will be implemented by developers or other means.

T12 – permission for development requiring servicing by commercial vehicles should ensure adequate parking and manoeuvring.

5.5 **Supplementary Planning Documents**

Northamptonshire County Parking Standards SPG 2003 Planning out Crime in Northamptonshire SPG 2004

6. CONSULTATIONS/ REPRESENTATIONS

Comments received are summarised as follows:

- 6.1 **NBC Environmental Health** No objection subject to conditions in relation to the control of contamination, air quality management and noise.
- 6.2 **NBC Crime Prevention Officer** the proposed layout accords with Secure By Design principles but suggest the use of paladin fencing to the rear of the site.
- 6.3 **NCC Highway Authority** no objections, subject to conditions requiring the submission and approval of a Construction Management Plan for approval and S106 contributions towards improvement to the roundabout junction at Edgar Mobbs Way and Upton Way (A5076).
- 6.4 **NCC Ecologist** no objection subject to the submission of a Reptile Survey and appropriate mitigation measures and a condition requiring the development be carried out in accordance with recommendations of the Ecological Scoping Survey, subject to amendment to increase the otter buffer zone from 5m to 10m.

- 6.5 **Highways England** no objection.
- 6.6 **Environment Agency** no objection. The majority of the site lies within Flood Zone 1 and the very small areas within Flood Zone 2 and 3 benefit from existing flood defences.
- 6.7 **Lead Local Flood Authority** require further details to demonstrate the proposed drainage network has sufficient capacity and that the development not increase flood risk elsewhere.

7. APPRAISAL

Principle of development

- 7.1 The NPPF seeks to proactively drive and support sustainable economic development. The West Northamptonshire Joint Core Strategy (JCS) requires provision to be made for 28,500 jobs during the plan period, requiring the majority of growth to be located within the urban are of Northampton, encouraging industrial /mixed /office development within the Northampton Waterside Enterprise Zone.
- 7.2 The site lies within the Northampton Waterside Enterprise Zone and is being actively promoted by the Council for industrial development. The development of the site for industrial, storage and distribution and office use as proposed is in accordance with planning policy requirements and the Council's vision for the site, and would contribute towards the provision of jobs within Northampton. The principle of the development as proposed is therefore considered acceptable.

Design and Appearance

- 7.3 The site is surrounded by a mix of undeveloped land, commercial, industrial and warehouse development and large expanses of public car parking. The design, scale and appearance of the building as proposed is in keeping with the appearance of surrounding commercial and industrial buildings and is considered appropriate to the surroundings.
- 7.4 The building has been designed to with the main entrance facing towards Edgar Mobbs Way which provides a more active frontage that many of the adjacent properties and would assist in enhancing the appearance of the surrounding area. The proposed materials are considered appropriate to the design and character of the area. Details of landscaping could be agreed by condition to assist in softening the overall appearance of the building.

Ecology

- 7.5 The NPPF seeks to ensure that impacts on biodiversity arising from proposed development is minimised, providing net gains where possible.
- 7.6 The site is an undeveloped area of remediated land located within close proximity of Duston Gravel Pit Local Wildlife Site, to the south of the site beyond the River Nene, and Storton's Gravel Pits Local Wildlife Site, situated to the west of the site beyond the public car park.
- 7.7 An Ecological Scoping Survey has been submitted with the application which assesses the impact of the proposed development on biodiversity sites. The findings of a Reptile Survey are awaited and will be reported to Committee in the Addendum to this agenda. Subject to the findings of the Reptile Survey and appropriate mitigation measures as necessary, the County Ecologist has no objection to the development as proposed subject to a condition that the development is carried out in accordance with mitigation measures recommended in the submitted survey with amendments relating to otter fencing.

Flood Risk and Drainage

- 7.8 The NPPF seeks to ensure that proposals for new development are appropriately located away from areas with a high risk of flooding and to ensure that the development does not lead to an increase in flood risk elsewhere. Policy BN7 of the JCS requires that new development demonstrates there is no risk of flooding to existing properties and that the development is (or can be) safe, seeking to improve existing flood risk management.
- 7.9 The River Nene is situated to the south of the site with the southern boundary of the site lying within Flood Zones 2 and 3. The majority of the site lies within Flood Zone 1, an area with a low probability of flooding. The application is supported by a Flood Risk and Drainage Strategy. The report proposes mitigation measures to include porous paving to the car park area and an underground storage attenuation tank. Pre-treatment of surface water would be provided by a large catchpit to remove silt, with a full retention separator installed immediately prior to discharge into the River Nene. The surface water would be discharged via a pipe into the River Nene weir channel and a new headwall constructed within the River Nene bank.
- 7.10 The Environment Agency has no objection.
- 7.11 The Lead Local Flood Authority require further details to demonstrate the proposed drainage network has sufficient capacity and that the development would not increase flood risk elsewhere. The applicants are in the process of submitting further drainage calculation details for referral to the Lead Local Flood Authority, whose comments will be reported to Committee in the Addendum to this agenda.

Highways

- 7.12 Access to the site would be via an existing access spur from Edgar Mobbs Way, with existing shared pedestrian and cycle paths located on either side of the road.
- 7.13 The NPPF advises that development should only be refused on transport grounds where the residual cumulative impacts are severe. Policies INF1 and INF2 of the JCS seek to ensure that appropriate provision is made for the necessary infrastructure arising from the impacts of development. Northamptonshire County Council's Highway Development Management Strategy requires that all development should provide nil detriment mitigation measures.
- 7.14 The submitted Transport Statement has been updated in response to Highway Authority comments requesting additional details on junction capacity to determine the effects of the distributed traffic on the junctions of Harvey Reeves Road/ St James Mill Road and Edgar Mobbs Way/ Upton Way and to provide further accident data.
- 7.15 The revised Transport Statement has modelled the impacts of the proposed development on the relevant junctions likely to be impacted and takes into account the impact of both this application and the development of the remainder of Site 7C, submitted as an outline application.
- 7.16 Modelling of the A5076 Upton Way roundabout reveals that the roundabout is operating over capacity in the base year and future year scenario 2031 with and without the addition of the proposed development traffic from both the full and outline application.
- 7.17 Modelling of the Harvey Reeves Road/ St James Mill Road signalised junction for the future year scenario 2031 with and without the addition of the development traffic from both sites reveals that there are no concerns with capacity queuing or delay, and that the junction operates with large amounts of reserve levels of capacity.
- 7.18 The revised Transport Statement has modelled a mitigation scheme to the A5076 Upton Way roundabout. The scheme, which incorporates widening of approaches to the roundabout seeks

to demonstrate that the capacity levels of the roundabout would return to pre-development levels as a result of the mitigation and thereby achieve a nil detriment.

- 7.19 The Highway Authority accepts the details of the revised Transport Statement and calculation for the traffic generation and future impacts. The Highway Authority has no objection to the development as proposed subject to S106 contributions being secured for contributions towards improvements to A5076 Upton Way roundabout to mitigate the highway impacts arising from the development.
- 7.20 Sufficient parking and turning would be provided on site for both employees and visitors with a total of 76 spaces provided and cycle parking provided to the front of the building.

Contamination

7.21 The site forms part of the former Harvey Reeves Landfill site. A Ground Investigation Report supports the application and acknowledges the existing untreated made ground/landfill is not considered suitable to support conventional shallow foundations. Environmental Health has no objection to the proposed development subject to a condition for the submission and approval of a suitable remediation scheme in relation to foundation design and ground gas protection measures.

Air Quality

7.22 An Air Quality Assessment supports the application which assesses the impacts of the emissions from traffic associated with the proposed development on the road network surrounding the site to be negligible to slight. The submitted Travel Plan identifies measures to promote sustainable transport methods to reduce the extent of vehicle use associated with the development including the provision of secure bike storage, showers and locker facilities and promoting sustainable transport methods such as walking and public transport within the workplace. Environmental Health has assessed the report and has no objection subject to an appropriate condition.

8. CONCLUSION

8.1 The development of the site as proposed is in accordance with the aims and objectives of the Council to promote and develop the Northamptonshire Waterside Enterprise Zone for business and commercial use and would contribute towards the provision of jobs in Northampton. The design and appearance are appropriate to the surroundings and subject to the conditions and mitigation measures proposed the development would not lead to any unacceptable impacts on existing highway conditions, ecology, contamination or flood risk and is therefore recommended for approval.

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: P-01, P-02, P-03, P-04 rev A, P-05, p-06, P-07 & P-09.

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

- 3. 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:
 - i. The control of noise and dust during the development process;
 - ii. Traffic management and signage during construction;
 - iii. Working hours for the construction works including hours of delivery to and from the site;
 - iv. Provision for all site operatives, visitors and construction vehicles;
 - v. loading, parking and turning within the site during the construction period;
 - vi. Arrangements during the construction period to minimise the deposit of mud and other debris on to the adjacent highway;
 - vii. The safe means of access of construction traffic to the site;
 - viii. Routing agreement for construction traffic.

The approved CEMP and measures contained therein shall be adhered to throughout the construction period.

Reason: To ensure that appropriate consideration is given to highway and environmental assets and safeguard the amenities of the locality in accordance with the NPPF and is required precommencement in order to ensure suitable measures are in place from the start of development.

4. No development shall take place until a suitable remedial works scheme has been developed to address the foundation design, ground gas protection measures as detailed in the Applied Geology Report dated November 2015 and submitted to the Local Planning Authority for approval in writing. Any scheme shall be designed to ensure it is appropriate for the end user.

All remedial works found to be required shall be fully implemented in accordance with the approved method statement and phasing programme. Confirmation of the scheme and validation reports(s) shall be submitted to the Local Planning Authority within 2 weeks of completion (or within 2 weeks of completion of each respective phase) and retained thereafter.

Reason: To ensure the effective investigation and remediation of contaminated land sites and in the interests of health and safety and the quality of the environment in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy. The details are required precommencement to ensure appropriate measures are in place prior to development.

5. The development shall be carried out in accordance with the measures identified in the submitted Workplace Travel Plan dated January 2016.

Reason: In the interests of sustainable development in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy.

6. Prior to the development hereby permitted first being brought into use, a scheme shall be submitted to the Local Planning Authority for approval in writing that specifies the sources of noise on the site and the provisions to be made for its control. The approved scheme shall be implemented prior to the development first coming into use and details shall be submitted to the Local Planning Authority that demonstrate the scheme has achieved its design criteria. The approved scheme shall be retained thereafter.

Reason: In the interests of the amenity of the surrounding area and in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.

7. The development shall be carried out in accordance with the recommendations of the Ecological Scoping Survey by Coltham Management Services Limited dated February 2016 with the exception that the otter buffer zone shall be increased from 5m to 10m.

Reason: In the interests of ensuring impacts on biodiversity are minimised in accordance with Policy BN2 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

8. Prior to occupation of the development hereby permitted, details of refuse storage and disposal shall be submitted for approval in writing. The development shall be carried out in accordance with the approved details prior to occupation and maintained in perpetuity.

Reason: To ensure a satisfactory standard of development and in the interests of surrounding amenity in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy.

9. The parking and turning, loading and unloading space shown on drawing P-02 shall be laid and marked out prior to the development being first brought into use and retained thereafter.

Reason: To ensure that the proposed development does not prejudice the free flow of traffic or conditions of highway safety in accordance with Policy T12 of the Northampton Local Plan and the National Planning Policy Framework.

10. Notwithstanding the submitted details, prior to the occupation of the development, full details of the external boundaries of the site together with details of the entrance gates shall be submitted to and approved in writing by the Local Planning Authority, implemented prior to the first 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 S10 of the West Northamptonshire Joint Core Strategy.

11. Notwithstanding the submitted details, prior to the occupation of the development, full details of all external lighting shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented prior to the first occupation of the development hereby permitted and retained thereafter.

Reason: To secure a satisfactory standard of development in accordance with Policies S10 and BN9 of the West Northamptonshire Joint Core Strategy.

12. No goods or articles shall be stored on any part of the site except inside the building.

Reason: To ensure a satisfactory standard of development and in the interests of the amenity of the area in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy.

13. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a detailed scheme of hard and soft landscaping for the site. The scheme shall include, where present, the location and species of any 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 S10 of the West Northamptonshire Joint Core Strategy.

14. 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.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy.

10. BACKGROUND PAPERS

10.1 N/2016/0178.

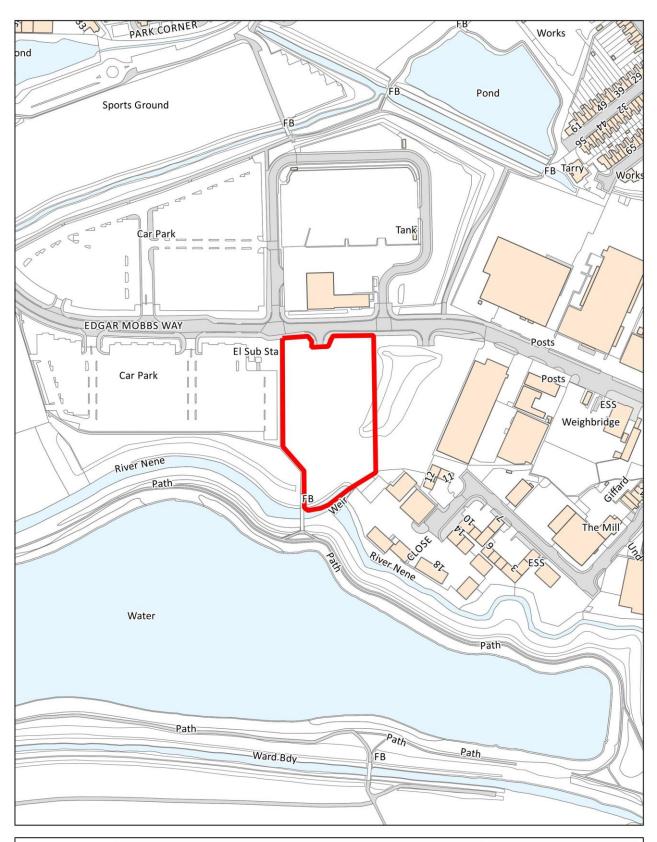
11. LEGAL IMPLICATIONS

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

Strategies.





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Date: 03-06-2016 Scale: 1:3.000

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