

PLANNING COMMITTEE: DIRECTORATE: HEAD OF PLANNING:	9 <sup>th</sup> May 2017 Regeneration, Enterprise and Planning Peter Baguley
APPLICATION REF:	N/2017/0102
LOCATION:	Development Land South of Bedford Road, off Liliput Road
DESCRIPTION:	Amendment to S106 Heads of Term in relation to planning application N/2017/0102 to vary Conditions 2, 6, 15, 22, 23 and 27 of Planning Permission N/2016/0412 (Demolition of farmhouse, associated building and residential property of 'Little Norway'. Construction of two Warehouse and Distribution units (Use Class B8) with ancillary office accommodation, together with earthworks, access, services yards, parking arrangement, landscaping and other associated infrastructure including creation of footpath) to amend layouts of the warehouse units in response to specific requirements from Decathlon
WARD:	Rushmills Ward
APPLICANT: AGENT:	Roxhill Developments Limited Oxalis Planning Limited
REFERRED BY: REASON:	Head of Planning S106 Legal Agreement
DEPARTURE:	Yes

## **APPLICATION FOR DETERMINATION:**

#### 1. **RECOMMENDATION**

1.1 That the Committee **AGREE** the inclusion of a financial contribution towards the Northampton Growth Management Strategy (NGMS) in addition to the other previously agreed Heads of Terms and conditions and the S106 Legal Agreement will be amendment as such.

### 2. BACKGROUND

2.1 Planning permission was granted in December 2016 to erect two warehouses on this site. The scheme was then amended, with the largest of those permitted (Unit 1), which located to the north of the application site to be occupied by Decathlon. As a result, a number of amendments were made to the scheme comprising the reduction in size of Unit 1 from 37,208 square metres to 32,425 square metres; a reduction in the number of lorry parking spaces from 72 to 57; a reduction in the number of dock levellers from 36 to 28; a re-siting of the sprinkler tanks; amendments to the access (within the site) to Unit 1; the installation of a multi-use games area (MUGA) to serve the workers at Unit 1 only; a reduction in the number of car parking spaces from

286 to 275; and a re-siting of some spaces to south of the warehouse (in order to facilitate the introduction of the MUGA). These changes enabled some changes to be made to Unit 2, comprising of an increase in the floor space of this warehouse from 11,890 square metres to 16,000 square metres; an increase in the number of lorry parking spaces from 18 to 29; extending the service yard; and increasing the number of car parking spaces for 100 to 131.

- 2.2 These amendments were considered by Committee in March 2017 and deemed acceptable, subject to a Section 106 Agreement being entered into to secure the management of a landscaped buffer, improvements to bus services, new bus shelters, construction worker training opportunities and the Council's monitoring fee.
- 2.3 The current application has been submitted to amend the heads of terms of the S106 Agreement to incorporate all relevant contributions.

# 3. SITE DESCRIPTION

- 3.1 The site is located to the south eastern side of Northampton and has an area of approximately 18.8 hectares in area and is adjacent to the allocated commercial area of Brackmills, although the site is predominantly in use for agricultural purposes. The agricultural land serves Martins Farm, which is sited to the north east of the site. Should the development proceed, the farm would be demolished. A further dwelling, Little Norway, sited to the south west of the site would also be demolished.
- 3.2 In terms of the site's relationship with the surrounding road network, Bedford Road (the A428) runs to the north of the site, although there would no direct access to the site from this highway. The development would be served by an extension to Thomas Dachser Way, which is a relatively new road, which links Liliput Road (one of the main entrances to Brackmills from Bedford Road) to recently constructed commercial buildings.

## 4. PLANNING HISTORY

- 4.1 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 Withdrawn.
- 4.2 N/2016/0412 Demolition of farmhouse, associated buildings and the residential property of 'Little Norway'. Construction of two warehouse and distribution units (Use Class B8) with ancillary office accommodation, together with earthworks, access, service yards, parking arrangements, landscaping and other associated infrastructure including creation of footpath – Approved.

# 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 Northampton Local Plan (1997) saved policies.

5.2 Section 66(i) of the Listed Building Act requires that the Local Planning Authorities, when considering any listed building consent application or any planning application for development that affects a listed building or its setting, to have special regard to the desirability of preserving

the building or its setting or any features of special architectural or historic interest which it possesses.

5.3 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that Local Planning Authorities pay special attention in the exercising of planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area.

### 5.4 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:

- 5.5 Paragraph 14 of the NPPF states that the planning decisions should result in the approval of planning applications, where they conform with the requirements of the development plans and in cases where the development plan is absent, silent or out of date, the application should be approved provided that the benefits significantly and demonstrably outweigh any adverse impacts unless the development is contrary to the requirements of the NPPF.
- 5.6 Paragraph 17 sets out the overarching aims of the planning system and in particular identifies that there is a need to take into account the different roles and characters of areas, whilst recognising the intrinsic character of the countryside. In addition, it is necessary to secure high quality design and a good standard of amenity. It is also a requirement to proactively drive and support sustainable economic growth in order to deliver the needed business and industrial developments.
- 5.7 This requirement is elaborated within paragraph 18 where it is stated that there is a commitment to securing economic growth through the creation of jobs, whilst in paragraph 20 it is noted that there is a requirement for Local Authorities to support development which meets the needs of modern businesses.
- 5.8 Paragraph 32 states that developments should only be resisted in those instances where there would be a severe cumulative impact on the transport system. The implication of this is that schemes where there would be a neutral impact on the highway system or where there would be an impact that can be successfully mitigated (such as through planning conditions or a legal agreement) thereby creating a nil detriment scheme are therefore acceptable.
- 5.9 Paragraph 35 requires that new developments accommodate the efficient delivery of goods and supplies, whilst creating safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians.
- 5.10 Of further relevance is paragraph 109, which requires the protection and enhancement of landscapes in addition to minimising impacts on biodiversity and 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.
- 5.11 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 decisionmaking as regards the scale of any harm or loss to its significance (paragraph 135).

### 5.12 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:

- 5.13 Policy S1 'The Distribution of Development' requires that development be concentrated primarily in and adjoining the principal urban areas of Northampton.
- 5.14 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.
- 5.15 Policy S8 'Distribution of Jobs' requires the majority of new job growth to be concentrated within the principal urban area of Northampton.
- 5.16 Policy S10 'Sustainable Development Principles' requires development to achieve the highest standards of sustainable design.
- 5.17 Policy BN1 'Green Infrastructure' requires that measures to enhance existing and provide new green infrastructure provision be designed and delivered sustainably.
- 5.18 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.
- 5.19 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.
- 5.20 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.
- 5.21 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

#### 5.22 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:

- 5.23 E9 'Locally Important Landscape Areas' requires special importance to be attached to the effect of proposed development upon the landscape.
- 5.24 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.

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

### 5.26 **Supplementary Planning Documents**

Developer Obligations.

### 6. CONSULTATIONS/ REPRESENTATIONS

6.1 **Highways England** – No objections, but would request an obligation within the Section 106 Legal Agreement to secure a contribution to the Northampton Growth Management Strategy.

### 7. APPRAISAL

- 7.1 This proposal was originally considered and approved by the Planning Committee in September 2016, with amendments to conditions being considered at the Committee meeting held in March 2017. These amendments were agreed, but as a new planning permission would be granted it is necessary to enter into a new Section 106 Agreement. The Heads of Terms for the new Section 106 Agreement were wide ranging and included matters such as landscape management, construction worker training opportunities, bus stop provision and public transport provision.
- 7.2 Work on drafting the Section 106 Agreement is well advanced, as the developer has very limited timescale for the implementation of the development, in order to secure occupation of the larger part of the development by the named business. This is of specific note given that the development would bring forward significant economic benefits.
- 7.3 Over the course of drafting the Section 106 Agreement, it has become apparent that a request has been made from Highways England (formerly the Highways Agency) to secure a contribution to deliver improvements to the wider road network. This would comprise a financial contribution towards funding the works of the Northampton Growth Management Strategy (NGMS). The NGMS is a wide ranging strategy agreed by NBC, Daventry District Council, South Northants Council, the County Council and Highways England and designed to facilitate the use of Section 106 Agreements in order to mitigate the impacts of developments upon the strategic highways network (such as the M1 and the A45 corridor).
- 7.4 Given the nature of the development and the fact that it is likely to attract a number of vehicle movements, particularly those involving large vehicles, it is considered that it would be appropriate to amend the Heads of Terms for the Section 106 Agreement to secure such a financial contribution.
- 7.5 This contribution would reduce the highways impacts of the scheme and would facilitate the creation of a safe vehicle routes to and from the proposed development. This would ensure that the development is in conformity with the requirements of national and local planning policies. The securing of this additional obligation would not affect the previously agreed conditions and obligations for inclusion in the legal agreement, which would be carried forward and are necessary to secure a good standard of development

## 8. CONCLUSION

8.1 In conclusion, it is considered that due to the nature and scale of the proposed development, an obligation to secure a financial obligation towards the NGMS is necessary and reasonable, whilst ensuring the delivery of a major commercial development within a short time frame. However, it is important to recognise that this would be secured in addition to the previously agreed items of mitigation.

# 9. CONDITIONS

9.1 As agreed at the March 2017 Committee meeting, which are:

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 attached schedule of approved plans.

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

3. Prior to the commencement of development, details of all proposed external facing materials shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and to ensure that the development will harmonise with its surroundings in accordance with Policy E20 of the Northampton Local Plan. This condition is required in order to ensure the agreement of such details in a timely manner.

4. Prior to the commencement of construction works on site, details of the existing and proposed ground levels and finished floor levels of the development 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: In the interests of residential and visual amenity in accordance with Policy E20 of the Northampton Local Plan. This condition is required in order to agree such details in a timely manner.

5. The boundary treatments as shown on drawing SK032 Rev. P4 shall be fully 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.

6. Full details of gates to serve the rear pathway to Plot 2 as shown on drawing DSC-101 Rev. P3 shall be submitted to and approved in writing by the Local Planning Authority, implemented prior to the first occupation of the Plot 2 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.

7. Full details of facilities for the secure and covered parking of bicycles shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and fully implemented prior to the development being first brought into use and retained thereafter.

Reason: To ensure the provision of safe and adequate facilities in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy.

8. Prior to the commencement of development, full details of all external lighting shall, which shall include data of all predicted light level, including the vertical illuminance levels at all sensitive properties 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 the National Planning Policy Framework. This condition is required to ensure the agreement of such details in a timely manner.

9. No development shall take place until a desk top study in respect of possible contaminants within the site is completed and a site investigation has been designed. The scope and methodology of the desk top study and the site investigation report shall be submitted to and approved in writing by the Local Planning Authority. The site investigation and appropriate risk assessments shall be carried out and the results shall be used to produce a method statement for the necessary remedial works (and a phasing programme), which shall be submitted to and approved in writing by the Local Planning Authority. All remedial works shall be fully implemented in accordance with the approved method statement and phasing programme. Confirmation of the full implementation of the scheme and validation report(s) shall be submitted to the Local Planning Authority within two weeks of completion (or within two weeks of completion of each respective phase).

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. This condition is required to ensure the agreement of such details in a timely manner.

10. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority

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.

11. Notwithstanding the details submitted, full information relating to the provision of electric vehicle recharging facilities shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details, be fully implemented prior to the first occupation of the development hereby permitted and shall be retained thereafter.

Reason: In the interests of creating a sustainable development in accordance with the requirements of the National Planning Policy Framework.

12. A scheme shall be submitted to and approved in writing by the Local Planning Authority which specifies the sources of noise on the site whether from fixed plant or equipment, vehicle reversing sirens or noise generated within the building and the provisions to be made for its control and the approved scheme shall be implemented prior to the commencement of the use hereby permitted and retained thereafter.

Reason: To protect the amenities of nearby occupants from noise and vibration amenity in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.

13. Prior to commencement of development a Construction Environment Management Plan (CEMP) shall be submitted to the Local Planning Authority for agreement in writing, The CEMP should include (but not be limited to):

i) Hours in which construction work would take place;

ii) Methods for the suppression of dust;

iii) Details of the proposed construction access to the site;

iv) Details of routing to/from the site of construction traffic;

v) Details of hours delivery times; and

vi) Details of any wheel washing and other measures to prevent the discharge of dust and other materials on to the public highway.

Development shall be carried out in accordance with the approved details.

Reason: In order to ensure a neutral impact upon amenity and highway safety in accordance with the requirements of the National Planning Policy Framework. This condition is required in order to agree such details in a timely manner.

14. Prior to the first occupation of any unit of the proposed development the applicant shall provide a full Travel Plan for written agreement by the Local Planning Authority, in accordance with the agreed Framework Travel Plan dated 18/03/2016 submitted with this application. The measures identified shall thereafter be carried out in accordance with a timetable to be included in the full Travel Plan and shall be retained thereafter.

Reason: In the interests of promoting sustainable means of travel in accordance with the requirements of the National Planning Policy Framework.

15. Notwithstanding the details submitted, full details of the engineering and construction details of the road improvement works as shown on drawing ADC1295/001 and ACD1295/002 in respect of the A428 Bedford Road/Rushmills/Waterside Way roundabout and the A45 Barnes Meadow shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details, be fully implemented prior to the first occupation of the development hereby permitted and shall be retained thereafter.

Reason: In the interests of highway safety and the movement of traffic in accordance with the requirements of the National Planning Policy Framework.

16. 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 the National Planning Policy Framework. This condition is required in order to agree such details in a timely manner.

17. 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 buildings 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 the National Planning Policy Framework.

18. All trees shown to be retained on drawing 4567-A-03 Rev. A shall be protected for the duration of the development by stout fences to be erected and maintained on alignments to be approved in writing by the Local Planning Authority before any development works shall take place. Within the fenced area no development works shall take place on, over or under the ground, no vehicles shall be driven, nor plant sited, no materials or waste shall be deposited, no bonfires shall be lit nor the ground level altered during the periods of development.

Reason: In order to ensure adequate protection of existing trees on the site in the interests of achieving a satisfactory standard of development and maintaining the amenity of the locality in accordance with Policy BN3 of the Joint Core Strategy. This condition is required in order to ensure the agreement of such details in a timely manner.

19. No development shall take place 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 to and approved in writing by the Local Planning Authority.

Reason: In the interests of archaeological research in accordance with Policy BN5 of the West Northamptonshire Joint Core Strategy. This condition is required in order to agree such details in a timely manner.

20. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The details of the scheme shall include:

i) Details (i.e. designs, diameters, invert and cover levels, gradients, dimensions) of all elements of the proposed drainage system, to include pipes, inspection chambers, outfalls/inlets and attenuation basins; and

ii) Cross sections of all control chambers (including site specific levels mAOD) and manufacturers' hydraulic curves for all hydro brakes and any other flow control devices.

Reason: To reduce the risk of flooding both on and off site in accordance with the NPPF and Policy 13 of the West Northamptonshire Joint Core Strategy by ensuring the satisfactory means of surface water attenuation and discharge from the site. This condition is required to ensure the agreement of such details in a timely manner.

21. No development shall take place until a detailed scheme for the maintenance and upkeep of every element of the surface water drainage system proposed on the site has been submitted to and approved in writing by the Local Planning Authority and the maintenance plan shall be carried out in full thereafter. This scheme shall include details of any drainage elements that will require replacement within the lifetime of the proposed development.

Reason: In order to ensure that the drainage systems associated with the development will be maintained appropriately and in perpetuity, to reduce the risk of flooding due to failure of the drainage system in accordance with the West Northamptonshire Joint Core Strategy.

22. The access ways, parking spaces and vehicle manoeuvring areas as shown on drawing DSC-101 Rev. P3 shall be fully implemented prior to the first occupation of the development hereby permitted and retained thereafter.

Reason: In the interests of highway safety in accordance with the requirements of the National Planning Policy Framework.

23. The car parking spaces and vehicle manoeuvring spaces as shown on drawing DSC-101 Rev. P3 shall at all times be reserved for the movement and parking of vehicles only and there shall be no storage of goods, materials, refuse, pallets or skips thereon.

Reason: To ensure the provision of adequate facilities and a neutral impact on highway safety in accordance with the requirements of the National Planning Policy Framework.

24. Notwithstanding the details submitted, full information of the surfacing and bollards to be installed on the public right of way running to the west of the site shall be submitted to and approved in writing. Development shall be carried out in accordance with the details submitted, be fully implemented prior to the first occupation of the development hereby permitted and shall be retained thereafter.

Reason: In the interests of promoting more sustainable means of travel in accordance with the National Planning Policy Framework.

25. Notwithstanding the details submitted, full details (including siting) of new bat and bird nesting boxes shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details, be fully implemented prior to the first use of the development hereby permitted and shall be retained thereafter.

Reason: In the interests of promoting ecological mitigation in accordance with the requirements of the National Planning Policy Framework.

26. The development hereby permitted shall be carried out in accordance the recommendations of paragraphs 9.7.24 and 9.7.27 of the Environment Assessment in respect of Great Crested Newts.

Reason: In the interests of creating a satisfactory standard of development in accordance with the requirements of the National Planning Policy Framework.

27. The office buildings as shown on drawing DSC-101 Rev. P3 shall be ancillary to the warehouses hereby permitted and shall at no time form a separate planning unit.

Reason: For the avoidance of doubt and to secure a sustainable development in accordance with the requirements of the National Planning Policy Framework.

## 10. BACKGROUND PAPERS

10.1 N/2016/0412 and N/2017/0102.

## 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.



