



PLANNING COMMITTEE: 20th November 2018
DEPARTMENT: Planning Service
HEAD OF PLANNING: Peter Baguley

APPLICATION REF: N/2018/0277

LOCATION: Milton Ham Farm

DESCRIPTION: Distribution Centre (Use Class B8) including related service roads, access and servicing arrangements, car parking, landscaping bund and associated works

WARD: West Hunsbury Ward

APPLICANT: Travis Perkins (Properties) Ltd
AGENT: Montagu Evans

REFERRED BY: Head of Planning
REASON: Major Development requiring a S106 Agreement

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1 RECOMMENDATION

1.1 APPROVAL IN PRINCIPLE subject to the conditions as set out below and for the following reason:

The proposed development would represent a suitable use of this site and is of a suitable design. In addition, the proposed development would contribute towards employment provision within Northampton and have no significant adverse impact upon the amenities of nearby residential properties and adjacent open space. Subject to the securing of items of mitigation relating to drainage, landscaping and transport, it is considered that the development would be in accordance with the requirements of the National Planning Policy Framework; Policies BN5, S1, S7, S8 and S10 of the West Northamptonshire Joint Core Strategy; and Policies B5 and E20 of the Northampton Local Plan.

1.2 That delegated authority is given to the Head of Planning to negotiate and secure the necessary mitigation in the form of financial and non-financial planning obligations through the completion of a Section 106 Legal Agreement. The Legal Agreement will secure the following heads of terms:

- i) The securing of enhanced access to public transport provision in order to mitigate the traffic and environmental impacts of the scheme;
- ii) The submission and agreement of a management and maintenance strategy for the site's bunding, and for the development to operate in accordance with the agreed details;

- iii) The provision of construction worker training places, and a financial payment towards the operation of the scheme; and
- iv) The Council's monitoring fee subject to the Head of Planning being satisfied the monitoring fee is necessary and of an appropriate scale.

1.3 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 his discretion) on account that the necessary mitigation measures have not been secured in order to make the proposal acceptable in line with the requirements of Policies INF1 and INF2 of the West Northamptonshire Joint Core Strategy.

2 THE PROPOSAL

2.1 The applicant seeks full planning permission to erect two separate buildings for storage and distribution uses (Use Class B8). These buildings would be arranged on an east-west orientation and of them, the northernmost (Unit 1) would contain one unit, whilst the southernmost would be subdivided into two separate units (forming Units 2 and 3). All three of the buildings would feature ancillary offices.

2.2 In terms of dimensions, Unit 1 would have a footprint of 208m by 95.28m, whilst Units 2 and 3 would have a combined footprint of 152.3m by 58.93m. Both buildings would have an eaves height of approximately 12.5m and a maximum height of 16.5m.

2.3 Access to the development would be from the roundabout between the A43 and A5123, where there is already a spur on the roundabout in situ. This would create a singular access road that would lead to the proposed warehouses. The development would contain three car parks, with a combined 320 car parking spaces and 47 lorry parking spaces (in addition to spaces that would be present at loading bays). The development would also include a bus stop, and suitable manoeuvring/turning areas.

2.4 The proposed development includes the construction of bunding, particularly towards the north and east of the site, which would be landscaped. The landscaping would also extend to an area to the east of the site, which would also include a flood attenuation pond.

3 SITE DESCRIPTION

3.1 The application site consists of a site that has previously contained a combination of farm buildings, which have since been demolished. The remainder of the site is land that has previously been farmed and is currently undeveloped. Notwithstanding this, a very significant proportion of the application site has been historically allocated for commercial development.

3.2 The boundaries of the application site are currently marked by a combination of hedges, fences and some trees. Beyond the southern boundary is the M1 motorway, which is separated from the site by an embankment. The western site boundary is adjacent to the A43 and A5123 dual carriageway. It is a notable feature that the roundabout on this road (which also provides access to the Pineham and Swan Valley areas, Junction 15a of the M1) features a spur that was designed to serve the application site when it came forward for development.

3.3 The immediate vicinity of the northern and eastern boundaries feature open space. Of additional note is that there are playing fields located to the north east of the site. Beyond these are a number of residential dwellings and the crematorium.

3.4 Whilst the application site does not feature any significant variations in topography, it is notable that the general site level currently slopes downwards in an easterly direction.

4 PLANNING HISTORY

- 4.1 88/0085 – Proposed Corporate Office Park (Class B1 use), Business Support Centre, Conference Centre and Hotel, Residential and Leisure – Outline Application – Non-determination Appeal Withdrawn
88/0086 – Proposed Corporate Office Park (Class B1 use), Business Support Centre, Conference Centre and Hotel, Residential and Leisure – Outline Application – Refused
88/1656 – Corporate Office Park (Class B1 use) Business Support Centre, Conference Centre and Hotel, Residential and Leisure Development – Outline Application – Approval in Principle, Legal Agreement not Finalised
89/1007 – Single office building – Outline Application – Dismissed on Appeal
91/0025 - Corporate Office Park (Class B1 use) Business Support Centre, Conference Centre and Hotel, Residential and Leisure Development – Outline Application – Approved
97/0166 – Corporate Office Park (Class B1 use) Business Support Centre, Conference Centre and Hotel, Residential and Leisure Development – Outline Application – Approval in Principle, Legal Agreement not Finalised
98/0077 – Development of Land to provide Office and Leisure Use – Outline Application – Undetermined
N/2001/1451 – 2no B2/B8 Warehouses with ancillary offices, car parking, associated landscaping, formation of a lagoon and temporary access – Withdrawn
N/2002/0750 – Erection of 2no. B2/B8 warehouses with ancillary offices, car parking and associated landscaping – Refused, dismissed on appeal
N/2002/1674 – Development of the site for B2/B8 uses with ancillary offices, associated landscaping, formation of a lagoon and public open space – Outline – Dismissed on appeal
N/2006/0582 – Erection of B1(a)(c), B2 and B8 units with associated parking, service yards and landscaping – Undetermined
08/0160/FULWNN – Engineering Works to include Ground Modelling, Creation of Landscaping Bunds, Drainage, Roads, Attenuation Lake and Infrastructure Landscaping – Approved
08/0275/FULWNN – Erection of seven commercial/industrial buildings (B1], B2 and B8), two office buildings (B1), two hotels (C1), two car showrooms (sui generis) and countryside park with associated infrastructure, parking and servicing, landscaping and drainage (including attenuation lake) – Approved
N/2012/0291 – Application to extend time limit for implementation of Planning Permission 08/0275/FULWNN for erection of seven commercial/industrial buildings (B1, B2 and B8), two office buildings (B1), two hotels (C1), two car showrooms (sui generis) and countryside park with associated infrastructure, parking and servicing, landscaping and drainage (including attenuation lake) – Refused.
N/2015/0335 – Redevelopment comprising a new distribution centre (Use Class B8) including related service roads, access and serving arrangements, car parking, landscaping bund and associated works – Refused, and dismissed on appeal.

- 4.2 The above list highlights that a number of applications for the development of this site have been considered, and approved, over time, but as yet none have come forward to implementation. The most recent proposal was for the provision of a single warehouse, which also encroached on adjacent, privately owned, green space adjacent to the site. This was refused planning permission by the Council in 2015, and was the subject of a Public Inquiry in 2016. The appeal was dismissed, with the Inspector concluding that whilst warehousing on this site was an appropriate land use, the proposal would have an adverse impact upon the landscape.

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 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:

Paragraphs 7-12 - Presumption in favour of sustainable development.

Section 8 - Promoting healthy and safe communities.

Section 9 - Promoting sustainable transport

Paragraph 109 – development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residential cumulative impacts on the road network would be severe.

Paragraph 110 – development should encourage pedestrian and cycle movements and facilitate access to high quality public transport, creating safe, secure environments and enabling the provision of low emission vehicles in safe, accessible and convenient locations.

Section 12 – Achieving well-designed places

Paragraph 127 - Create places with a high standard of amenity for existing and future users.

Paragraph 163 – ensuring development does not increase flood risk

Paragraph 165 – incorporating sustainable drainage systems in major developments

Section 15 – Conserving and enhancing the natural environment

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 BN1 – Creation of green infrastructure

Policy BN2: Biodiversity

Policy BN3 – Woodland enhancement and creation

Policy BN5 – Historic environment and landscapes

Policy E1 – Existing employment areas

Policy S1 – Distribution of development

Policy S7 – Provision of jobs

Policy S8 – Distribution of jobs

Policy S10 – Sustainable Development Principles

Policy INF1 – Approach to infrastructure delivery

Policy INF2 – Contributions to infrastructure requirements

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:

Policy E20 – New development

Policy B5 – Development policies for commercial development

Policy B9 – Landscaping at Milton Ham

Policy B11 – Development at Milton Ham

5.5 **Supplementary Planning Documents**

Northamptonshire County Parking Standards SPG 2003

Planning out Crime in Northamptonshire SPG 2004

6 **CONSULTATIONS/ REPRESENTATIONS**

6.1 **Anglian Water** – Request a condition regarding the provision of the drainage system.

- 6.2 **Arboricultural Officer (NBC)** – No objections.
- 6.2 **Archaeology Advisor (NCC)** – Recommend conditions to ensure suitable investigation of matters of archaeological interest prior to building works taking place.
- 6.3 **Construction Futures** – Request the securing, through a legal agreement, of construction worker training opportunities, and a financial contribution towards the operation of the scheme.
- 6.4 **Development Management (NCC)** – Request the securing, through a Section 106 Agreement, a financial payment towards the provision of fire hydrants and broadband provision.
- 6.5 **Ecology Advisor (NCC)** – No objections, but make recommendations regarding the type of plants used within the landscaping in order to better reflect local conditions.
- 6.6 **Environment Agency** – No objections
- 6.7 **Highway Authority (NCC)** – No objections regarding the proposed development's layout, although there should be a bus shelter on site. Legal obligations should be secured to ensure that the site is served by public transport and a travel plan should be agreed.
- 6.8 **Highways England** – No objections, subject to conditions regarding the delivery of the access to the site.
- 6.9 **Lead Local Flood Authority (NCC)** – No objections, subject to conditions regarding the provision of suitable drainage provision, management arrangements and verification that the agreed works have been carried out.
- 6.10 **Natural England** – No objections
- 6.11 **Northamptonshire Police Crime Prevention Design Advisor** – Makes recommendations regarding the boundary treatments, entry control systems and CCTV.
- 6.12 31 letters of objection (including two from the West Hunsbury Residents Association). Comments can be summarised as:
- It is considered that the proposed development is of too large a scale and would have an adverse impact upon the character and appearance of the surrounding area and visual amenity.
 - When the site was originally allocated for development, warehousing was much smaller than is now the case. This therefore results in an inappropriate form of development.
 - West Hunsbury, when developed, was intended to be a 'garden suburb'. This development would erode this characteristic.
 - Development on the Milton Ham site is intended to blend in with its surroundings. The use of bunding is indicative of an inappropriate form of development.
 - The development would result in increased traffic, which would generate congestion, and have an adverse impact upon highway safety.
 - The development would have an adverse impact on flood risk and is contrary to policy.
 - The proposed flood mitigation is inappropriate.
 - The proposal would generate excessive noise, air, and light pollution.
 - Excessive noise would be generated, to the detriment of amenity.
 - The proposal is of a speculative nature.

7 APPRAISAL

Principle of the development

- 7.1 The application site has been allocated in the Northampton Local Plan as being suitable for development for purposes falling within Use Classes B1 (offices, light industry, and research and

development), B2 (general industry), and B8 (storage and distribution). It was determined at the previous public inquiry, in respect of the refusal of the 2015 proposal, that the site was suitable for purposes falling within Use Class B8 owing to the proximity of the site to the strategic road network, and particularly the M1.

- 7.2 Policy S7 of the JCS sets out a requirement for the provision of 28,500 jobs within the West Northamptonshire area during the plan period of 2008-2029. This policy requirement is strengthened through Policy S8, which identifies that the bulk of this new job growth would take place within Northampton through the renewal and regeneration of employment sites and through the development of industrial land. Policy E1 states that existing and allocated employment sites would be retained for commercial purposes, including those falling within Class B8 of the Use Classes Order.
- 7.3 Whilst it is understood that the application has been submitted speculatively and that, currently, there is no intended occupier identified, it is considered that the development of this site for commercial purposes has the potential to generate new employment opportunities, which has the potential to be of benefit to the development of Northampton's economy.
- 7.4 It is also noted that the application site has hitherto been used for grazing, which would be lost should the proposed development proceed. However, in determining this planning application, significant weight should be given to the fact that this particular site has long been allocated for commercial development. Furthermore, it does represent the opportunity to bring forward a site adjacent to the existing urban area. As a consequence, it is considered that the harm arising from the loss of the grazing land would not be significant and outweighed by the potential economic benefits as discussed previously.
- 7.5 The site is currently undeveloped and therefore the potential exists for matters of ecological note to be on the site. The applicant has submitted a number of ecology studies in support of the application. It has been demonstrated that whilst the site is capable of accommodating reptiles, no evidence of their presence has been established on the site. In addition, it has been established that there are no bats present on the site, and no evidence of badgers has been established on the site. Owing to the nature of the site, and the habitats within it, it is likely that any activity associated with badgers would be restricted to occasional, passing, individuals.
- 7.6 In respect of birds, the site has been used by a number of different species and, whilst the majority of these are relatively common, the development of this site does have the potential to adversely impact upon bird habitats and foraging areas. This can be mitigated through the provision of appropriate landscaping that includes planting of a traditional type. In addition, additional bird boxes can be installed as part of the development, which would offset the loss of a walnut tree on site, which may provide some nesting habitat. These surveys have been assessed by the County Council Ecology Advisor, and no objections in principle have been raised. These measures can be secured by condition and, therefore, it is concluded that there are no significant ecological barriers to prevent the proposed development from coming forward.
- 7.7 The site does not contain any trees that are protected through Tree Preservation Orders. As a consequence, it is considered that the proposal would not result in any significant adverse impact upon arboricultural matters. Nonetheless, the permission would be subject to a condition requiring the submission, and agreement, of tree protection measures during the construction process.
- 7.8 In terms of archaeology, the current proposal indicates that landscaping would take place over an unexcavated portion of the site. This is of note owing to the presence of a series of Romano-British enclosures, occupied from the second half of the second century AD to the second half of the fourth century, and there being evidence of a number of Neolithic cremations dating from the late fourth millennium BC within the confines of the application. It is the view of the County Council Archaeology Advisor that these do not represent an overriding barrier to development. As a consequence, it is recommended that any permission be subject to a condition requiring a more intensive archaeological investigation.

Design and appearance

- 7.9 It should be noted that this scheme is materially different to that which was dismissed on appeal, following a public inquiry in 2016. In particular, the singular, large warehouse has been replaced with two buildings of smaller proportions. This therefore ensures that the entirety of the development's built form would be contained within the land allocated for commercial development. This amendment therefore ensures conformity with the aims of the Local Plan in this regard.
- 7.10 In addition to the reduction in the footprint of the proposed warehousing, the development would be sited upon lower ground and be of a reduced height when compared to the appeal proposal. The first benefit is that this reduces the impact upon the occupiers of neighbouring residential properties in terms of considerations such as light and outlook. Whilst it is accepted that the intended function of the development has influenced the form of the buildings, it is considered that the design approach taken is acceptable. The reasoning being that the proposed buildings feature some variation in the roof shape. Furthermore, the elevations of the building also feature some variations in terms of colour treatments. These measures therefore create a development that would have not a significant adverse impact upon visual amenity. In order to be certain of this conclusion, a condition is recommended that would enable the Council to approve building materials in advance of construction works.
- 7.11 The previous appeal (in respect of the 2015 application), determined that the land surrounding the application site could be described as being of low sensitivity. This means that the surrounding landscape is capable of accepting some change as a result of development. However, within this, there are some areas that are of a greater level of sensitivity. These include the residential accommodation to the north, which are of a moderate sensitivity (notwithstanding the quality of the landscape) owing to the fact that a number of dwellings include features such as windows and balconies.
- 7.12 As discussed previously, the revised scheme is of a much smaller quantum owing to the reduced footprint of the warehousing. It should also be noted that this reduction means that none of the built form exceeds the area of land allocated for commercial development. This is in contrast to the previous, refused, proposal. This reduction, combined with an increase in the land owned by the applicant has resulted in a more graduated form of bunding. This means that the gradients are much more gradual and variations in height can take place within the form. This, when combined with the landscaping that would be in situ, would ensure that the bunding appears to be of a more natural appearance. This overcomes the previous reason for refusal in that the Inspector concluded that the bunding had an overly engineered design.
- 7.13 In terms of assessing the impact of the development, it is considered that the impact on the Teal Close and Heronsford areas, situated to the north of the site, would not be significant enough to warrant refusal of the application. The reason being that owing to the different design, the bunding would be of a less engineered design and, as a consequence, have a lower impact. The design of the bunding would also prevent views of a significant portion of the development, which would generally be limited to the eaves areas and roofs of the building. By reason of this arrangement, it is considered that there would not be a significant adverse impact upon the nearest residential properties.
- 7.14 In addition to the preceding point, it is also anticipated that the impact of the development upon the Teal Close and Heronsford areas would diminish over time as the significant landscaping matures and takes effect. Conditions are recommended that would ensure that the planting is carried out at the earliest possible opportunity in order to ensure that these take effect with the minimum of delay.
- 7.15 Owing to the proximity to the site, the area of public open space and playing fields to the north east are likely to be subjected to the greatest impact as there would be views of the bunding and acoustic fencing from these areas. However, over time the bund's landscaping would mature, which would diminish the visual impact. This area of landscaping would be viewed against a backdrop of a small copse in the south west of the playing fields area, which would further diminish

the impact of the development. The proposal would also, in part, screen some views of the M1. Therefore, taking these factors cumulatively, it is considered that any impact on this area would be moderate, and would not be significant enough to reasonably justify refusal of the planning application.

- 7.16 It is appreciated that the County Crematorium is located to the east of the application site, and that there is a garden of remembrance west of the crematorium building. Whilst views of the application site would be possible, it is recognised that there would be a distance in excess of 400m of the crematorium boundary and the built form of the development. This separation distance would diffuse some views. In addition, once the landscaping on the bund matures, views of the buildings would be screened to a significant degree. In addition, the proposed planting is in keeping with the general character of the area. Therefore, in conclusion, it is considered that the impacts on the crematorium would be less than significant, and that this would also diminish over time.
- 7.17 In determining the previous appeal, the Inspector particularly highlighted that there would be some harm to the corridor surrounding the Northampton arm of the Grand Union Canal (which is sited to the west of the application site and the A5123). The revised scheme has significantly different impacts in that the reduced form of the warehousing would reduce the prominence of any development on the Milton Ham site. Furthermore, the fact that two buildings are proposed, and that these are situated on an east-west line means that there is a visual break when viewed from the east, which therefore adds some relief. For these reasons, and the fact that the Milton Ham is an allocated site, and therefore some impact would have been planned for when the allocating process was carried out, it is considered that the harm arising from the proposal would not be sufficient to warrant refusal of the planning application.
- 7.18 Policy B9 of the Northampton Local Plan is material to the determination of this planning application, although the amount of weight that can be attributed to this policy is questionable owing to the age of the Plan. In essence, this policy states that at Milton Ham from the northern and southern boundaries, there should be an area of 20m that comprise landscaping only and in the next 30m landscaping should predominate. Furthermore, the policy requires that any buildings within the 50m from the northern boundary should not have an eaves height of more than 9m.
- 7.19 From the northern boundary, the first 20m would be landscaped, and within the next 30, there would be landscaping apart from a small scale track to allow access for fire appliances. No buildings would be constructed within this 50m distance. In the southern section of the site, there would be approximately 38m between the building and the boundary of the site. This is below the threshold established by Policy B9 of the Local Plan, however, it is noted that there would be a 50m provision if the landscaping alongside the M1 were to be included. Whilst this is a breach of the policy, it is considered that due to the provision of a reasonable level of landscaping, and that the building is of a typology normally expected alongside a motorway, the level of harm arising from this breach would not be significant. This approach is consistent with the conclusion reached in the determination of the previous application. Furthermore, this matter was considered at the resultant appeal, and was not considered significant enough to warrant dismissal of the appeal.

Impact upon neighbouring properties

- 7.20 By reason of the scale of the development, it is likely that it would be viewable from the nearest residential properties (primarily Heronsford and Teal Close). However, owing to the separation distances and the nature of the proposal, it is considered that the proposal would not lead to any significant impact upon the amenities of surrounding properties in terms of considerations such as light and privacy.
- 7.21 In respect of outlook, it is appreciated that the development is of a large scale, albeit it is smaller than that previously considered on this site. It should also be noted that the previous reason for refusal did not relate to the impact on neighbouring properties in terms of outlook. In any event it is considered that due to the separation distances, the presence of trees south of Heronsford and Teal Close, and the landscaping and bunding that has been proposed as part of the application, the impacts would not be significant enough to warrant refusal of planning permission.

- 7.22 Given that the proposed development is for warehousing, there is a significant likelihood that any occupiers would operate on a continual basis. This is material to the outcome of this planning application on the grounds that activities would take place during periods when residents might reasonably expect a greater degree of peace and quiet.
- 7.23 A noise assessment has been submitted in support of the application. This assesses current noise levels from a variety of points and takes into account existing noises. In undertaking this assessment, it needs to be recognised that the development would take place in close proximity to a number of existing sources of noise, such as the M1, the A43, and the commercial areas of Pineham and Swan Valley. The applicant has modelled the projected levels of noise that the proposal would generate. In undertaking this analysis, a 'worst case' scenario has been envisaged, which adds to the robustness of the process.
- 7.24 Therefore based on this process, it is concluded that should the development proceed, there would not be any significant harm to residential amenity arising from the commercial activities to be carried out on site. This analysis has been assessed by the Council's Environmental Health officers, and no objections have been raised to the development. This is subject to any resultant planning permission including conditions requiring the development to operate within agreed noise limits and the provision, and retention, of a suitable acoustic fence on top of the bund.
- 7.25 By reason of the development likely to be operating on a continual basis, the issue of lighting is of particular importance. The applicant has submitted a lighting scheme details with light levels on a horizontal plane and demonstrates that there would be no adverse impact upon the occupiers of neighbouring properties. Conditions are recommended that would ensure that the development operates in accordance with these details.
- 7.26 It is appreciated that due to the scale of the development, the implementation of any permission might lead to some impact upon the amenities of surrounding properties. In order to mitigate this, a condition will secure the agreement of a Construction Environment Management Plan (CEMP). This will cover matters such as the hours in which construction works take place, strategies for the suppression of dust, wheel washing and the routing of construction traffic.

Highways

- 7.27 The proposed development would utilise an existing spur from the roundabout serving as the junction between the A43 and the A5123. As a consequence, vehicles entering and leaving this particular site has been considered as part of the highway design within the vicinity. The applicant has submitted a transport assessment, which has been assessed by the Highway Authority and Highways England, and it has been established that the increase in the usage of the highway system emanating from the proposed development coming forward would not have any significant adverse impacts upon the free flow of traffic within the vicinity, and highway safety.
- 7.28 The development contains sufficient vehicle manoeuvring spaces and car parking. The provision, and retention, of these spaces would be controlled by condition. This is particularly necessary owing to the fact that it would not be possible for the surrounding road network to accommodate any form of on street vehicle parking.
- 7.29 Despite its general proximity, physically separated from the residential areas to the north as well as the commercial areas of Swan Valley and Pineham, in order to address the fact that otherwise the development might be reliant solely on private cars, which would not be desirable, the applicant would enter into a Section 106 Agreement that would secure funding towards the provision of public transport. This would also result in the creation of a more sustainable form of development. In addition, a condition is recommended that would ensure the provision of the car and lorry parking alongside the development.
- 7.30 The securing of enhanced public transport to and from the site would enable the development to operate in a less car orientated manner. This has the potential to ensure that the development

does not lead to a significant adverse impact upon the air quality of the vicinity. In addition, a condition is recommended that would ensure that as the development comes forward, electric car charging points would be provided and retained thereafter.

- 7.31 Separate to the above measures, a further condition is recommended that would secure the implementation of a travel plan that would also contribute to the delivery of sustainable transport options. This is in line with the advice of the Highway Authority.

Flood Risk

- 7.32 It is a policy requirement that development does not increase flood risk either on the site, or elsewhere. The applicant proposes to achieve this through the installation of a sustainable urban drainage solution, which would include a drainage pond to the east of the site, within a planned area of landscaping. The application has been accompanied by a drainage and flood risk assessment, which demonstrates that this would be the case. The conclusions contained within these assessments have been assessed by the Lead Local Flood Authority and the Environment Agency, and they have raised no objections in respect of the development proceeding.
- 7.33 Any approval of the application would be subject to conditions regarding the submission of more detailed drainage schemes and on-going maintenance details. These conditions would ensure that a suitable drainage system is installed at an early stage of the development process, and that sufficient enforcement mechanisms are in place to ensure that this is kept operational throughout the life of the development.

Legal Agreement

- 7.34 As discussed previously, the overall acceptability of the proposal is dependent on the securing of public transport improvements, however, consideration also should be given as to whether additional mitigation is required to be secured through a Section 106 Agreement.
- 7.35 It has also been established that the presence of the bunding is necessary in order to mitigate the impacts of the development in visual terms. However, it is apparent that they would need to be the subject of continual maintenance in order to ensure that they remain effective. As a consequence, it is recommended that should planning permission be granted, it is subject to a Section 106 Agreement that ensures that a management strategy is approved at early stage of the development process and implemented thereafter. The use of a legal agreement would ensure that irrespective of whether the land is subsequently sold (either as a whole, or broken into sections), the Council would have the power to taken enforcement action should there be any breaches. This mechanism therefore provides some certainty that the mitigation would be retained throughout the life of the development.
- 7.36 The development would also secure construction worker training opportunities, in addition to a financial payment towards the administration of the scheme. This is consistent with the requirements of the Council's Developer Obligations Supplementary Planning Document
- 7.37 Whilst the request from the County Council Development Management section in respect of fire hydrants and broadband provision has been noted, it is considered that there is insufficient planning policy basis to insist on such an obligation as part of the planning process. Notwithstanding this conclusion, it is noted that the appropriate Building Regulations approval procedural would include an assessment of fire risk and mitigation measures.

8 CONCLUSION

- 8.1 The proposed development represents an appropriate land use and would enable a long allocated site to be bought forward for development. The development would also generate employment opportunities that would be beneficial to the overall economy of Northampton. Subject to conditions and the legal agreement as described previously, the proposal would not lead to significant

adverse impacts upon the character and appearance of the surrounding area, neighbour amenity, the highway system, ecology, and flood risk.

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 above schedule of approved plans.

Reason: For the avoidance of doubt and to ensure consistency with the Planning Application.

3. Prior to the commencement of development, a phasing plan for the implementation of the development 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 securing a satisfactory standard of development in accordance with the requirements of Policy S10 of the West Northamptonshire Joint Core Strategy.

4. Prior to the commencement of development, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. Development shall then be carried out in accordance with the approved CEMP. The CEMP shall include, though not necessarily be restricted to the following details:

- i) A Traffic Management Plan incorporating the routing of construction traffic and details of heavy vehicle movement patterns.
- ii) Measures to minimise and control noise, vibration, dust and fumes during site preparation works and construction, including vehicle reversing alarms.
- iii) Details of the siting of all vehicles of site operatives and visitors.
- iv) The unloading and loading arrangements for heavy plant and machinery.
- v) The location, extent and duration of any temporary stockpiling areas.
- vi) Measures to prevent mud being deposited on the surrounding highway.
- vii) Hours in which development will take place.

Reason: To minimise the impact of the development during the construction phase in accordance with the requirements of Policy S10 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework. This condition is required pre-commencement to ensure the agreement of such details in a timely manner.

5. No development shall take place until the applicant, or their successors in title or agents, 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: To ensure that features of archaeological interest are properly examined and recorded in accordance with Policy BN5 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework. This condition is required pre-commencement in order to ensure the timely investigation of such occurrences prior to building works taking place.

6. 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 a necessity in order to ensure that there is a neutral impact upon the amenities of surrounding properties.

7. Details and/or samples 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 S10 of the West Northamptonshire Joint Core Strategy.

8. Notwithstanding the details submitted, full details of all boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the first occupation of the development and retained thereafter.

Reason: In the interests of visual amenity and to ensure that the development will harmonise with its surroundings in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy.

9. Notwithstanding the details submitted, full details of the appearance of all proposed hard surfacing 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 and retained thereafter.

Reason: In the interests of visual amenity in accordance with the requirements of Policy S10 of the West Northamptonshire Joint Core Strategy.

10. Notwithstanding the details submitted, full details of a scheme for electric car charging points (including a timetable for implementation) shall be submitted to, and approved in writing by the Local Planning Authority prior to the first occupation of the development. Development shall be carried out in accordance with the approved details, and be retained thereafter.

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

11. Notwithstanding the details submitted, full details of a bus shelter 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 interest of promoting sustainable transport in accordance with the requirements of Policy S10 of the West Northamptonshire Joint Core Strategy.

12. Notwithstanding the details submitted, full details of cycle storage (including a timetable for implementation) shall be submitted to, and approved in writing by the Local Planning Authority prior to the first occupation of the development. Development shall be carried out in accordance with the approved details, and be retained thereafter.

Reason: In the interest of promoting sustainable transport in accordance with the requirements of Policy S10 of the West Northamptonshire Joint Core Strategy.

13. Notwithstanding the details submitted, full details CCTV (including a timetable for implementation) shall be submitted to, and approved in writing by the Local Planning Authority prior to the first occupation of the development. Development shall be carried out in accordance with the approved details, and be retained thereafter.

Reason: In the interest of creating a safe and secure form of development, in accordance with the requirements of Policy S10 of the West Northamptonshire Joint Core Strategy.

14. Notwithstanding the details submitted, full details of bat and bird roosting boxes (including a timetable for implementation) shall be submitted to, and approved in writing by the Local Planning Authority prior to the first occupation of the development. Development shall be carried out in accordance with the approved details, and be retained thereafter.

Reason: In the interest of ensuring a satisfactory impact on ecology, in accordance with the requirements of Policy BN2 of the West Northamptonshire Joint Core Strategy.

15. All planting, seeding or turfing as shown on drawings 06B, 07B and 08C 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.

16. Notwithstanding the details submitted, prior to the first occupation of the development hereby permitted, a timetable for the delivery of the vehicle parking, access roads, and manoeuvring spaces as shown on drawing 17206 P0002 D 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 retained thereafter.

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

17. Notwithstanding the details submitted, and within three months from the first occupation of each phase of the development, a full Travel Plan for the development 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 retained thereafter.

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

18. The development hereby permitted shall be carried out in accordance with the access details as shown on drawing 14-T130_06, as amended through the Detailed Design and Road Safety Audit, which 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.

19. Prior to any above ground works commencing, 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, shall be submitted to the Local Planning Authority for approval in writing. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The details of the scheme shall include:
- a) Details (i.e. designs, diameters, invert and cover levels, gradients, dimensions and so on) of all elements of the proposed drainage system, to include pipes, inspection chambers, outfalls/inlets, attenuation basins and soakaways .
 - b) Cross referenced calculations.

Reason: To reduce the risk of flooding both on and off site by ensuring the satisfactory means of surface water attenuation and discharge from the site in accordance with the requirements of the National Planning Policy Framework.

20. Prior to any above ground works commencing, a detailed scheme for the ownership and maintenance for every element of the surface water drainage system proposed on the site shall be submitted to and approved in writing by the Local Planning Authority and the maintenance plan shall be carried out in full thereafter.

Details are required of which organisation or body will be the main maintaining body where the area is multifunctional with evidence that the organisation/body has agreed to such adoption.

The scheme shall include, a maintenance schedule setting out which assets need to be maintained, at what intervals and what method is to be used.

A site plan including access points, maintenance access easements and outfalls. Maintenance operational areas to be identified and shown on the plans, to ensure there is room to gain access to the asset, maintain it with appropriate plant and then handle any arisings generated from the site.

Details of expected design life of all assets with a schedule of when replacement assets may be required.

Reason: To reduce the risk of flooding both on and off site by ensuring the satisfactory means of surface water attenuation and discharge from the site in accordance with the requirements of Policy BN7 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

21. No Occupation shall take place until the Verification Report for the installed surface water drainage system for the site has been submitted in writing by a suitably qualified drainage engineer and approved by the Local Planning Authority prior to occupation of the site based on the approved Flood Risk Assessment document reference R-FRA-9247M-01-0 Revision A, dated April 2018, prepared by JPP Consulting Ltd. These shall include:
- a) Any departure from the agreed design is keeping with the approved principles
 - b) Any As-Built Drawings and accompanying photos
 - c) Results of any performance testing undertaken as a part of the application process (if required / necessary)
 - d) Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc.

Reason: To reduce the risk of flooding both on and off site by ensuring the satisfactory means of surface water attenuation and discharge from the site in accordance with the requirements of Policy BN7 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

22. No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved.

Reason: To prevent environmental and amenity problems arising from flooding in accordance with the National Planning Policy Framework.

23. 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 in a, 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.

24. The development hereby permitted shall be implemented in accordance with the submitted external lighting strategy (reference 2764-18-171109, second issue, dated the 8th December 2017), which shall be retained thereafter.

Reason: In the interests of residential amenity in accordance with the requirements of the National Planning Policy Framework.

25. All trees shown to be retained in the approved plans 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 construction works taking 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 West Northamptonshire Joint Core Strategy.

26. Notwithstanding the details submitted, full details of the acoustic fence to be installed on the bunding (with a uniform minimum mass of 10kg/m²) 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 residential amenity in accordance with the requirements of Policy S10 of the West Northamptonshire Joint Core Strategy.

27. The development hereby permitted shall operate in accordance with the following operational ambient noise limits:

i) Where the existing background noise levels (measured at representative positions of the nearest dwellings, as a free field level) are below 40 dB LA_{90,T} the noise levels generated from the development shall not exceed 45 dB L_{A,r,T}. (The assessment time period T will be 1 hour between 0700 and 2300 and 15 minutes between 2300 and 0700 hours).

ii) Where the existing background noise levels (measured at representative positions of the nearest dwellings in Teal Close and Heronsford, as a free field level) are equal to or above 40 dB LA_{90,T} the noise levels generated from the development shall not equal or exceed 5 dB above the existing LA_{90,T}. (The assessment time period T will be 1 hour between 0700 and 2300 and 15 minutes between 2300 and 0700 hours).

The appropriate noise limit detailed above must be achieved, as a free field level, at positions representative of the facades of properties on Heronsford and Teal Close, to accord with the findings of the submitted Noise Impact Assessment Reference 17/0633/R1, dated the 12th December 2017.

Reason: In the interests of securing a neutral impact upon residential amenity in accordance with the requirements of the National Planning Policy Framework.

28. The development hereby permitted shall operate in accordance with the following operational short duration event noise limits:

i) Impulsive noise levels from loading and unloading activities on the site (excluding tonal reversing sounders) shall not exceed 61 dB L_{A,max} between 2300 and 0700 hours.

- ii) All fork lift truck vehicles shall be fitted with white noise reversing alarms.
- iii) Noise levels from tonal reversing sounders used on site shall not exceed 45 dB L_{Amax} between 2300 and 0700 hours (NB. This includes any penalties for specific noise penalties, as detailed in Appendix A of the submitted Noise Impact Assessment Reference 17/0633/R1, dated the 12th December 2017).

The appropriate noise limit detailed above must be achieved, as a free field level, at each hour in each position detailed in Schedule 17/0633/SCH1 of the submitted Noise Impact Assessment Reference 17/0633/R1, dated the 12th December 2017 to accord with the conclusions of the submitted Noise Impact Assessment Reference 17/0633/R1, dated the 12th December 2017

Reason: In the interests of residential amenity in accordance with the requirements of the National Planning Policy Framework.

- 29. The level of noise emitted from plant shall be at least 6 dB(A) below the existing background noise level (as measured at representative positions of the nearest dwellings, as a free field) of 40 dB LA_{90,T}. (The assessment time period T will be 1 hour between 0700 and 2300 and 15 minutes between 2300 and 0700 hours).

Reason: In the interests of residential amenity in accordance with the requirements of the National Planning Policy Framework.

- 30. The offices as shown on drawing P0002 D shall be used for purposes ancillary to the warehousing hereby permitted, and shall, at no time, form separate planning units.

Reason: For the avoidance of doubt and to ensure a satisfactory form of development, in accordance with the requirements of the National Planning Policy Framework.

10 BACKGROUND PAPERS

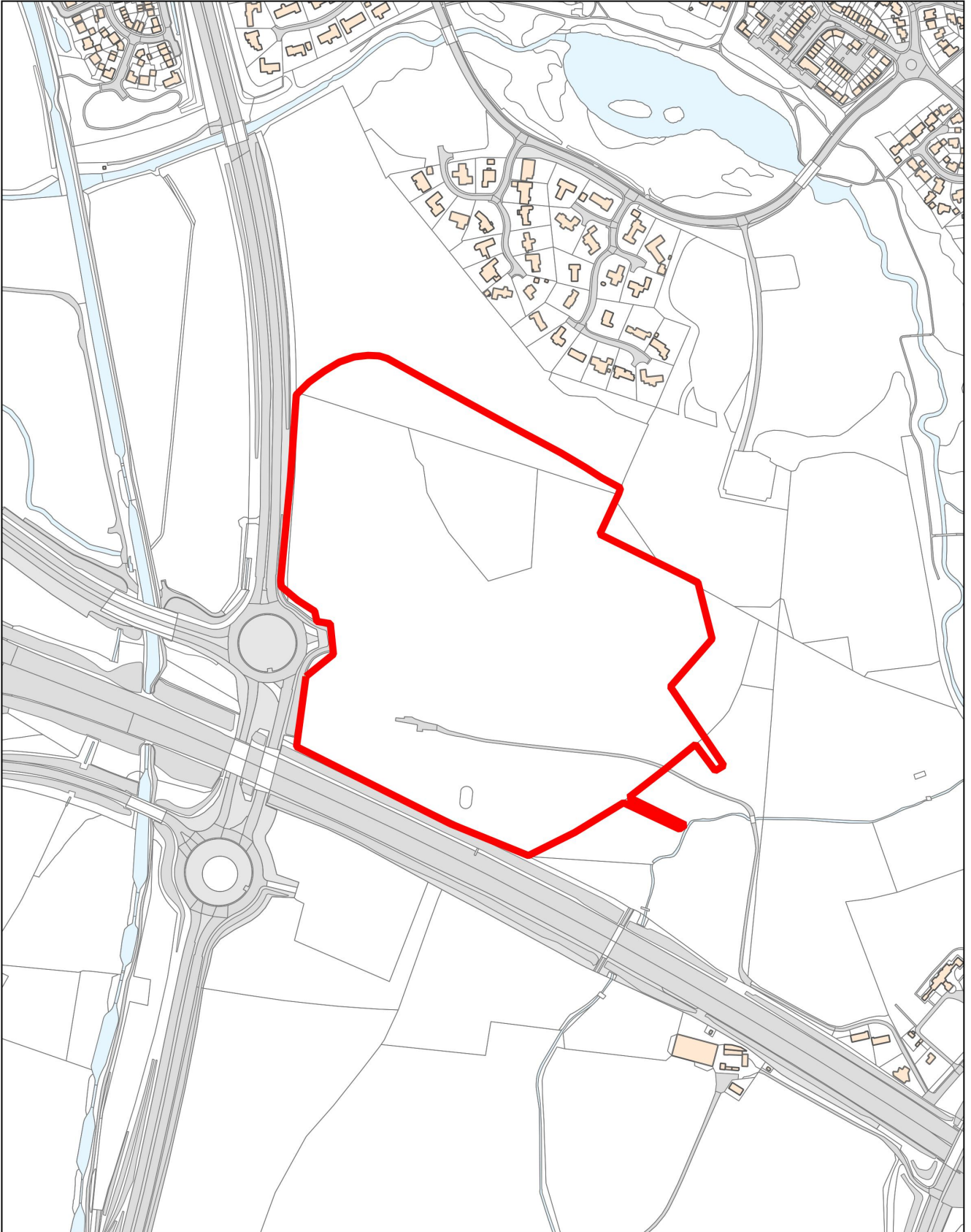
- 10.1 N/2018/0277 and N/2015/0335 (including appeal decision of the 3rd February 2017)

11 LEGAL IMPLICATIONS

- 11.1 The development is not CIL liable.

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.



Title: **Milton Ham site**

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Date: 12-11-2018

Scale: 1:5,000

Drawn by: -----