

PLANNING COMMITTEE: 1st September 2020
DEPARTMENT: Planning Service
DIRECTOR OF PLANNING: Peter Baguley

APPLICATION REF: N/2020/0458

LOCATION: Milton Ham Farm, Towcester Road

DESCRIPTION: Variation of Conditions 2, 15, 16, 19, 24, 27, 28 and 30 of Planning Permission N/2018/0277 (Distribution Centre (Use Class B8) including related service roads, access and servicing arrangements, car parking, landscaping bund and associated works) to modify the height and width of Unit 1, to alter the parking and to add a staff exercise trail, and variation of conditions 3, 4, 6, 7, 8, 9, 20, 21 and 22 to be in accordance with details submitted

WARD: West Hunsbury Ward

APPLICANT: Firethorn Development Limited
AGENT: Montagu Evans

REFERRED BY: Director of Planning and Sustainability
REASON: Major application

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1 RECOMMENDATION

1.1 APPROVAL IN PRINCIPLE subject to:

1.1.1 The prior completion of a Section 106 Agreement to secure the following planning obligations:

- i) 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 Director of Planning and Sustainability being satisfied the monitoring fee is necessary and of an appropriate scale.

1.1.2 The planning conditions 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 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 Director of Planning and Sustainability 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 This application was Approved in Principle by Members of the Planning Committee on the 28th July 2020 subject to the completion of a S106 application. The application is being brought back to Committee as following the Approval in Principle of the scheme, the applicants have altered the drainage system for the site to overcome concerns raised at the Committee meeting. As the S106 was not signed, the application has not yet been determined and so can be re-considered.
- 2.2 The proposed amendments from the previous Approved in Principle scheme by Committee Members is to alter a proposed sewer/swale into a pipe on the eastern side of the development. This Committee Report will focus only on this change with the complete report from the 28th July Committee provided at **Appendix 1**.

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 a 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

- 4.2 88/0086 – Proposed Corporate Office Park (Class B1 use), Business Support Centre, Conference Centre and Hotel, Residential and Leisure – Outline Application – Refused
- 4.3 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
- 4.4 89/1007 – Single office building – Outline Application – Dismissed on Appeal
- 4.5 91/0025 - Corporate Office Park (Class B1 use) Business Support Centre, Conference Centre and Hotel, Residential and Leisure Development – Outline Application – Approved
- 4.6 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
- 4.7 98/0077 – Development of Land to provide Office and Leisure Use – Outline Application – Undetermined
- 4.8 N/2001/1451 – 2no B2/B8 Warehouses with ancillary offices, car parking, associated landscaping, formation of a lagoon and temporary access – Withdrawn
- 4.9 N/2002/0750 – Erection of 2no. B2/B8 warehouses with ancillary offices, car parking and associated landscaping – Refused, dismissed on appeal
- 4.10 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
- 4.11 N/2006/0582 – Erection of B1(a)(c), B2 and B8 units with associated parking, service yards and landscaping – Undetermined
- 4.12 08/0160/FULWNN – Engineering Works to include Ground Modelling, Creation of Landscaping Bunds, Drainage, Roads, Attenuation Lake and Infrastructure Landscaping – Approved
- 4.13 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
- 4.14 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.
- 4.15 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.
- 4.16 N/2018/0277 - Distribution Centre (Use Class B8) including related service roads, access and servicing arrangements, car parking, landscaping bund and associated works – Approved 06/03/2019.

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:

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

6 CONSULTATIONS/ REPRESENTATIONS

Comments on the amendment received are summarised as follows:

- 6.1 **Local Lead Flood Authority** – The proposed changes are acceptable.

7 APPRAISAL

Alterations to condition wording

- 7.1 At the 28th July 2020 Committee, Members Approved In Principle this development subject to the following four conditions on surface water drainage:

19. The surface water drainage scheme for the site as shown within the Flood Risk Assessment revision 0: April 2020 reference R-FRA-20528-01-0, Flood risk assessment appendices, and plans 102(1) Rev C, 102(2) Rev C, and 103 Rev C shall be implemented in accordance with these details before the development is first occupied.

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. The surface water maintenance plan identified within Flood Risk Assessment revision 0: April 2020 reference R-FRA-20528-01-0, Flood risk assessment appendices, and plans 102(1) Rev C, 102(2) Rev C, and 103 Rev C shall be carried out in full accordance with these details prior to first occupation and at all times thereafter.

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 Flood Risk Assessment revision 0: April 2020 reference R-FRA-20528-01-0. 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 hard-standing areas are to be constructed until the surface water management strategy works have been carried out in accordance with Flood Risk Assessment revision 0: April 2020 reference R-FRA-20528-01-0, Flood risk assessment appendices, and plans 102(1) Rev C, 102(2) Rev C, and 103 Rev C.

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

- 7.2 Following Planning Committee on the 28th July 2020, the following amended documents have been received showing an alteration of a swale to a pipe on the eastern side of the site:

102(1) Rev D, 102(2) Rev F, 103 Rev D, and Flood Risk Assessment Revision B: August 2020 reference R-FRA-20528-01-B.

- 7.3 The Lead Local Flood Authority have been consulted on these amendments and advise that the changes are acceptable. It is therefore proposed to alter the above 4 conditions to be in accordance with the amended plans and Flood Risk Assessment.

8 CONCLUSION

- 8.1 The proposed development represents an appropriate land use and would enable a long allocated site to be brought 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 7th March 2022.

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: 17206 P0001 Rev E, P0002 Rev F, P0003 Rev B, P0004 Rev B, P0005 Rev B, F0014 Rev A, P0008 Rev B, 0009 Rev A, 0010 Rev A, 0011 Rev A, F0021 Rev A, DLA-1781-L-01 Rev D, 02-Rev D, 03-Rev E, 04-Rev E, DLA-1781-L19, 1781DLA L12, 06D, 07D planting proposal 2 of 4, 07D planting proposal 4 of 4, and 08E, 11.

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

3. The development shall be carried out in accordance with the phasing details within plan 17206 P0018 Rev B.

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. The development shall be undertaken in full accordance with Construction Environmental Management Plan T919 – Rev D dated 20/07/2020 and tracking drawing P0031 Rev A.

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.

5. The development shall be undertaken in full accordance with the Written Scheme of Investigation (WSI) prepared by Albion Archaeology, dated 23/01/2020 reference 2019/142 Version 1.1.

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.

6. The levels of the development shall be undertaken in full accordance with plans 101 Rev C and 107 Rev B.

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

7. The materials to be used on the development hereby approved shall be in full accordance with plans F0014 Rev A, F0021 Rev A, Oyster Grey RAL 7035, Pure Grey RAL 000 50 00, Slate Grey RAL 7012, White RAL 9003, and Goosewing Grey RAL 7038.

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. The boundary treatments within plan 17206 P0014 Rev D (which for the avoidance of doubt, do not include the acoustic fence referenced in Condition 26) shall be provided in full accordance with this plan prior to the first occupation of the units hereby approved 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. The hard surfacing shown in plan 17206 P0016 Rev B shall be provided in accordance with the plan prior to the first occupation of the units hereby approved 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 at least 33 electric car charging points, including at least 6 rapid charging units, (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 and the Northampton Parking Standards Supplementary Planning Document (2019).

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. Decision Notice

15. All planting, seeding or turfing as shown on drawings 06D, 07D planting proposal 2 of 4, 07D planting proposal 4 of 4, and 08E 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 Rev F 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. The surface water drainage scheme for the site as shown within the Flood Risk Assessment Revision B: August 2020 reference R-FRA-20528-01-B, Flood risk assessment appendices, and plans 102(1) Rev D, 102(2) Rev F and 103 Rev D shall be implemented in accordance with these details before the development is first occupied.

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. The surface water maintenance plan identified within Flood Risk Assessment Revision B: August 2020 reference R-FRA-20528-01-B, Flood risk assessment appendices, and plans 102(1) Rev D,

102(2) Rev F, and 103 Rev D shall be carried out in full accordance with these details prior to first occupation and at all times thereafter.

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 Flood Risk Assessment Revision B: August 2020 reference R-FRA-20528-01-B. 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 hard-standing areas are to be constructed until the surface water management strategy works have been carried out in accordance with Flood Risk Assessment Revision B: August 2020 reference R-FRA-20528-01-B, Flood risk assessment appendices, and plans 102(1) Rev D, 102(2) Rev F, 103 Rev D.

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 3364-18-200409 Rev 03 dated 09/04/2020 by ESP, alongside plan 3364/E/100 Rev P2, 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. The acoustic fence within plan as agreed within plan P0017 Rev A 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 LA90,T the noise levels generated from the development shall not exceed 45 dB LA_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 LA90,T the noise levels generated from the development shall not equal or exceed 5 dB above the existing LA90,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 and Memorandum by Cole Jarman reference 17/0633/M01 Rev 0 dated 16th April 2020.

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 LA_{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 LA_{max} 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 and Memorandum by Cole Jarman reference 17/0633/M01 Rev 0 dated 16th April 2020.

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 LA90,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 17206 P0002 Rev F 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.

Informative

1. The application is advised that all fire exit doors should meet the requirements of LPCB LPS 1175 SR2 and be of steel construction with no external hardware and should be alarmed.

10 LEGAL IMPLICATIONS

- 10.1 The development is not CIL liable.

11 SUMMARY AND LINKS TO CORPORATE PLAN

- 11.1 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.



PLANNING COMMITTEE:	28th July 2020
DEPARTMENT:	Planning Service
DIRECTOR OF PLANNING:	Peter Baguley
APPLICATION REF:	N/2020/0458
LOCATION:	Milton Ham Farm, Towcester Road
DESCRIPTION:	Variation of Conditions 2, 15, 16, 19, 24, 27, 28 and 30 of Planning Permission N/2018/0277 (Distribution Centre (Use Class B8) including related service roads, access and servicing arrangements, car parking, landscaping bund and associated works) to modify the height and width of Unit 1, to alter the parking and to add a staff exercise trail, and variation of conditions 3, 4, 6, 7, 8, 9, 20, 21 and 22 to be in accordance with details submitted
WARD:	West Hunsbury Ward
APPLICANT:	Firethorn Development Limited
AGENT:	Montagu Evans
REFERRED BY:	Director of Planning and Sustainability
REASON:	Major application requiring Section 106 Agreement
DEPARTURE:	No

APPLICATION FOR DETERMINATION:

1 RECOMMENDATION

1.2 APPROVAL IN PRINCIPLE subject to:

1.1.1 The prior completion of a Section 106 Agreement to secure the following planning obligations:

- v) Enhanced access to public transport provision in order to mitigate the traffic and environmental impacts of the scheme;
- vi) 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;
- vii) The provision of construction worker training places, and a financial payment towards the operation of the scheme; and
- viii) The Council's monitoring fee subject to the Director of Planning and Sustainability being satisfied the monitoring fee is necessary and of an appropriate scale.

1.1.2 The planning conditions 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 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 Director of Planning and Sustainability 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 application proposes to vary conditions 2, 15, 16, 19, 24, 27, 28 and 30 of Planning Permission N/2018/0277 (Distribution Centre (Use Class B8) including related service roads, access and servicing arrangements, car parking, landscaping bund and associated works) to modify the height and width of Unit 1, to alter the parking and to add a staff exercise trail, and variation of conditions 3, 4, 6, 7, 8, 9, 20, 21 and 22 to be in accordance with details submitted.
- 2.2 The application proposes to enlarge the approved Unit 1. Unit 1 was approved at 208 metres wide, 95.28 metres deep and 15.5 metres to ridge height. It is proposed to alter the building to be 238 metres wide, 95.28 metres deep and 16 metres to ridge height. As a consequence of the enlargement of Unit 1, there would be an amendment to the parking layout.
- 2.3 It is also proposed to add a staff exercise trail to the site, which would be located on the eastern side of the site and comprise a circular route with exercise equipment positioned at intervals.
- 2.4 The proposal also includes the variation of the wording of conditions which required information to be submitted, to instead be in accordance with details that have been provided within this application.

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 a 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
- 4.2 88/0086 – Proposed Corporate Office Park (Class B1 use), Business Support Centre, Conference Centre and Hotel, Residential and Leisure – Outline Application – Refused
- 4.3 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
- 4.4 89/1007 – Single office building – Outline Application – Dismissed on Appeal
- 4.5 91/0025 - Corporate Office Park (Class B1 use) Business Support Centre, Conference Centre and Hotel, Residential and Leisure Development – Outline Application – Approved
- 4.6 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
- 4.7 98/0077 – Development of Land to provide Office and Leisure Use – Outline Application – Undetermined
- 4.8 N/2001/1451 – 2no B2/B8 Warehouses with ancillary offices, car parking, associated landscaping, formation of a lagoon and temporary access – Withdrawn
- 4.9 N/2002/0750 – Erection of 2no. B2/B8 warehouses with ancillary offices, car parking and associated landscaping – Refused, dismissed on appeal
- 4.10 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
- 4.11 N/2006/0582 – Erection of B1(a)(c), B2 and B8 units with associated parking, service yards and landscaping – Undetermined
- 4.12 08/0160/FULWNN – Engineering Works to include Ground Modelling, Creation of Landscaping Bunds, Drainage, Roads, Attenuation Lake and Infrastructure Landscaping – Approved
- 4.13 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
- 4.14 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.
- 4.15 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.

- 4.16 N/2018/0277 - Distribution Centre (Use Class B8) including related service roads, access and servicing arrangements, car parking, landscaping bund and associated works – Approved 06/03/2019.

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:

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 polices 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

Northampton Parking SPD 2019

Planning out Crime in Northamptonshire SPG 2004

6 **CONSULTATIONS/ REPRESENTATIONS**

Comments received are summarised as follows:

6.1 **Highways England** – No comment to make.

6.2 **NCC Highways** – No objection to the proposed amendments.

6.3 **NCC Ecology** – No comments to make.

6.4 **NCC Archaeology** – No comment. Proposal does not impact on area of archaeological mitigation.

6.5 **NBC Public Protection** – Details provided for conditions 6, 8, 27, and 28 acceptable. Air quality assessment accepted. EV charging should be provided. No objection to proposed lighting scheme.

6.6 **Northamptonshire Police** – No objection to increase in height of unit 1 and inclusion of staff exercise trail. Lighting meets minimum secure by design requirements. No control over public access to the car parking and so CCTV will need to cover employee car parking and exercise trail. All fire exit doors should meet the requirements of LPCB LPS 1175 SR2 and be of steel construction with no external hardware and should be alarmed.

6.7 **Environment Agency** – No comment.

6.8 **Local Lead Flood Authority** – Sufficient information provided for conditions 19 and 20.

6.9 **West Hunsbury Parish Council** – object. Increased size and scale are detrimental to local amenity and out of scale with proposed landscaping and bunding and larger than inspector indicated as acceptable in previous dismissed appeal. Concern regarding proposed attenuation tanks and flood risk from this. Increase in size of building would result in more surface run-off into Wootton Brook and maintenance of this should be considered within conditions. Concerns regarding pollution from noise, vehicles, materials and light, and traffic congestion and lack of pedestrian access to the site.

6.10 35 letters have been received from 22 neighbouring properties. 20 of these raise objections to the application, with 2 raising observations. The concerns raised can be summarised as follows:

Design

- Approved building was too large and increase of unit 1 is unacceptable.
- Increase in height will be noticeable within West Hunsbury.
- Increase in warehouse and industrial sprawl around town and loss of green space and agricultural land.
- Same size as that previously refused for being too big.
- Extra rack space could be made by altering slope of roof.
- Width increase makes building more obtrusive.

- Shouldn't be allowed to apply to make it larger.
- Eyesore at entrance to town.

Neighbouring Amenity

- Noise and light pollution from building which bund will not block out.
- Air pollution.
- Impact of noise on Crematorium and playgrounds.
- Health impact on neighbouring residents.

Crime

- Don't want access for workers or construction through Shelfleys Park due to safety concerns.
- Exercise trail may be used by others and vandalised.

Highways

- Parking level has increased drastically within plans with associated large increase in traffic and pollution (noise and air).
- Don't want lorries using Towcester Road off Mere Way to access site – should be limited to M1.
- Lower speed limit should be introduced to road to Northampton.
- Impact on traffic in area.

Flooding

- Concern regarding flood attenuation tanks as they are a maintenance issue.
- Concern regarding details of attenuation tanks and whether LLFA have agreed these.
- Concern regarding flood risk from development and this may be exacerbated on neighbouring sites if this site is not maintained correctly.
- Condition requested requiring neighbouring ponds to be dredged to facilitate run-off.

Bund

- Bunding should be increased to accommodate increased size of building.
- Concern with bund shape.
- Want bund to cover building – be higher.
- Request building is horizontal and bunding is horizontal and not dropping over its length.

Other

- Want all conditions to remain.
- Request plan showing current proposal overlaid with all previous refusals dismissed at appeal.
- Question whether previous approval complied with Inspectors comments and the current amendment makes this worse.
- Concern application submitted during a lockdown.
- Property values will decrease.

7 APPRAISAL

Principle of development

- 7.1 The principle of the development has been established under application N/2018/0277. This identified that the site had been allocated within the Local Plan for Classes B1, B2 and B8 purposes, and had been established within a public inquiry in respect of refusal of the 2015 permission that the site was suitable for Class B8 purposes. It was also identified that the proposal complied with policy S7 of the core strategy which sets out a requirement for the provision of 28,500 jobs within the West Northamptonshire area during the plan period of 2008-2029; 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; and policy E1, which states that existing and allocated employment sites would be retained for commercial purposes, including those falling within Class B8 of the Use Classes Order.
- 7.2 The principle of the development has been established within application N/2018/0277 and is accepted.

Design

- 7.3 The application proposes to enlarge the approved Unit 1. Unit 1 was approved at 208 metres wide, 95.28 metres deep and 15.5 metres to ridge height. It is proposed to alter the building to be 30 metres wider and 0.5 of a metre higher. As a consequence of the enlargement of Unit 1, there would be an amendment to the parking layout. It is also proposed to add a staff exercise trail to the site, which would be located on the eastern side of the site and comprise a circular route with exercise equipment positioned at intervals.
- 7.4 Concern was raised within neighbour letters that the proposed building is too large, that the height increase will be noticeable, that there are too many warehouses in Northampton with the loss of green space and agricultural land, and that it is an eyesore at the entrance to the town. It is also raised that the approved bund under the original application should be made larger.
- 7.5 The current application is a variation application to an approved scheme and it is only the alterations to this approval that are under consideration. It is considered that the proposed enlargement of the building would not appear substantially different to that approved under application N/2018/0277. The proposed building would be 30 metres wider, which would be visible from the northern and southern elevations, however the appearance would remain of a large warehouse. It is not considered that the increase in height of 0.5 of a metre has a significant impact upon the appearance of the building, with it retaining the appearance that would be expected from a Class B8 warehouse. A bund remains proposed, and section drawings indicate that the increase in height of the building will not have a significant impact upon the surrounding area with regards to appearance. Condition 6 requires further details on the levels of this bund.
- 7.6 Concern has been raised within neighbour letters that the revised building is similar to that previously refused on this site and the previous approval under N/2018/0277 was the limit in terms of size and bulk.
- 7.7 Application N/2015/0335 was refused and dismissed at appeal on the 3rd February 2017. This proposed a building of approximately 18.3 metres in height and a footprint of 46651m². The Inspector for this appeal identified that the proposal would result in a marked and permanent change to the landscape in the vicinity of the site which could not be mitigated by landscaping. It was outlined that this would erode the rural characteristics of the site and its contribution to the green area separating the town from the M1. It was also considered that the large bunds needed to screen the development would further the harm, being engineered features in the landscape.
- 7.8 It is the case that the refused scheme was significantly larger than that now proposed, being 18.3 metres in height and 46651m² in footprint whereas the current scheme under consideration for Unit 1 is 16 metres in height and 23226m² in footprint, plus 4886m² as approved for units 2 and 3, a total of 32998m² on the site. This is substantially less than that refused under application N/2015/0335. It is also the case that since the refusal there has been permission granted on this site for a development including Unit 1 at 15.5 metres in height and 20406m² in footprint, with a total of 30178m² floorspace on this site.
- 7.9 With the existing live permission on the site under application N/2018/0277 and with the increase in size not being disproportionate to this previous approval, it is considered that the enlargement of Unit 1 is acceptable in design terms.
- 7.10 The proposal includes alterations to the design of the car park as a result of the alteration in size of Unit 1. The altered layout is considered acceptable in design terms.
- 7.11 The proposal also includes the introduction of a staff exercise trail on the site. This is considered a positive of the scheme and is acceptable in design terms.

Amenity

- 7.12 Concern has been raised within neighbour letters as to the impact of the proposal on neighbouring amenity with regards to noise, light pollution, air pollution and the impact upon existing residents' health.
- 7.13 Application N/2018/0227 granted permission for the erection of three units on this site. Unit 1 is within the same location as this previous approval, however it has been extended 30 metres to the east and is also increased in height by 0.5 of a metre. The proposed building is located over 180 metres from the rear of the nearest residential property, and bunding remains proposed around the northern and eastern sides of the built development. There is also a good tree coverage to the south of Heronsford and Teal Close which helps screen the site from neighbouring properties on this road.
- 7.14 As within approval N/2018/0227, with the proposal being for warehousing, it is likely that the occupiers would operate on a continual basis. An updated noise assessment has been submitted in support of the application. This has been assessed by the Council's Environmental Health officers, and no objections have been raised to the development. Conditions attached to N/2018/0227 requiring the development to operate within agreed noise limits and the provision, and retention, of a suitable acoustic fence on top of the bund would be retained within this variation application.
- 7.15 By reason of the development likely to be operating on a continual basis, the issue of lighting is also of particular importance. Details of lighting have been submitted with this application and the Council's Environmental Health officer has raised no objection to these.
- 7.16 A Construction Environment Management Plan (CEMP) has also been submitted to regulate the construction of the development. This has again received no objection from the Council's Environmental Health officer however NCC Highways have not agreed the details and as such this condition will remain unaltered from application N/2018/0277.
- 10.1 The Council's Public Protection team have been consulted on this application and do not raise any concerns with the proposal. With this significant separation distance, existing trees, the proposed bunds, and with no objection from the Public Protection team, it is not considered that the proposal would have an unacceptable impact upon neighbouring amenity with regards to noise and light.

Parking and highway safety

- 10.2 Concern was raised within neighbour letters that the proposal would result in traffic problems through increases in parking levels. It was also raised that lorries should not be allowed to use Towcester Road off Mere Way to access the site and should be limited to the M1, and that a lower speed limit should be introduced on the road to Northampton.
- 10.3 The proposed development would utilise an existing spur from the roundabout serving as the junction between the A43 and the A5123 as approved under N/2018/0227 and no change is proposed to this.
- 10.4 Application N/2018/0277 included parking spaces for 320 cars and 41 HGV's. The amended proposal provides 332 car parking spaces and 41 HGV parking spaces. Under the NCC Parking Standards 326 parking spaces would be required for this development. As such there is an overprovision of parking on this site by 6 spaces.
- 10.5 Northamptonshire County Council Highways department have been consulted on this application and have raised no objection to the proposed amendments.
- 10.6 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.

- 10.7 Application N/2018/0277 includes an agreement within a Section 106 Agreement that secures funding towards the provision of public transport. This would be reiterated within this application.
- 10.8 Following the grant of application N/2018/0277 the Council has adopted a Parking SPD which requires 10% of parking spaces to be EV charging spaces, with at least 1 per every 10 disabled parking spaces. 1 rapid charging unit would also be required per 50 parking spaces. As such 33 EV charging points would be required, with 6 of these being rapid charging units. This would be secured through a condition.
- 10.9 With regards to neighbour comments, NCC Highways have advised that there are no objections to the scheme and have not raised any objections to the safety of the site due to speed limits on roads or the access. As such it is not considered that there is a highway safety issue resultant from this proposal.

Flood Risk

- 10.10 Concern has been raised within neighbour letters with regards to the flood risk of this site. This is due to the proposed flood attenuation tanks, the impact on neighbouring sites if these are not maintained properly, and the increase in surface water from the enlarged building flowing into neighbouring ponds.
- 10.11 It is a policy requirement that development does not increase flood risk either on the site, or elsewhere. The application has been accompanied by a flood risk assessment, drainage layouts and surface water maintenance details. The Lead Local Flood Authority have been consulted on these details and raise no objection. Conditions are attached to the permission requiring the development to be undertaken in accordance with the approved drainage scheme, maintenance scheme, and management strategy, and requiring a verification report.
- 10.12 With no objection from the LLFA to the proposed scheme, it is not considered that the proposal would result in an unacceptable flood risk and the submitted details are accepted.

Crime

- 10.13 Neighbour letters raised concerns regarding crime safety of this development. It was requested that there is no access for workers or construction through Shelfleys Park due to safety concerns. It was also raised that the proposed exercise trail may be used by others and vandalised.
- 10.14 As part of this application Northamptonshire Police were consulted and no objection was received. It was advised that CCTV would need to cover the exercise trail and entrance to the site, and this is covered by condition 13. No access is proposed to the site from Shelfleys Park.
- 10.15 Northamptonshire Police also advised that all fire exit doors should meet the requirements of LPCB LPS 1175 SR2 standard and be of steel construction with no external hardware and should be alarmed. This would be reminded through an informative.

Legal Agreement

- 10.16 Application N/2018/0277 was granted subject to a S106 Agreement which secured contributions towards construction training, public transport, and a monitoring fee and required details on landscape buffer, shift times, and a public transport strategy. This S106 Agreement does not have a clause tying it to any future variation applications and as such a new S106 Agreement is needed to make this application acceptable, subject to the same obligations as those agreed under application N/2018/0277. This has been agreed by the developer.

Alterations to condition wording

Condition 3 - phasing

10.17 Condition 3 of N/2018/0277 outlines:

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.

10.18 Whilst a phasing plan has been agreed under application N/2018/0277, this must be updated to show the revised scheme now proposed. Plan 17206 P0018 Rev B has been submitted which identifies that there is only one phase. This matches that agreed under application N/2018/0277. In line with this, it is considered appropriate to amend the condition to be in accordance with this plan.

Condition 4 - CEMP

10.19 Condition 4 of N/2018/0277 outlines:

Prior to the commencement of each phase of the 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.

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

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.'

10.20 A CEMP has been submitted within this application reference T919-Rev B. Under application N/2018/0277 this CEMP has not been accepted due to NCC Highways concerns and as such it is not considered that this CEMP is acceptable for the revised scheme. As such it is not possible to amend this condition and it will remain worded as above.

Condition 6 – levels

10.21 Condition 6 of N/2018/0277 outlines:

'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.'

10.22 It is essential that the levels of this site, including the bund, are acceptable. Insufficient information has been provided to ascertain this and as such this condition cannot be amended and will remain worded as above.

Condition 7 - materials

10.23 Condition 7 of N/2018/0277 outlines:

'Prior to the commencement of each phase of the development, 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. This condition is required in order to agree such details in a timely manner.'

10.24 Under application N/2018/0277 the materials to be used in the development have been approved. With the plans approved being specific to the drawings, amended details are required for Unit 1 under this application. The applicant has provided details within plan 17206 P0006 Rev D of the materials for Unit 1, which match those approved under application N/2018/0277. It is considered that this condition can be amended to be in accordance with this plan and plans 17206 P0012 Rev B – Unit 2&3 Building Elevations & Section, Goosewing Grey RAL 7038 (K), White RAL 9003 (A & M), Moorland Green RAL 100 60 20 (B), Meadowland RAL 100 80 20 (C), Hamlet RAL 9002 (D) and Alaska Grey RAL 7000 (L) (N) (P).

Condition 8 – boundary treatment

10.25 Condition 8 of N/2018/0277 outlines:

'Notwithstanding the details submitted and prior to the commencement of each phase of the development, full details of all boundary treatments (which for the avoidance of doubt, shall not include the acoustic fence referenced in Condition 26) 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 phase 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.'

10.26 Under application N/2018/0277 details of boundary treatments have been agreed. However, with the size of the unit altering, the plans are required to be updated. Plan 17206 P0014 Rev D has been submitted which outlines boundary treatments to match those approved previously. It is considered that these details are acceptable and the condition can be amended to be in accordance with these details.

Condition 9 – hard surfacing

10.27 Condition 9 of N/2018/0277 outlines:

'Notwithstanding the details submitted and prior to the commencement of each phase of the development, 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 phase 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.'

10.28 Under application N/2018/0277 details of hard surfacing have been agreed. However, with the size of the unit altering, the plans are required to be updated. Plan 17206 P0016 Rev B has been submitted. The details within this match that previously approved and it is considered that the condition can be updated to be in accordance with these details.

Condition 15 – landscaping

10.29 Condition 15 of N/2018/0277 outlines:

‘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’

10.30 With the amendment of Unit 1, the plans referred to within condition 15 are required to be updated. Plans 06D, 07D planting proposal 2 of 4, 07D planting proposal 4 of 4, and 08E have been submitted and NCC Ecology have advised that these are acceptable. It is considered that the planting scheme proposed is acceptable and as such the condition can be amended to refer to these updated plans.

Condition 16 – timetable for delivery of parking, roads and manoeuvring spaces

10.31 Condition 16 of N/2018/0277 outlines:

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.

10.32 With the amendment of Unit 1, the plans referred to within condition 16 are required to be updated. The plan number should be amended to 17206 P0002 Rev F, the amended site layout.

Conditions 19, 20, 21 and 22 – surface water drainage

10.33 Condition 19 of N/2018/0277 outlines:

‘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 in accordance with the Flood Risk Assessment document reference R-FRA-9247M-01-0 Revision A, dated April 2018, prepared by JPP Consulting Ltd, 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.'

10.34 Condition 20 of N/2018/0277 outlines:

'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.

The scheme shall include:

- a) a maintenance schedule setting out which assets need to be maintained, at what intervals and what method is to be used.
- b) a site plan including access points, maintenance access easements and outfalls.
- c) 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.
- d) 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.'

10.35 Condition 21 of N/2018/0277 outlines:

'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.'

10.36 Condition 22 of N/2018/0277 outlines:

'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.'

10.37 Under application N/2018/0277 details have been agreed for conditions 19, 20 and 22. Amended details have been submitted with this application alongside an updated Flood Risk Assessment. The Lead Local Flood Authority have confirmed that the details submitted are acceptable for condition 19 and 20. The details submitted for condition 22 are also considered acceptable. As

such it is considered that these conditions can be re-worded to be in accordance with Flood Risk Assessment revision 0: April 2020 reference R-FRA-20528-01-0, Flood risk assessment appendices, and plans 102(1) Rev C, 102(2) Rev C, and 103 Rev C. Condition 21 must be updated to refer to the new Flood Risk Assessment.

Condition 24 – lighting

10.38 Condition 24 of N/2018/0277 outlines:

‘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.’

10.39 As part of this application a revised lighting strategy has been submitted ‘External Lighting Strategy’ reference 3364-18-200409 Rev 03 dated 09/04/2020 by ESP, alongside plan 3364/E/100 Rev P2. Public Protection and Northamptonshire Police have confirmed that these revised details are acceptable. As such it is considered that the condition can be reworded to make reference to these amended details.

Conditions 27 and 28 – noise

10.40 Condition 27 of N/2018/0277 outlines:

‘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 LA90,T the noise levels generated from the development shall not exceed 45 dB LA_{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 LA90,T the noise levels generated from the development shall not equal or exceed 5 dB above the existing LA90,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.’

10.41 Condition 28 of N/2018/0277 outlines:

‘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 LA_{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 LA_{max} 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.'

- 10.42 Following the revision of the proposal a Memorandum by Cole Jarman reference 17/0633/M01 Rev 0 dated 16th April 2020 has been submitted with regards to noise. Public Protection have advised that the findings of this are acceptable. As such it is considered that conditions 27 and 28 should be updated to include this new document in addition to the documents currently referred to within them.

Condition 30 – offices

- 10.43 Condition 30 of N/2018/0277 outlines:

'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.'

- 10.44 With the amended plan numbers within this application this condition must be amended to refer to the new plan – 17206 P0002 Rev F.

Other Matters

- 10.45 A neighbour letter raised concern that they want all conditions to remain. The application does not propose to remove any conditions, rather to alter the wording to be in accordance with updated details.
- 10.46 A neighbour letter raised concern that the applicants had not provided a plan showing the current proposal overlaid with all previous refusals dismissed at appeal. The applicants have provided a comparison plan showing that proposed against that previously approved and that dismissed at appeal under application N/2015/0335. This shows a good comparison of the recent relevant planning history. The Council cannot require the applicant to provide any further comparison plans as these are not required under the validation list.
- 10.47 Concern was raised that the previous approval N/2018/0277 should not have been allowed. Application N/2018/0277 has been granted and is a live permission on this site. As such this has significant weight in the assessment of this variation application.
- 10.48 Concern was raised that the application was submitted during a lockdown. There was no changes made to the Planning process restricting the submission of applications during lockdown. Site notices were still displayed and letters sent to neighbouring properties in accordance with the requirements of the Town and Country Planning Act.
- 10.49 Concern was raised that property values will decrease as a result of this proposal. This is not a material planning consideration.

11 CONCLUSION

- 11.1 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.

12 CONDITIONS

1. The development hereby permitted shall be begun before 7th March 2022.

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: 17206 P0001 Rev E, P0002 Rev F, P0003 Rev B, P0004 Rev B, P0005 Rev B, P0006 Rev B, 0008 Rev A, 0009 Rev A, 0010 Rev A, 0011 Rev A, 0012 Rev A, DLA-1781-L-01 Rev D, 02-Rev D, 03-Rev E, 04-Rev E, DLA-1781-L19, 1781DLA L12, 06D, 07D planting proposal 2 of 4, 07D planting proposal 4 of 4, and 08E, 11.

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

3. The development shall be carried out in accordance with the phasing details within plan 17206 P0018 Rev B.

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 each phase of the 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.

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

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. The development shall be undertaken in full accordance with the Written Scheme of Investigation (WSI) prepared by Albion Archaeology, dated 23/01/2020 reference 2019/142 Version 1.1.

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.

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. The materials to be used on the development hereby approved shall be in full accordance with plans 17206 P0006 Rev D, 17206 P0012 Rev B, Goosewing Grey RAL 7038 (K), White RAL 9003 (A & M), Moorland Green RAL 100 60 20 (B), Meadowland RAL 100 80 20 (C), Hamlet RAL 9002 (D) and Alaska Grey RAL 7000 (L) (N) (P).

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. The boundary treatments within plan 17206 P0014 Rev D (which for the avoidance of doubt, do not include the acoustic fence referenced in Condition 26) shall be provided in full accordance with this plan prior to the first occupation of the units hereby approved 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. The hard surfacing shown in plan 17206 P0016 Rev B shall be provided in accordance with the plan prior to the first occupation of the units hereby approved 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 at least 33 electric car charging points, including at least 6 rapid charging units, (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 and the Northampton Parking Standards Supplementary Planning Document (2019).

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. Decision Notice

15. All planting, seeding or turfing as shown on drawings 06D, 07D planting proposal 2 of 4, 07D planting proposal 4 of 4, and 08E 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 Rev F 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. The surface water drainage scheme for the site as shown within the Flood Risk Assessment revision 0: April 2020 reference R-FRA-20528-01-0, Flood risk assessment appendices, and plans 102(1) Rev C, 102(2) Rev C, and 103 Rev C shall be implemented in accordance with these details before the development is first occupied.

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. The surface water maintenance plan identified within Flood Risk Assessment revision 0: April 2020 reference R-FRA-20528-01-0, Flood risk assessment appendices, and plans 102(1) Rev C, 102(2) Rev C, and 103 Rev C shall be carried out in full accordance with these details prior to first occupation and at all times thereafter.

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 Flood Risk Assessment revision 0: April 2020 reference R-FRA-20528-01-0. These shall include:
- Any departure from the agreed design is keeping with the approved principles
 - Any As-Built Drawings and accompanying photos
 - Results of any performance testing undertaken as a part of the application process (if required / necessary)
 - 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 hard-standing areas are to be constructed until the surface water management strategy works have been carried out in accordance with Flood Risk Assessment revision 0: April 2020 reference R-FRA-20528-01-0, Flood risk assessment appendices, and plans 102(1) Rev C, 102(2) Rev C, and 103 Rev C.

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 3364-18-200409 Rev 03 dated 09/04/2020 by ESP, alongside plan 3364/E/100 Rev P2, 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. The acoustic fence within plan as agreed within plan P0017 Rev A 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 LA90,T the noise levels generated from the development shall not exceed 45 dB LAr,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 LA90,T the noise levels generated from the development shall not equal or exceed 5 dB above the existing LA90,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 and Memorandum by Cole Jarman reference 17/0633/M01 Rev 0 dated 16th April 2020.

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 LAmax 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 LAmax 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 and Memorandum by Cole Jarman reference 17/0633/M01 Rev 0 dated 16th April 2020.

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 LA90,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 17206 P0002 Rev F 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.

Informative

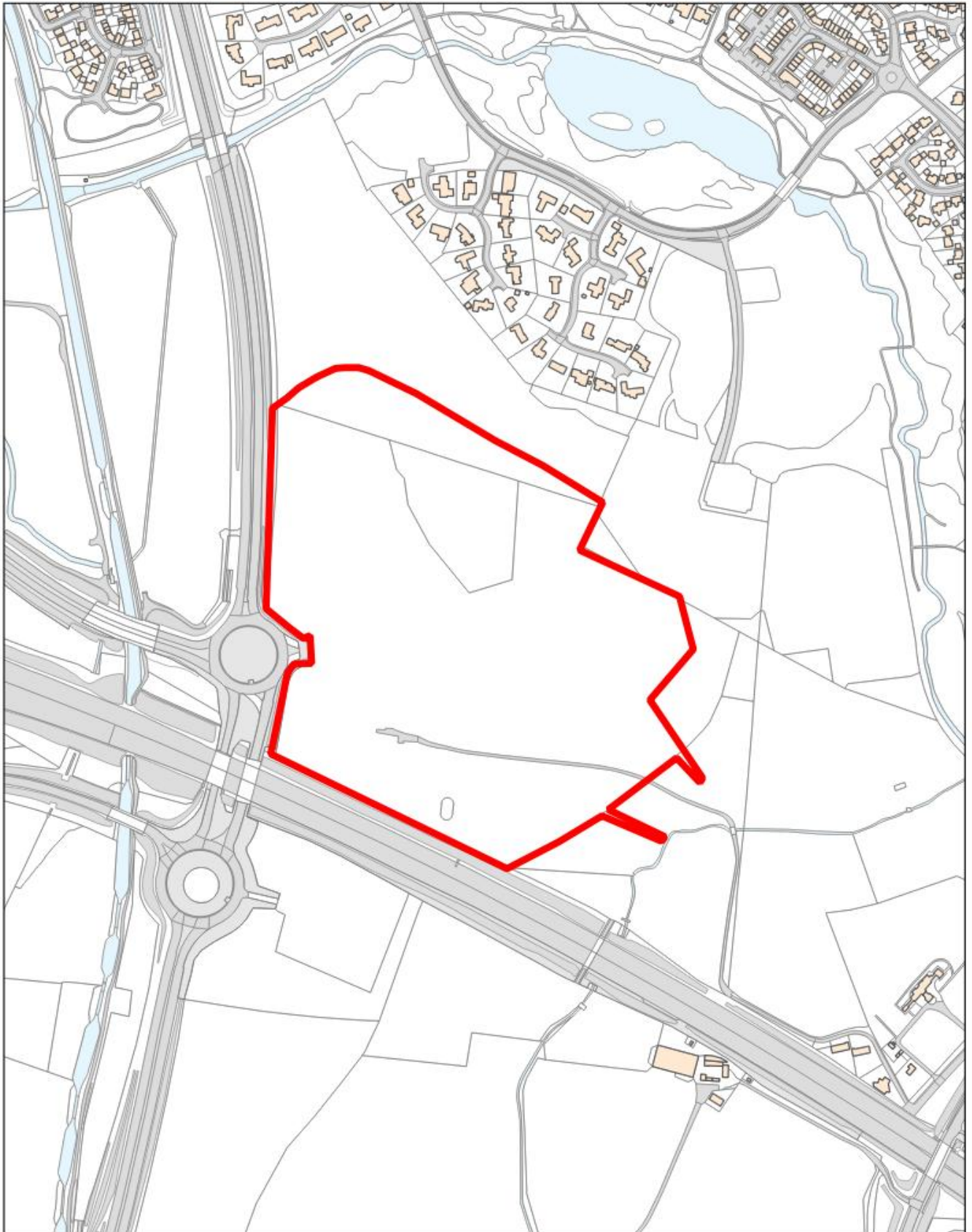
1. The application is advised that all fire exit doors should meet the requirements of LPCB LPS 1175 SR2 and be of steel construction with no external hardware and should be alarmed.

13 LEGAL IMPLICATIONS

- 13.1 The development is not CIL liable.

14 SUMMARY AND LINKS TO CORPORATE PLAN

- 14.1 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 Farm, Towcester Road.**

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Date: 17-08-2020

Scale: 1:5,000

Drawn by: -----