

**PLANNING COMMITTEE:** 14<sup>th</sup> June 2016  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**DIRECTOR:** Steven Boyes

**APPLICATION REF:** N/2016/0015

**LOCATION:** Site 7C, Edgar Mobbs Way

**DESCRIPTION:** Outline application (all matters reserved except access) for removal, levelling and remodelling of the earth mound and development of the site for business (Use Class B1), general industrial (Use Class B2) and storage and distribution (Use Class B8)

**WARD:** St James Ward

**APPLICANT:** Coltham Management Services Limited  
**AGENT:** DFC Architecture

**REFERRED BY:** Director of Regeneration, Enterprise and Planning  
**REASON:** Requiring S106 agreement

**DEPARTURE:** No

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**APPLICATION FOR DETERMINATION:**

**1. RECOMMENDATION**

**1.1 APPROVAL IN PRINCIPLE** subject to:

1.1.1 The prior completion of a Section 106 Legal Agreement to secure a financial payment to fund improvements to the A5076 Upton Way/Edgar Mobbs Way roundabout.

1.1.2 The Conditions contained within paragraph 9 below and for the following reason:

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

1.2 It is also recommended that in the event of the Section 106 Legal Agreement not being completed within three calendar months of this Committee meeting, in addition to be able to grant

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

## **2. THE PROPOSAL**

- 2.1 The application is in outline form (all matters reserved except access) for removal, levelling and remodelling of the earth mound and the development for business (Use Class B1), general industrial (Use Class B2) and storage and distribution (Use Class B8) of the eastern section of Site 7C, of an area of undeveloped land situated within the Northampton Waterside Enterprise Zone.
- 2.2 The existing earth mound on site which is indicated to measure approximately 2,500 sq. m in area and comprise of some 12,500 cubic metres in volume would be removed from site and distributed across the entire site.
- 2.3 The application has been amended to include access for consideration. Details of layout, appearance, scale and landscaping would be considered at reserved matters stage.
- 2.4 A full application for the development of the western section of Site 7C comprising the erection of a unit for general industrial (Use Class B2) and storage and distribution (Use Class B8) including a mezzanine floor for ancillary office accommodation (Use Class B1), a new sprinkler tank and pump house and associated car parking and service yard has been submitted for consideration and is reported as a separate item in this agenda.

## **3. SITE DESCRIPTION**

- 3.1 The application site comprises of the eastern half of Site 7C, an area of undeveloped remediated land, predominantly covered by an extensive raised earth mound, located within the Northampton Waterside Enterprise Zone. The site has a gross site area of 0.99 ha. The west of the site is bound by the remainder of Site 7C, an area of undeveloped land. To the east and north of the site are industrial, commercial and warehouse units. Beyond the site to the west and to the north-west are large areas of public car parking. Two Local Wildlife Sites are within the vicinity of the site; Duston Gravel Pit Local Wildlife, located to the south beyond the River Nene, and Storton's Gravel Pits, located to the west beyond the car park. The eastern part of the site lies within Flood Zones 2 and 3 with Flood Zone 2 extending down across the southern boundary.

## **4. PLANNING HISTORY**

- 4.1 N/2004/0930 – Provision of car, coach and disabled parking, construction of new service road and provision of associated development including foot/cycle ways, foot/cycle bridges and landscaping at Land West of Harvey Reeves Road, South of Ross Road and East of Storton's Pits. Approved 15.03.05.
- 4.2 N/2004/0496 – Southern development link road linking Upton Way and Harvey Reeves Road, Ross Road Spur Link and associated landscaping and infrastructure at Land North of River Nene and Storton's Pits. Approved 15.03.05.

## **5. PLANNING POLICY**

- 5.1 **Statutory Duty**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted West Northamptonshire Joint Core Strategy (2014) and the Northampton Local Plan (1997) saved policies.

## 5.2 **National Policies**

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

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

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

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

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

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

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

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

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

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

## 5.3 **West Northamptonshire Joint Core Strategy (2014)**

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

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

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

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

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

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

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

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

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

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

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

Policy INF1: Approach to Infrastructure Delivery – new development will be supported by and provide good access to infrastructure. Where development generates a need for new infrastructure developers will need to demonstrate that provision will be made to meet the necessary requirements arising from that development.

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

#### 5.4 Northampton Local Plan 1997 (Saved Policies)

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

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

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

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

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

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

## 5.5 **Supplementary Planning Documents**

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

## 6. **CONSULTATIONS/ REPRESENTATIONS**

Comments received are summarised as follows:

- 6.1 **NBC Environmental Health** – No objection subject to conditions in relation to the control of contamination and air quality management.
- 6.2 **NCC Highway Authority** – no objections, subject to conditions requiring details of a scheme to increase the length of the right turn lane into the site, the submission and approval of a Construction Management Plan for approval and S106 contributions towards improvement to the roundabout junction at Edgar Mobbs Way and Upton Way (A5076).
- 6.3 **NCC Ecologist** – no objection subject a condition requiring the development is carried out in accordance with recommendations of the Ecological Scoping Survey, subject to amendment to increase the otter buffer zone from 5m to 10m, and the submission of a Reptile Mitigation Strategy prior to development commencing.
- 6.4 **NCC Lead Local Flood Authority** – require further details to demonstrate the proposed drainage network has sufficient capacity and that the development would not increase flood risk elsewhere.
- 6.5 **Environment Agency** - no objection subject to the development being carried out in accordance with the details of the submitted Flood Risk Assessment dated December 2015 and finished floor levels being set no lower than 61.42m above Ordinance Datum (AOD).
- 6.6 **Anglian Water** – no objection.

## 7. **APPRAISAL**

### **Principle of development**

- 7.1 The NPPF seeks to proactively drive and support sustainable economic development. The West Northamptonshire Joint Core Strategy (JCS) requires provision to be made for 28,500 jobs during the plan period, requiring the majority of growth to be located within the urban area of Northampton, encouraging industrial /mixed /office development within the Northampton Waterside Enterprise Zone.

- 7.2 The site lies within the Northampton Waterside Enterprise Zone and is being actively promoted by the Council for industrial development. The development of the site for industrial, storage and distribution and office use as proposed is in accordance with planning policy requirements and the Council's vision for the site, and would contribute towards the provision of jobs within Northampton. The principle of the development as proposed is therefore considered acceptable.
- 7.3 Detailed matters of layout, appearance, scale and landscaping would be considered at reserved matters stage.
- 7.3 The existing earth mound would be removed and the contents distributed across the site. Details of proposed levels would be required by condition to ensure levels are appropriate to the surrounding context.

### **Ecology**

- 7.4 The NPPF seeks to ensure that impacts on biodiversity arising from proposed development is minimised, providing net gains where possible.
- 7.5 The site is an undeveloped area of remediated land located within close proximity of Duston Gravel Pit Local Wildlife Site, to the south of the site beyond the River Nene, and Storton's Gravel Pits Local Wildlife Site, situated to the west of the site beyond the western section of Site 7C and the public car park.
- 7.6 An Ecological Scoping Survey has been submitted with the application which assesses the impact of the proposed development on biodiversity sites. The County Ecologist has no objection to the development as proposed subject to a condition that the development is carried out in accordance with mitigation measures recommended in the submitted survey with amendments relating to otter fencing and the submission of a Reptile Mitigation Strategy prior to development commencing.

### **Flood Risk and Drainage**

- 7.7 The NPPF seeks to ensure that proposals for new development are appropriately located away from areas with a high risk of flooding and to ensure that the development does not lead to an increase in flood risk elsewhere. Policy BN7 of the JCS requires that new development demonstrates there is no risk of flooding to existing properties and that the development is (or can be) safe, seeking to improve existing flood risk management.
- 7.8 The River Nene is situated to the south of the site with the eastern and southern sections of the site lying within Flood Zones 2 and 3 and the remainder within Flood Zone 1, an area with a low probability of flooding. The application is supported by a Flood Risk and Drainage Strategy.
- 7.9 The Environment Agency has no objection subject to the development being carried out in accordance with the details of the submitted Flood Risk Assessment and appropriate floor levels being provided.
- 7.10 The Lead Local Flood Authority require further details to demonstrate the proposed drainage network has sufficient capacity and that the development would not increase flood risk elsewhere. The applicants are in the process of submitting further drainage calculation details for referral to the Lead Local Flood Authority, whose comments will be reported to Committee in the Addendum to this agenda.

### **Highways**

- 7.11 Access to the site would be via an existing access spur from Edgar Mobbs Way, with existing shared pedestrian and cycle paths located on either side of the road. The Highway Authority has advised that the existing right turn into the site is too short to accommodate a vehicle larger than a car. A condition is therefore proposed for the submission of a scheme to increase the length of this right hand turn into the site.
- 7.12 The NPPF advises that development should only be refused on transport grounds where the residual cumulative impacts are severe. Policies INF1 and INF2 of the JCS seek to ensure that appropriate provision is made for the necessary infrastructure arising from the impacts of development. Northamptonshire County Council's Highway Development Management Strategy requires that all development should provide nil detriment mitigation measures.
- 7.13 The submitted Transport Statement has been updated in response to Highway Authority comments requesting additional details on junction capacity to determine the effects of the distributed traffic on the junctions of Harvey Reeves Road/ St James Mill Road and Edgar Mobbs Way/ Upton Way and to provide further accident data.
- 7.14 The revised Transport Statement has modelled the impacts of the proposed development on the relevant junctions likely to be impacted and takes into account the impact of both this application and the development of the remainder of Site 7C, submitted as a full outline application.
- 7.15 Modelling of the A5076 Upton Way roundabout reveals that the roundabout is operating over capacity in the base year and future year scenario 2031 with and without the addition of the proposed development traffic from both the outline and full application.
- 7.16 Modelling of the Harvey Reeves Road/ St James Mill Road signalised junction for the future year scenario 2031 with and without the addition of the development traffic from both sites reveals that there are no concerns with capacity queuing or delay, and that the junction operates with large amounts of reserve levels of capacity.
- 7.17 The revised Transport Statement has modelled a mitigation scheme to the A5076 Upton Way roundabout. The scheme, which incorporates widening of approaches to the roundabout seeks to demonstrate that the capacity levels of the roundabout would return to pre-development levels as a result of the mitigation and thereby achieve a nil detriment.
- 7.18 The Highway Authority accepts the details of the revised Transport Statement and calculation for the traffic generation and future impacts. The Highway Authority has no objection to the development as proposed subject to S106 contributions being secured for contributions towards improvements to A5076 Upton Way roundabout to mitigate the highway impacts arising from the development.

### **Contamination**

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

### **Air Quality**

- 7.20 An Air Quality Assessment supports the application which assesses the impacts of the emissions from traffic associated with the proposed development on the road network surrounding the site to be negligible to slight. Environmental Health has assessed the report and has no objection

subject to an appropriate condition. A condition requiring the submission of a Travel Plan and measures to promote sustainable transport methods is proposed to ensure impacts on air quality arising from vehicle movements associated with the development of the site are minimised.

## **8. CONCLUSION**

- 8.1 The development of the site as proposed is in accordance with the aims and objectives of the Council to promote and develop the Northamptonshire Waterside Enterprise Zone for business and commercial use and would contribute towards the provision of jobs in Northampton. Detailed matters of layout, appearance, scale and landscaping would be considered at reserved matters stage. Subject to the conditions and mitigation measures proposed the development would not lead to any unacceptable impacts on existing highway conditions, ecology, contamination or flood risk and is therefore recommended for approval.

## **9. CONDITIONS**

1. Approval of the details of the appearance, landscaping, layout and scale ("the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: This permission is in outline only granted under Article 5(1) of the Town and Country Planning (Development Management Procedure) Order 2015.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

3. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or, if later, before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

4. The development hereby permitted shall be carried out in accordance with the following approved plan: OP-01 Site Location Plan.

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

5. No development shall take place until full engineering, drainage and construction details of the highway improvement works shown indicatively in Section 2, Figure 1 of the Transport Assessment Supporting Document dated 6<sup>th</sup> May 2016 have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details and constructed and open to traffic prior to occupation of any development on the site.

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

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

- i. The control of noise and dust during the development process;
- ii. Traffic management and signage during construction;



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

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

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

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

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

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

8. A Travel Plan shall be submitted as part of any reserved matters application which shall identify measures to promote sustainable transport methods for the development of the site and measures to mitigate impacts on air quality arising from the development.

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

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

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

10. A Reptile Survey and Mitigation Strategy shall be submitted as part of any reserved matters application.

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

11. Prior to any ground levelling works being carried out on site details of existing and proposed ground levels shall be submitted to the Local Planning Authority for approval in writing. The works shall be carried out in accordance with the approved details.

Reason: To secure a satisfactory standard of development in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy. The condition is required pre-commencement to ensure levels are appropriate to the surrounding context and the future development of the site.

**10. BACKGROUND PAPERS**

10.1 N/2016/0015.

**11. LEGAL IMPLICATIONS**

11.1 None.

**12. SUMMARY AND LINKS TO CORPORATE PLAN**

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



Title: **Site 7C, Edgar Mobbs Way**

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Date: 03-06-2016

Scale: 1:2,500

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