

Application Number: WNS/2022/0731/MAF

Location: Land Adjacent to Tesco, Old Tiffield Road, Towcester

Proposal: Erection of 14 no. employment units for a flexible range of employment uses (within Classes E(g)(iii), B2 and / or B8) including ancillary offices, plus a freestanding pod unit (within Class E) together with new access road, landscaping and associated works.

Applicant: IPIF LP c/o Legal & General Investment Management

Agent: Alex Rogerson

Case Officer: James Paterson

Ward: Towcester and Roade

Reason for Referral: **Major Development**

Committee Date: 09/02/2023

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS AND SUBJECT TO S106 LEGAL AGREEMENTS

Proposal

Full planning permission is sought for the erection of 14 employment units, within a range of flexible uses (within Classes E(g)(iii), B2 and/or B8), including ancillary offices and a freestanding 'POD' unit (within Class E), together with a new access road to serve the development, landscaping and associated works.

Consultations

The following consultees have raised **objections** to the application:

- Towcester Local History Society

The following consultees have raised **no objections** to the application:

- WNC Archaeology, Anglian Water, External Funding Partnership, Environmental Protection, National Highways, Economic Development, Building Control, Planning Policy, Crime Prevention Design Advisor, WNC Highways, WNC Ecology

The following consultees have **commented** on the application:

- Towcester Town Council

0 letters of objection have been received and 0 letters of support have been received.

Conclusion

The application has been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance as listed in detail at Section 8 of the report.

The key issues arising from the application details are:

- Principle of development
- Retail Impact Assessment (RIA)
- Transport
- Design
- Residential Amenity
- Flooding and Drainage
- Archaeology
- Ecology
- Land Quality
- Air Quality

The report considers the key planning issues in detail, and Officers conclude that the proposal is acceptable subject to conditions.

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

1.1 The application site is located on the northern periphery of Towcester and consists of a vacant area of open scrub land. The site is located to the south of the Sytner Porsche centre, and to the immediate south west of the car park serving Tesco store. The north western boundary abuts the A43, at its roundabout junction with the A5 and Towcester Road. The surrounding uses are of a commercial nature with a mix of industrial use and major retail units.

1.2 The topography of the application site is generally a fall from north east to south west, with the site highest in the centre. The north boundary is formed of a low-level manicured hedge, hedging also forms the west boundary with the addition of a wooden fence. The southern boundary to Parker Kitchen is formed of a brickwall. The site is separated from the Tesco Store by wooden fencing and brick walls. To the eastern boundary there is currently a wire fence which runs along the line of the cutting and an earth bund separates the site where it adjoins Old Tiffield Road.

2. CONSTRAINTS

- 2.1. The application site is within an area of archaeological interest, is within the town confines of Towcester and is within a 2km buffer of Local Wildlife Sites (Greens Norton disused railway and Duncote Marshy Field).

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The proposed development would comprise 14 employment units provided in 5 separate buildings throughout the site, together with a freestanding pod unit in the north-west corner of the site. The proposed employment units, whose floorspaces range between 320m² and 928m² (GIA), would each predominantly be arranged over ground floor level with ancillary office accommodation provided at the first floor. Taken together, the 14 units, plus the freestanding pod unit which measures 114m², would extend to a total of 7,516m² of floorspace (GIA) across the site.
- 3.2. A total of 87 car parking bays would be provided as part of this development and would be spread throughout the site. This would include 17 disabled car parking spaces while 10% of the total spaces would be served by electric vehicle charging points. 75 cycle spaces are also proposed; these would also be spread throughout the site near to the main entrances to the proposed units.

4. RELEVANT PLANNING HISTORY

- 4.1. The following planning history is considered relevant to the current proposal:
S/1999/0468/PO: Erection Of Buildings For Use Within Class B1 (Business), B2 (General Industrial) And B8 (Storage And Distribution) (Outline) (Renewal Of S960118po) - Land East And West Of Old Tiffield Road And South Of A43 Towcester - **Approval**

S/2002/1358/PR: Erection of 3 No. buildings for employment purposes within use class B1 (Business) and 1 No. building for use within class B8 (Storage and Distribution) - (Details pursuant to S/1999/0468/PO) - Land east and west of Old Tiffield Road and south of A43 Towcester – **Approval**

S/2016/2850/MAO: Outline application. Retail and restaurant development comprising five Class A1 retail units and three A3/A5 food and drink uses including 'drive thru' and associated access, parking. - Land Adjacent Tesco Old Tiffield Road Towcester - **Approval**

S/2017/1373/MAF: Proposed redevelopment and extension of existing Porsche Centre. Revised proposal based on previous planning consent Ref. S/2015/0393. This new proposal expands the amount of re-fit work within the existing building and larger building extension. The building remains a Porsche Car Centre for the sale and service of motor vehicles with associated office, parts storage and MOT testing facility. - Sytner Cars Porsche Centre Old Tiffield Road Towcester NN12 6PF – **Approval**

S/2017/1596/FUL: Extension to rear of existing commercial premises to provide additional storage. - Parker Kitchens Old Cattle Market Watling Street East Towcester NN12 6HN - Approval S/2019/1341/MAO Care Home (three storey 75

beds) and Extra Care Living (three storey 45 apartments) (Class C2) (Outline) - Land Adjacent To Tescos Old Tiffield Road Towcester - **Withdrawn**

WNS/2021/0481/MAR: Reserved matters application for details of scale, appearance and landscaping for a retail and restaurant development comprising five Class A1 retail units and three A3/A5 food and drink uses including 'drive thru' and associated access and parking pursuant to outline planning permission S/2016/2850/MAO on land adjacent to Tesco, Old Tiffield Road, Towcester, Northamptonshire. - Land Adjacent To Tesco Old Tiffield Road Towcester - **Approval**

5. RELEVANT PLANNING POLICY AND GUIDANCE

Statutory Duty

- 5.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

Development Plan

- 5.2. The Development Plan comprises the West Northamptonshire Joint Core Strategy Local Plan (Part 1) which was formally adopted by the Joint Strategic Planning Committee on 15th December 2014 and which provides the strategic planning policy framework for the District to 2029, the adopted Local Plan (Part 2) and adopted Neighbourhood Plans. The relevant planning policies of the statutory Development Plan are set out below:

West Northamptonshire Joint Core Strategy Local Plan (Part 1) (LPP1)

- 5.3. The relevant policies of the LPP1 are:

- SA – Presumption in Favour of Sustainable Development
- S1 – Distribution of Development
- S2 – Hierarchy of centres
- S9 – Distribution of retail development
- S10 – Sustainable Development Principles
- S11 (low carbon and renewable energy);
- E1 – Existing employment areas
- E2 – New office floorspace
- C1 (changing behaviour and achieving modal shift)
- C2 (new developments);
- BN2 (biodiversity);
- BN5 (historic environment and landscape);
- BN7 (flood risk);
- BN9 (Planning for Pollution Control)
- INF1 and INF2 (infrastructure delivery and requirements).
- T1 – Spatial strategy for Towcester
- T4 – Transport improvements for Towcester

South Northamptonshire Local Plan (Part 2) (LPP2)

5.4. The relevant policies of the LPP2 are:

- SS1 – The Settlement Hierarchy
- SS2 – General Development and Design Principles
- EMP3 – New Employment Development
- RET1 – Brackley and Towcester Town Centres
- INF1 – Infrastructure Delivery and Funding
- INF4 – Electric Vehicle Charging Points
- HE2 – Scheduled Ancient Monuments and Archaeology
- NE4 – Trees, Woodlands and Hedgerows
- NE5 – Biodiversity and Geodiversity

Material Considerations

5.5. Below is a list of the relevant Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Supplementary Planning Guidance
- SNC Design Guide

6. RESPONSE TO CONSULTATION

Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

Consultee Name	Position	Comment
WNC Archaeology	No objection	The proposed development will have a detrimental effect upon surviving sub-surface archaeological remains. Such effects do not represent an over-riding constraint to development provided that adequate provision is made for the investigation and recording of any remains so affected.
Anglian Water	No objection	Suggest conditions relating to on site foul water drainage works and surface water disposal.
Towcester Local History Society	Object	Site contains earthworks of former north-west avenue of Easton Neston Park; the layout of the development should respect this. Increased traffic.
External Funding Partnership (former NCC)	No objection	Recommend informative to facilitate fibre broadband provision.
WNC	No objection	Recommends conditions relating to

Environmental Protection		noise, odour, construction management, land quality, light and air quality.
Towcester Town Council	Comment	Concerns for safety of pedestrians crossing Old Tiffield Road near to junction with A5. A second pedestrian-controlled crossing ought to be provided. May lead to obtrusive and copious signage. Views to Easton Neston should be preserved. Site clearance must take place at appropriate time. <i>[Officer comment: signage will be controlled through the submission of advertisement consent applications. The scale and location of the buildings are such that they do not materially impact views to Easton Neston Park. A new pedestrian controlled crossing on Old Tiffield Road would have a major impact on traffic flows and it is not considered the development itself would generate sufficient pedestrian movements to justify such a request, nor does the Local Highway Authority request such a crossing]</i>
National Highways	No objection subject to conditions	We believe that this development will not generate significant quantities of traffic which will impact the operation of the SRN. Suggest condition relating to provision of CMP.
WNC Highways	No objection	Initially objected on the grounds of the proposal seeking a priority junction, rather than the previously approved roundabout, as well as outstanding parking issues. This objection was removed following the submission of additional detail from the applicant. The proposed 87 parking spaces is appropriate for the site.
Economic Development	Support	Subject to contribution to West Northamptonshire Employment Support Service (WNESS) and Local Labour strategy <i>[Officer comment: the applicants are to provide a Local Labour Strategy by condition].</i>
Building Control	No objection	All surface water to soakaway. Fire risk assessment to be obtained.
Planning Policy	No objection	Principle of commercial use is considered to be acceptable, subject to

		compliance with broader development management considerations. Condition linking pod unit with the provision of employment floorspace to ensure it is not developed in isolation.
Crime Prevention Design Advisor (CPDA)	No objection	Pleased to note amendments following pre-app. Notes absence of height restriction barriers, security standard for doors and site wide CCTV.
Ecology	No objection	The additional information received is sufficient.
Lead Local Flood Authority	Insufficient information submitted	Consider that insufficient information available to comment on the acceptability of the proposed surface water drainage scheme for the proposed development. <i>Officer comment: this can be dealt with by planning conditions requiring the submission and approval of a surface water drainage scheme, including its management and maintenance, which officers have included in the recommended schedule of conditions</i>
Minerals and Waste	No comments received.	

7. RESPONSE TO PUBLICITY

Below is a summary of the third party and neighbour responses received at the time of writing this report.

- 7.1. No responses have been received in relation to third party/neighbour consultation.

8. APPRAISAL

Principle of Development

- 8.1. The Development Plan comprises the adopted West Northamptonshire Joint Core Strategy (JCS) and the Local Plan Part 2 (LPP2). Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan, unless material considerations indicate otherwise. The West Northamptonshire Joint Strategic Planning Committee adopted the West Northamptonshire Joint Core Strategy Local Plan (Part 1) on 15th December 2014. The adopted JCS incorporates the Modifications recommended by the Inspector and covers the administrative areas of South Northamptonshire District, Daventry District and Northampton Borough. It sets out the long-term vision and objectives for the whole of the West Northamptonshire area for the plan period up to 2029 and includes strategic

policies to steer and shape development. The LPP2 was adopted by the Council on 22 July 2020. The LPP2 builds upon the policies of the adopted JCS in providing specific development management policies for guiding planning decisions in South Northamptonshire over the plan period (2011-2029).

- 8.2. The NPPF sets out the economic, social and environmental roles of planning in seeking to achieve sustainable development: Paragraph 8 states that achieving sustainable development is achieved through three overarching objectives an economic objective, a social objective and an environmental objective. Paragraph 10 of the NPPF sets out that there is a presumption in favour of sustainable development. The NPPF sets out the Government's planning policies and how they should be applied providing a framework which development can be produced (Paragraph 1). It is split into thirteen key policy objectives to achieve sustainable development, the following of which are considered of particular relevance to the proposed development: Building a strong, competitive economy; Ensuring the vitality of town centres; Making effective use of land; Achieving well-designed places; Promoting sustainable transport; Promoting healthy and safe communities; Meeting the challenge of climate change, flooding and coastal change; Conserving and enhancing the natural environment and Conserving and enhancing the historic environment.
- 8.3. Local Planning Authorities (LPAs) are expected to set out a clear economic vision and strategy for sustainable economic growth and to set out policies for the provision of commercial development (para' 20). Local Plans are considered to be the key to delivering sustainable development that reflects the vision, aspirations and agreed priorities of local communities. Whilst the site is not specifically allocated for employment uses in the Development Plan, it lies within the Towcester Settlement Confines. Furthermore, the Towcester Masterplan identifies the land as being within the Tove Valley Business Park and there is a clear history of this site being identified for employment uses, with planning permissions having been granted previously for commercial buildings / uses on this land (more recently applications have been for retail / restaurant development albeit based on there being no sequentially preferable sites in the locality). The policies of the development plan are supportive of employment development on existing employment sites.
- 8.4. As such, the principle of an industrial use is considered to be acceptable, subject to compliance with other policies within the plan and wider material development management considerations, as set out in the following sections of this report.

Retail Impact Assessment (RIA)

- 8.5. The proposed development additionally incorporates a free-standing pod unit that is identified for a cafe/restaurant type use to serve the proposed employment uses and nearby area. Policy S9 of the West Northamptonshire Joint Core Strategy and Policy RET1 of the LPP2 follow a town centre first approach to retail development; whereby retail proposals located outside the defined town centres, that would result in a significant adverse impact on the viability and vitality of town centres, will be resisted. To this end, the application is supported by a Planning and Sequential Approach Statement, which outlines that the intended occupier of the proposed pod unit has identified a strong requirement for its services among

workers and customers of trade locations like Tove Valley Business Park and its surrounding employment uses, rather than Towcester Town Centre catchment area. Whilst the report concludes that the proposed development satisfies the sequential approach to site selection, it is considered that a condition should be imposed which links the pod unit with the provision of the employment floorspace proposed, to ensure that it is not developed in isolation, in the interests of the proper planning of the area.

- 8.6. It is therefore considered that subject to the aforementioned condition, the proposed development satisfies the sequential approach site selection requirements of para 87 of the NPPF, PPG guidance and accords with Policies S9 of the JCS and RET1 of LPP2.

Transport

- 8.7. Paragraph 102 of the NPPF states that the planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. Paragraph 108 of the NPPF requires that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that safe and suitable access to the site can be achieved for all users and any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 8.8. Policy SS2 of the South Northamptonshire Local Plan states that development needs to have a safe and suitable means of access for all people (including pedestrians cyclists and those using vehicles).
- 8.9. Officers have carefully considered the impact of the development proposal on the local highway network. Having regard to the existing infrastructure and uses surrounding the site in addition to the expected amount of traffic generation evidenced as part of this application, it is considered that the proposal would have an acceptable impact on highways safety and would not result in unacceptable congestion or capacity issues. Therefore, officers are of the view that the proposed development would also not give rise to severe impacts on highways safety.
- 8.10. It is noted that the Highways Authority initially expressed a view that a S278 agreement would be required to fund highways improvements at the Old Tiffield junction with the A5, improved pedestrian access on Watling Street and the creation of a junction box at the entrance to the site. This contribution would also include a £50,000 contribution to the improvement of bus services in the area. However, it is noted that these requirements were transferred from the previous planning permission on the land for a retail-based development. Having regard to different nature of the use being proposed which would generate fewer vehicular trips to the site alongside the supplementary evidence submitted by the application, officers are of the view that these contributions would be disproportionate and unjustified for the proposed development. Highways officers have therefore reduced their requirements to limited highways improvements at

the entrance to the site alongside a £15,000 contribution to bus ticket subsidies to future employees on the site, in order to ensure the proposed development would prioritise sustainable modes of transport. The highways improvements would be of a scale where they can be dealt with via a Grampian condition (Condition 31). The financial contribution to bus tickets shall be secured via a Unilateral Undertaking.

- 8.11. Officers note that HGVs would be able to attain access to the site relatively easily during construction, given that Old Tiffield Road sees a high degree of such traffic presently due to the nature of the surrounding uses. The site is also easily accessed via the regional road network via the A5 and is set away from sensitive uses, such as residential dwellings. Officers are also satisfied that the site is of a sufficient size to allow for the delivery of building materials, parking of construction traffic and storage of materials off of the public highway. Therefore, subject to conditions requiring the submission of a construction management plan, officers are satisfied that the proposed development would not cause severe uncontrolled highways impacts during its construction
- 8.12. Officers note that there is an existing issue with cars associated with the surrounding commercial uses being parked on Old Tiffield Road during the day. Officers are therefore mindful of the need for the proposed development to have adequate parking provision to prevent any further overspill of parking onto the public highway which may cumulatively lead to severe highways safety impacts. It is noted that the proposed parking provision falls below the Council's parking standards. However, a parking accumulation exercise has been provided to demonstrate that the level of parking provision is appropriate for the site. The parking accumulation has been based on the trip rate used for the 'Opus House' proposal, a flexible planning application for a mix of B2/B8 uses which was based on a TRICS Industrial Estate trip rate. Highways officers are satisfied with the methodology and calculations that have been provided. The submitted evidence demonstrates a maximum parking demand of 65 vehicles at any one time, reflecting 71% of the proposed available capacity of 87 spaces. This suggests that there would be 26 spaces unused at the peak parking demand period which would be at 10AM. On this basis it can be confirmed that the proposed 87 parking spaces is appropriate for the site.
- 8.13. Officers note that an appropriate amount of covered, secure and accessible cycle parking has been provided in convenient locations throughout the site. Officers are therefore satisfied that the proposed development would provide appropriate cycle parking.

Design

- 8.14. Policy SS2 of the South Northamptonshire Part 2 Local Plan 2011-2029 sets out general principles and criteria for high quality development. Where development proposals contravene any of the criteria of relevance to that proposal, they will be refused unless outweighed by other material considerations. The policy also states that the use of design codes, masterplans or planning briefs will be considered for multi-phased developments to ensure consistency of design approach.

- 8.15. The area around the site is characterised by commercial and retail buildings, of various styles and designs. The proposed development will be contained in 6 buildings; 4 terraces containing a total of 13 units, 1 single unit and the 'Pod Unit'. The eastern boundary of the site will contain the access into the wider site. Development adjacent to the Old Tiffield road in the immediate vicinity is softened by a strong avenue of trees, sitting within a landscaped buffer. The proposed layout provides a continuation of trees along the eastern boundary, which will help soften the edge and integrate with the surrounding area. Similarly, the existing hedge running along the western boundary with the A43 and Tove Roundabout will be strengthened with tree planting to further soften views into the site from this vista.
- 8.16. The employment units range in height, with the highest units being 9.75m to the top of the parapet, which is largely commensurate with the extant consent for retail development on this site (9.4m). Units 1-7 towards the A43 boundary are lower in height (8.75m to the top of the parapet). The pod unit is much smaller in scale (114sqm) and will not exceed 5.7m at its highest point.
- 8.17. The cladding is predominantly in a light metallic silver colour (Sirius) with darker zones of cladding to the office frontages, which emphasize the buildings entrances (Orion). A further dark band of cladding is used to the top of the building and above loading bay doors (Anthracite). Vertical fins seek to break up the massing of the cladding, to create interest and detail. Key elevations facing the public realm have incorporated brick panels, in an attempt to reflect local vernacular and add interest to publicly prominent views into the site. 'Zip' windows have been added to units 12-14, fronting Old Tiffield Road, to help articulate the elevation and add visual interest.
- 8.18. Policy S10 of the LPP1 requires that development meets the highest standard of sustainable design and maximises the generation of its own energy from decentralised and renewable or low carbon sources. Policy S11 of the JCS requires that non-residential development over 500 sq. metres need to achieve the BREEAM very good standard. Policy INF4 of LPP2 requires 10% of parking spaces to have DC fast charging equipment or equivalent, Policy SS2 requires development to adhere to a range of development principles including sustainable design measures around transport, flood risk water efficiency and ecology.
- 8.19. Solar PV panels are to be installed on the roofs of all buildings, alongside other sustainability measures including a fabric first approach (improving U values and a low air permeability target, to create a low energy demand building). The development is seeking to achieve a BREEAM Very Good rating, which satisfies the sustainability policy requirements set out above.
- 8.20. There are a variety of colour finishes, styles and materials on the existing commercial buildings within close proximity to the site. It is considered that the proposed scale, form, layout and design of the buildings is commensurate with the site and surrounding area.

Residential amenity

- 8.21. Policy SS2 of the LPP2 requires development to provide a good standard of amenity.
- 8.22. Policy BN3 of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) states that proposals for new development which are likely to cause pollution or likely to result in exposure to sources of pollution or risks to safety will need to demonstrate that they provide opportunities to minimise and where possible reduce pollution issues that are a barrier to achieving sustainable development and healthy communities. This includes reducing the adverse impacts of noise
- 8.23. The application site does not lie in the immediate vicinity of residential areas, with the surrounding uses being largely non residential uses in either Class E, B2 or B8 use and the Towcester bypass lying to the west and north. However, immediately to the south of the site lies Debra House which is in a residential use as a children's home; the outdoor amenity space associated with this use lies along the boundary with the application site. However, having regard to extant permission for a retail-based development on the site, which included built form near to this boundary, as well as the relatively modest scale and massing of the proposed development near to this boundary, it is considered that the proposal would not give rise to an unacceptable loss of light, overbearing or erosion of privacy to this neighbour.
- 8.24. The proposed uses would generate a degree of noise by their expected operation on a day-to-day basis. However, given the existing surrounding uses and nearby dual carriageway the amount of noise generated on this site would not be unprecedented or unexpected. However, details of plant equipment have not been clearly set out as part of this application; to ensure that any such plant does not generate an unacceptable degree of noise appropriate conditions have been included.
- 8.25. The proposal would therefore not give rise to an unacceptable loss of residential amenity and would accord with Policy SS2 and BN3.

Flooding and drainage

- 8.26. Policy BN7 of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) states development proposals must comply with relevant flood risk assessment and management requirements. A sequential approach will be applied to all proposals for development in order to direct development to areas at the lowest probability of flooding unless it has met the requirements of the sequential test and the exception test. All new development, including regeneration proposals, must demonstrate that there is no increased risk of flooding to existing properties, and proposed development is (or can be) safe and shall seek to improve existing flood risk management. The policy also states that all proposals for development of 1 hectare or above in Flood Zone 1 and for development in 2, 3a or 3b must be accompanied by a flood risk assessment that sets out the mitigation measures for the site and agreed with the relevant authority.
- 8.27. Policy BN7A of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) states that development should use sustainable drainage systems, wherever practicable, to improve water quality, reduce flood risk and provide environmental and adaptation benefits.

- 8.28. The application is supported by an FRA and Drainage Strategy, which confirms that the site is wholly located within Flood Zone 1.
- 8.29. A late submission was received from the LLFA regarding the drainage strategy; technical officers considered that there was not sufficient information to approve the submitted drainage details. However, considering the submitted information planning officers are satisfied that it would be possible for the development to accommodate a suitable drainage strategy that would ensure that there is not unacceptable surface water run-off from the site. Therefore, a condition will be imposed requiring the submission and approval of a surface water drainage strategy, including the provisions for its long-term management and maintenance of SuDS. This is consistent with the requirements of the previous consent for retail development on the site.
- 8.30. Anglican Water raised no objection to this application subject to conditions being imposed in relation to drainage; such conditions have been included in addition to a condition requiring a SuDS strategy and maintenance plan.

Archaeology

- 8.31. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in carrying out its functions as the Local Planning Authority in respect of development in a conservation area: special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 8.32. Likewise, Section 66 of the same Act states that: 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.' Therefore, significant weight must be given to these matters in the assessment of this planning application.
- 8.33. Paragraph 192 of the NPPF states that in determining planning applications, LPA's should take account of the desirability of sustaining and enhancing the significance of the heritage asset and putting them into a viable use consistent with their conservation, the positive contribution that conservation of heritage assets can make to sustainable communities and the desirability of new development making a positive contribution to local character and distinctiveness.
- 8.34. Paragraph 193 of the NPPF states that: when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Policy BN5 of the LPP1 echoes this guidance.
- 8.35. Paragraph 193 of the NPPF categorises harm to the heritage assets as; Less than substantial harm, Substantial harm or Total loss.

- 8.36. Policy BN5 of the JCS seeks to protect designated and non-designated heritage assets and their settings and landscapes in recognition of their individual and cumulative significance and contribution
- 8.37. Policy HE2 of the LPP2 specifically relates to archaeology and sets out a hierarchy of archaeological assets and the circumstances where development will be allowed for each category of archaeological remains.
- 8.38. The application site is in an area of known archaeological interest, in the northern suburb of the Roman town of Lactodorum. Evaluations within the site have demonstrated the presence of features dating to the Roman period, as well as an element of the landscape garden surrounding Easton Neston House. The eastern edge of the site has apparently been truncated by the former Northampton and Banbury Junction Railway. The applicants have commissioned an archaeological desk-based assessment which summarises the known archaeology of the site and its immediate vicinity.
- 8.39. On the basis of the available information, it is clear that the site contains archaeological remains relating to the Roman suburb and to Easton Neston house; the proposed scheme does not allow for any preservation in situ of these remains. The proposed development would therefore have a detrimental effect upon surviving sub-surface archaeological remains. Such effects do not represent an over-riding constraint to development provided that adequate provision is made for the investigation and recording of any remains so affected. In order to secure sufficient care is taken to preserve and record underground heritage assets, officers have included a suitable condition securing a suitable programme of archaeological excavation, in line with the provisions of Policy HE2 and paragraph 205 of the NPPF.
- 8.40. Subject to conditions, the proposal is acceptable in terms of its impact on underground heritage assets and Policies HE2 and BN5.

Ecology

Legislative context

- 8.41. S98 of the Environment Act 2021, expanded on in Schedule 14, requires there to be a net gain in biodiversity for major developments.
- 8.42. The Conservation of Habitats and Species Regulations 2017 provide for the designation and protection of 'European sites' and 'European protected species' (EPS). Under the Regulations, competent authorities such as the Council have a general duty to have regard to the EC Habitats Directive and Wild Birds Directive.
- 8.43. In terms of EPS, the Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in the Regulations, or pick, collect, cut, uproot, destroy, or trade in the plants listed therein. However, these actions can be made lawful through the granting of licenses by the appropriate authorities by meeting the requirements of 3 strict legal derogation tests:

- a. Is the development needed to preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment?
- b. That there is no satisfactory alternative.
- c. That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

Policy Context

- 8.44. Paragraph 170 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity. Paragraph 175 states that planning authorities should refuse planning permission if significant harm to biodiversity cannot be avoided, adequately mitigated, or, as a last resort, compensated for and should support development whose primary objective is to conserve or enhance biodiversity. Opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
- 8.45. Paragraph 180 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on nature conservation.
- 8.46. National Planning Practice Guidance (PPG) states that Local Planning Authorities should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.
- 8.47. Policy NE3 of the Part 2 LP seeks to conserve and wherever possible enhance green infrastructure . Policy NE4 seeks to protect and integrate existing trees and hedgerows wherever possible and requires new planting schemes to use native or similar species and varieties to maximise benefits to the local landscape and wildlife. Policy NE5 requires that proposals aim to conserve and enhance biodiversity and geodiversity in order to provide measurable net gains. Development proposals will not be permitted where they would result in significant harm to biodiversity or geodiversity, including protected species and sites of international, national and local significance, ancient woodland, and species and habitats of principal importance identified in the United Kingdom Post-2010 Biodiversity Framework.
- 8.48. Policy BN2 of the JCS 2014 states that development that will maintain and enhance existing designations and assets or deliver a net gain in biodiversity will

be supported. Development that has the potential to harm sites of ecological importance will be subject to an ecological assessment and required to demonstrate: 1) the methods used to conserve biodiversity in its design and construction and operation 2) how habitat conservation, enhancement and creation can be achieved through linking habitats 3) how designated sites, protected species and priority habitats will be safeguarded. In cases where it can be shown that there is no reasonable alternative to development that is likely to prejudice the integrity of an existing wildlife site or protected habitat appropriate mitigation measures including compensation will be expected in proportion to the asset that will be lost. Where mitigation or compensation cannot be agreed with the relevant authority development will not be permitted.

Assessment

- 8.49. Natural England's Standing Advice states that an LPA only needs to ask an applicant to carry out a survey if it's likely that protected species are present on or near the proposed site. The Standing Advice sets out habitats that may have the potential for protected species, and in this regard the site contains a number of mature trees and hedgerows within and adjacent the site, and therefore has the potential to be suitable habitat for a variety of species including EPS; such as bats, breeding birds, badgers, reptiles, great crested newts, water voles and invertebrates.
- 8.50. In order to discharge its legal duty under the Conservation of Habitats and Species Regulations 2017 the LPA must firstly assess whether an offence under the Regulations is likely to be committed. If so, the LPA should then consider whether Natural England would be likely to grant a licence for the development. In so doing the authority has to consider itself whether the development meets the 3 derogation tests listed above.
- 8.51. In respect of planning applications and the Council discharging of its legal duties, case law has shown that if it is clear/ very likely that Natural England will not grant a licence then the Council should refuse planning permission; if it is likely or unclear whether Natural England will grant the licence then the Council may grant planning permission.
- 8.52. The application is supported by detailed protected species surveys which concluded that it is unlikely that the development proposed will have a significant impact on protected species or habitats if the development takes place in accordance with the recommendations, mitigation and enhancements identified in the surveys.
- 8.53. Officers are satisfied, on the basis of the advice from the Council's Ecologist and the absence of any objection from Natural England, and subject to conditions, that the welfare of any EPS found to be present at the site and surrounding land will continue and be safeguarded notwithstanding the proposed development and that the Council's statutory obligations in relation to protected species and habitats under the Conservation of Habitats & Species Regulations 2017, have been met and discharged.
- 8.54. Officers have also had regard to the requirements of S98 of the Environment Act 2021 and are satisfied that the proposal would result in a net gain in biodiversity

on the site, subject to conditions being imposed securing the proposed landscape plan and enhancement measures.

- 8.55. Officers note that a number of trees on the site would be removed as part of this development proposal. While regrettable, it is noted that the trees proposed to be removed are of limited quality while important hedgerows would be retained, and the removed trees would be adequately compensated for as part of the proposed landscape arrangement. Therefore, officers consider that the impact on trees would be acceptable.
- 8.56. Having considered the above, it is considered that the proposal is acceptable in terms of ecology and accords with the relevant legislation, national policies and local policies NE3, NE4, NE5 and BN7.

Land Quality

- 8.57. Policy BN3 of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) states that proposals for new development which are likely to cause pollution or likely to result in exposure to sources of pollution or risks to safety will need to demonstrate that they provide opportunities to minimise and where possible reduce pollution issues that are a barrier to achieving sustainable development and healthy communities. This includes ensuring the remediation of contaminated land so as not to pose a risk to health and the environment.
- 8.58. While no sources of land contamination were found in the submitted Ground Investigation Report, the possibility of unexpected contamination remains. Officers have sought the advice of internal technical experts who are satisfied that subject to appropriate conditions, which officers have included, any such contamination can be adequately remediated so as to not pose a risk to public health or harm to the wider environment.
- 8.59. Subject to conditions, the proposal is acceptable in terms of land quality and Policy BN3.

Air Quality

- 8.60. Policy BN3 of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) states that proposals for new development which are likely to cause pollution or likely to result in exposure to sources of pollution or risks to safety will need to demonstrate that they provide opportunities to minimise and where possible reduce pollution issues that are a barrier to achieving sustainable development and healthy communities. This includes maintaining and improving air quality, particularly in poor air quality areas, in accordance with national air quality standards and best practice
- 8.61. An air quality assessment has been submitted as part of the application. However, the air quality assessment states that the impact of road traffic emissions will be undertaken in the future (when the necessary modelling has been undertaken). While officers are satisfied with the submitted assessment and consider that there would not be an outstanding air quality issue that may give rise to unacceptable harm, given that the traffic emissions have not been fully

considered then a full air quality assessment is necessary and required by condition.

8.62. Subject to conditions the proposal is acceptable in terms of air quality and Policy BN3.

9. FINANCIAL CONSIDERATIONS

9.1. CIL is liable in respect of the retail POD unit on the site, as it measures over 100sqm in GIA (it measures 114sqm). The chargeable amount as of 1st January 2022 is £122.51/sqm which equates to £13,966.14.

10. PLANNING BALANCE AND CONCLUSION

10.1. The proposed employment development is acceptable in principle, as whilst is not specifically allocated for employment uses in the Development Plan, it lies within the Towcester Settlement Confines. Furthermore, the Towcester Masterplan identifies the land as being within the Tove Valley Business Park and there is a clear history of this site being identified for employment uses, with planning permissions having been granted previously for commercial buildings / uses on this land. The policies of the development plan are supportive of employment development on existing employment sites. The development would not cause severe detriment to the local or national highway network, nor detract from the visual amenities of the locality. The proposal would not result in harm to neighbour amenity and is acceptable in all other respects.

10.2. In light of the above, the application is recommended for approval, subject to the conditions set out below.

11. RECOMMENDATION / CONDITIONS AND REASONS

11.1. Detailed recommendation here and full list of conditions and reasons here

RECOMMENDATION – DELEGATE TO THE HEAD OF PLANNING DELIVERY FOR PLANNING AND ENVIRONMENT TO GRANT PERMISSION, SUBJECT TO:

- 1. THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY) AND**
- 2. THE COMPLETION OF A PLANNING OBLIGATION UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990, AS SUBSTITUTED BY THE PLANNING AND COMPENSATION ACT 1991, TO SECURE THE FOLLOWING (AND ANY AMENDMENTS AS DEEMED NECESSARY):**
 - a) Provision of funds to support sustainable transport (£15,000)**

CONDITIONS

TIME LIMITS AND GENERAL IMPLEMENTATION CONDITIONS

Time Limit

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason : To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Approved Plans

2. The development shall not be carried out otherwise than in complete accordance with the approved plans and details unless a non-material or minor material amendment is approved by the Local Planning Authority under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The approved plans and details are:

- 21092 PL-1000 Existing Site Location Plan (received 06/04/22)
- 21092 PL-1002 P2 Proposed Site Plan (received 26/09/22)
- 21092 PL-1003 Boundary Treatment Plan (received 06/04/22)
- 21092 PL-1006 Proposed Site Sections AA – BB (received 06/04/22)
- 21092 PL-1007 Proposed Site Sections CC – DD (received 06/04/22)
- 21092 PL-1008 Unit 1, 2 & 3 - Proposed Ground Floor & Roof GA (received 06/04/22)
- 21092 PL-1009 P4 Unit 1, 2 & 3 - Proposed Elevations (received 30/08/22)
- 21092 PL-1010 Unit 4, 5, 6 & 7 - Proposed Ground Floor & Roof GA (received 06/04/22)
- 21092 PL-1011 P4 Unit 4, 5, 6 & 7 - Proposed Elevations (received 30/08/22)
- 21092 PL-1015 Unit 8 - Proposed Ground, First Floor & Roof GA (received 06/04/22)
- 21092 PL-1016 Unit 8 - Proposed Elevations (received 06/04/22)
- 21092 PL-1020 Unit 9, 10 & 11 - Proposed Ground & First Floor GA (received 06/04/22)
- 21092 PL-1021 Unit 9, 10 & 11 - Proposed Roof Plan (received 06/04/22)
- 21092 PL-1022 Unit 9, 10 & 11 - Proposed Elevations (received 06/04/22)
- 21092 PL-1025 Unit 12, 13 & 14 - Proposed Ground & First Floor GA (received 06/04/22)
- 21092 PL-1026 Unit 12, 13 & 14 - Proposed Roof Plan (received 06/04/22)
- 21092 PL-1027 P4 Unit 12, 13 & 14 - Proposed Elevations (received 30/08/22)
- 21092 PL-1030 Pod Unit - Proposed Ground Floor & Roof GA (received 06/04/22)
- 21092 PL-1031 P1 Pod Unit - Proposed Elevations (received 30/08/22)
- 21092 PL-1050 Refuge Store (received 06/04/22)
- ART217.01.B - Soft Landscape Proposals (received 28/09/22)

Reason : To clarify the permission and for the avoidance of doubt.

CONDITIONS REQUIRING LOCAL PLANNING AUTHORITY WRITTEN APPROVAL OR TO BE COMPLIED WITH BEFORE ANY DEVELOPMENT COMMENCES

Material Samples

3. Samples of the proposed materials to be used in the external finish of the buildings, including cladding, glazing and roof materials, shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The development shall be carried out in accordance with the samples so approved.

Reason : To ensure that the materials are appropriate to the appearance of the locality and to ensure the satisfactory appearance of the completed development in accordance with Policies SS2 of the South Northamptonshire Local Plan Policy and Government guidance contained within the National Planning Policy Framework

Foul Network Strategy (Anglian Water)

4. Prior to construction of footings details of a scheme for on-site foul water drainage works, including connection point and discharge rate, must be submitted to and approved in writing by the local planning authority. Prior to the occupation of any Phase, the foul drainage works relating to that Phase must be completed.

Reason : To prevent environmental and amenity problems arising from flooding and to accord with Sections 14 and 15 of the National Planning Policy Framework.

Surface Water Management (Anglian Water)

5. 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 unless otherwise agreed in writing by the Local Planning Authority.

Reason : To prevent environmental and amenity problems arising from flooding and to accord with Sections 14 and 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

Sustainable Drainage Details Required (SUDS)

6. No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for

disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in Section 14 of the National Planning Policy Framework, and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii) include a timetable for its implementation; and
- iii) provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason : To ensure that the development/site is served by sustainable arrangements for the disposal of surface water, to comply with Policy SS2 of the South Northamptonshire Local Plan, Policy BN7 of the West Northamptonshire Joint Core Strategy and Government advice in the National Planning Policy Framework.

Protected Species Check

7. Prior to, and within two months of, the commencement of the development, the site shall be thoroughly checked by a suitably qualified ecologist to ensure that no protected species, which could be harmed by the development, have moved on to the site since the previous surveys were carried out. Should any protected species be found during this check, full details of mitigation measures to prevent their harm shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved mitigation scheme.

Reason : To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy BN2 of the West Northamptonshire Joint Core Strategy and Government guidance contained within the National Planning Policy Framework.

Reptile Survey

8. Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance or the translocation of any reptile, a reptile survey (which shall be in accordance with best practice guidelines) shall be carried out, and the findings, including a mitigation strategy if required, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works of mitigation shall be carried out in accordance with the approved details.

Reason : To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy BN2 of the West Northamptonshire Joint Core Strategy and Government guidance contained

within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

Landscape and Ecological Management Plan (LEMP)

9. Prior to first occupation of the development hereby approved, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the LEMP shall be carried out in accordance with the approved details.

Reason : To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy BN2 of the West Northamptonshire Joint Core Strategy and Government guidance contained within Section 15 of the National Planning Policy Framework.

Construction Environmental Management Plan (CEMP) for Biodiversity

10. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include as a minimum:
 - a) Risk assessment of potentially damaging construction activities;
 - b) Identification of 'Biodiversity Protection Zones';
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
 - d) The location and timing of sensitive works to avoid harm to biodiversity features;
 - e) The times during construction when specialist ecologists need to be present on site to oversee works;
 - f) Responsible persons and lines of communication;
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
 - h) Use of protective fences, exclusion barriers and warning signs

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason : To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy BN2 of the West Northamptonshire Joint Core Strategy and Government guidance contained within Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

Archaeology

11. No development shall take place within the area of archaeological interest until the applicant, or their agents or successors in title, has secured the

implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. This written scheme will include the following components, completion of each of which will trigger the phased discharging of the condition:

(i) Approval of a Written Scheme of Investigation;

(ii) Fieldwork in accordance with the agreed Written Scheme of Investigation

(iii) Completion of a Post-Excavation Assessment Report and the approval of an approved Updated Project Design: to be submitted within six months of the completion of fieldwork, unless agreed in advance with the Local Planning Authority.

(iv) Completion of an analysis, preparation of site archive ready for deposition at a store (Northamptonshire ARC) approved by the Local Planning Authority, production of an archive report, and submission of a publication report: to be completed within two years of the completion of fieldwork, unless otherwise agreed in advance with the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded and the results are made available, in accordance with Policy HE2 of the South Northamptonshire Part 2 Local Plan 2011-2029 and paragraph 205 of the NPPF.

Noise

12. Prior to the occupation of the development a noise assessment that outlines the likely impact on any noise sensitive property, and the measures necessary to ensure that the noise does not affect the local amenity of residents shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall be determined by measurement or prediction in accordance with the guidance and methodology set out in BS4142: 2014. Once approved the use hereby permitted shall be operated in accordance with the approved details and thereafter maintained in this approved state at all times.

Reason: In the interest of safeguarding residential amenity and reducing pollution in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.

Odour Control

13. No occupation shall commence until a scheme for treating emissions of cooking fumes, odours and grease, to atmosphere; from any proposed cooking fume extraction system; has been submitted to and approved by the Local Planning Authority. The submitted scheme should have reference to recommendations in the DEFRA Guidance on Control of Odours and Noise from Commercial Kitchen Exhaust Systems. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such and maintained and serviced in accordance with the manufacturer's instructions.

Reason : To safeguard the amenities of the occupiers of adjoining properties in accordance with Policy SS2 of the South Northamptonshire Local Plan.

Land Quality Investigation

14. No development hereby permitted shall take place until:

- (a) a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present has been carried out;
- (b) the risks to receptors and to inform the remediation strategy proposals has been documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and
- (c) both (a) and (b) above has been submitted to and approved in writing by the Local Planning Authority.

No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Policy SS2 of the South Northamptonshire Local Plan, Policy BN9 of the West Northamptonshire Joint Core and Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

Land Contamination Remediation

15. If contamination is found by undertaking the work carried out under condition 14, then no development hereby permitted shall take place until:

- (a) a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use has been prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and
- (b) has been submitted to and approved in writing by the Local Planning Authority.

No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Policy SS2 of the South Northamptonshire Local Plan, Policy BN9 of the West Northamptonshire Joint Core and Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

Land Quality Verification Report

16. If remedial works have been identified in condition 14, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 15. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Policy SS2 of the South Northamptonshire Local Plan, Policy BN9 of the West Northamptonshire Joint Core and Section 15 of the National Planning Policy Framework.

Construction Environmental Management Plan (CEMP)

17. No development shall take place, including any works of demolition until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The statement shall provide for at a minimum:
- a) The parking of vehicles of site operatives and visitors;
 - b) The routing of HGVs to and from the site;
 - c) Loading and unloading of plant and materials;
 - d) Storage of plant and materials used in constructing the development;
 - e) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - f) Wheel washing facilities including type of operation (automated, water recycling etc) and road sweeping;
 - g) Measures to control the emission of dust and dirt during construction;
 - h) A scheme for recycling/ disposing of waste resulting from demolition and construction works;
 - i) Delivery, demolition and construction working hours;
 - j) measures to control overspill of light from security lighting
 - k) a nominated Developer/Resident Liaison Representative with an address and contact telephone number to be circulated to those residents consulted on the application by the developer's representatives. This person will act as first point of contact for residents who have any problems or questions related to the ongoing development.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason : To ensure that the A5 and A43 continues to serve their purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980 by minimising disruption on the SRN resulting from traffic entering and emerging from the application site and in the interests of road safety. To ensure the environment is protected during construction in accordance with Policy SS2 of the South Northamptonshire Local Plan and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

Cycle Parking

18. Prior to the first use or occupation of the development hereby permitted, covered cycle parking facilities shall be provided on the site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The covered cycle parking facilities so provided shall thereafter be permanently retained and maintained for the parking of cycles in connection with the development.

Reason : In the interests of promoting sustainable transport modes in accordance with Government advice in the National Planning Policy Framework.

Local Labour Strategy

19. Prior to the commencement of the development, a local labour strategy shall be submitted to, and approved in writing by, the Local Planning Authority. The development hereby approved shall then only be used in accordance with the approved strategy.

Reason: To support the retention of skilled resident workforce in the area, in accordance with Policy EMP1 of the South Northamptonshire Part 2 Local Plan 2011-2029.

CONDITIONS TO BE COMPLIED WITH AT ALL TIMES

Air Quality

20. The development hereby approved shall only take place in accordance with the recommendations of the submitted Air Quality Assessment Revision 02, received 29 April 2022.

Reason: To ensure the development does not give rise to an unacceptable reduction in air quality in the immediate environs and to accord with Policy BN9 of the West Northamptonshire Joint Core Strategy Local Plan (Part 1).

Accord with Ecological Survey

21. The development hereby permitted shall be carried out in accordance with the mitigation, recommendations and enhancements in the Preliminary Ecological Appraisal (PEA) by WSP dated April 2022, Ecology Input Technical Note by WSP dated 25th August 2022, Preliminary Bat Roost Appraisal, by WSP dated 21st August 2022 and Updated Confidential Badger Survey by WSP dated 21st August 2022, unless otherwise agreed in writing by the Local Planning Authority.

Reason : To protect habitats and/or species of importance to nature conservation from significant harm in accordance with the Government's aim to achieve sustainable development as set out in Section 15 of the National Planning Policy Framework.

Restrictions to a Specified Use

22. The 'Pod Unit' hereby approved shall not be brought into use without above grounds work having commenced on the employment units hereby approved. Notwithstanding the provisions of the Planning (General Permitted Development Order) (2015) (as amended) or any statutory instrument revoking, amending or re-enacting that order, the 'Pod Unit' shall then only be used only in a Use Class E capacity and for no other purpose whatsoever.

Reason : To safeguard the ensure the 'Pod Unit' is not developed in isolation which would represent unsustainable development and to ensure the 'Pod Unit' remains in an appropriate use in relation to the site, as per Policy S9 of the West Northamptonshire Joint Core Strategy and Policy RET1 of the South Northamptonshire Part 2 Local Plan.

Lighting

23. Prior to the first occupation of the development hereby approved, artificial lighting shall be installed as per the submitted lighting strategy (reference: 1796-ESC-00-ZZ-DR-E-2100 P3). There shall be no variation in lighting from this drawing without the written approval of the Local Planning Authority.

Reason: In the interest of safeguarding residential amenity and reducing pollution in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.

Electric Vehicle Charging

24. The electric vehicle charging points hereby approved shall be installed prior to first occupation of the development hereby approved and retained thereafter for this purpose.

Reason : To comply with Policy S10 of the West Northamptonshire Joint Core Strategy and Policy INF4 of the South Northamptonshire Local Plan Part 2, and to maximise opportunities for sustainable transport modes in accordance with paragraph 110(e) of the National Planning Policy Framework.

Sustainability

25. The development hereby approved shall be constructed in accordance with the recommendations set out in part of 3.3.4 of the submitted Design and Access Statement

Reason : To support the delivery of renewable and low carbon energy in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) and Government guidance contained within the National Planning Policy Framework.

BREAAM

26. The development hereby permitted shall be constructed to at least a BREEAM 'Very Good' standard, or any future national equivalent standard that replaces it.

Reason : To ensure energy and resource efficiency practices are incorporated into the development in accordance with the Government's aim to achieve sustainable development as set out in the National Planning Policy Framework and to comply with Policy S11 of the West Northamptonshire Joint Core Strategy.

Maintenance of Planting

27. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) [or on the completion of the development, whichever is the sooner, and shall be maintained for a period of 5 years from the completion of the development. Any trees and/or shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.

Reason : To ensure that the agreed landscaping scheme is maintained over a reasonable period that will permit its establishment in the interests of visual amenity and to accord with Policies SS2 of the South Northamptonshire Local Plan and Government guidance contained within the National Planning Policy Framework.

Protection of Trees

28. Development shall only take place in accordance with the recommendations of the submitted Arboricultural Impact Assessment, prepared by Nicholsons Lockhart Garratt and dated 29/03/22).

Reason : To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policies SS2 and NE5 of the South Northamptonshire Local Plan and Government guidance contained within the National Planning Policy Framework.

Land Quality Unexpected Contamination

29. If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.

Reason: To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Policy SS2 of the South Northamptonshire Local Plan, Policy BN9 of the West Northamptonshire Joint Core and Section 15 of the National Planning Policy Framework.

Priority Junction

30. The priority junction connecting the application site to Old Tiffield Road shall be completed and brought into use prior to the first occupation of any of the approved commercial units.

Reason: In the interest of highways safety, in accordance with Policy SS2 of the South Northamptonshire Local Plan.

Highways Improvements

31. Notwithstanding the approved plans, prior to the first occupation of the development hereby approved highways improvements shall take place in accordance with the recommendations of Appendix A of the submitted Technical Note prepared by Velocity Transport Planning, dated August 2022 (reference: TN003).

Reason: In the interest of highways safety, in accordance with Policy SS2 of the South Northamptonshire Local Plan

Travel Plan

32. The development hereby approved shall only be used in accordance with the requirements and recommendations of the submitted Framework Travel Plan (reference: 21/195 D004 0.3).

Reason: To ensure the development would not give rise to unacceptable highways impacts, in accordance with Policy SS2 of the South Northamptonshire Local Plan.

Service and Delivery Plan

32. The development hereby approved shall only be used in accordance with the requirements and recommendations of the submitted Delivery and Servicing Plan (reference: 21/195 D004 0.2).

Reason: To ensure the development would not give rise to unacceptable highways impacts, in accordance with Policy SS2 of the South Northamptonshire Local Plan.