



Planning Committee Report

Committee Date: 3rd August 2021

Application Number: WNN/2021/0006

Location: Former Opus Car Park, Deer Park Road, Northampton

Development: Variation of Conditions 2, 10, 12, 14, 18, 20, 21, 23 and 24 of Planning Permission N/2020/1063 (Erection of buildings for use for light industrial, general industrial and storage/distribution uses with ancillary offices, together with means of access, servicing, car parking, landscaping and associated works) to allow for minor material amendments, including reorientation of Unit C and changes to car parking areas

Applicant: WD (Deer Park) Limited

Agent: Delta Planning

Case Officer: Hannah Weston

Ward: Boothville and Parklands Unitary Ward

Referred By: Assistant Director Place & Economy

Reason for Referral: Major application requiring a Section 106

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: GRANT 'APPROVAL IN PRINCIPLE' SUBJECT TO THE COMPLETION OF S106 LEGAL AGREEMENT AND THE CONDITIONS AS SET OUT IN SECTION 11 OF THIS REPORT.

Proposal

The application proposes the variation of conditions 2, 10, 12, 14, 18, 20, 21, 23 and 24 of Planning Permission N/2020/1063 (Erection of buildings for use for light industrial, general industrial and storage/distribution uses with ancillary offices, together with means of access, servicing, car parking, landscaping and associated works) to allow for the re-design and reorientation of Unit C and changes to car parking areas.

The application is for a variation to a live consent N/2020/1063, and as such the focus of this

report will be on the changes proposed to this previous consent.

Consultations

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

- Lead Local Flood Authority
- Construction Futures
- Highways
- Archaeology
- Ecology
- Public Protection
- Environment Agency
- Northamptonshire Police

No neighbour letters 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 report looks into 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 southern side of Deer Park Road, and eastern side of Summerhouse Road and comprises two former car parks.

2. CONSTRAINTS

- 2.1. None

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. Permission is sought for the variation of conditions 2, 10, 12, 14, 18, 20, 21, 23 and 24 of Planning Permission N/2020/1063 (Erection of buildings for use for light industrial, general industrial and storage/distribution uses with ancillary offices, together with means of access, servicing, car parking, landscaping and associated works) to allow for the re-design and reorientation of Unit C and changes to car parking areas.
- 3.2. The application is for a variation to a live consent N/2020/1063, and as such the focus of this report will be on the changes proposed to this previous consent.

4. RELEVANT PLANNING HISTORY

- 4.1 The following planning history is considered relevant to the current proposal:

Application Ref.	Proposal	Decision
N/2020/1063	Erection of buildings for use for light industrial, general industrial and storage/distribution uses with ancillary offices, together with means of access, servicing, car parking, landscaping and associated works	Approved 18/03/2021
N/2017/1240	Lawful Development Certificate for the proposed use of land as a car park	Approved 24/10/2017. This application confirmed that approval N/2013/0084 granted consent for a car park on this site and this use is not tied to Opus Energy as there were no conditions rendering the permission a personal consent or requiring that the offices of Opus Energy and the car parking operate in tandem. The car park is a self-contained planning unit and could be used by any company to park in as current.
N/2013/0084	Change of use of land to create additional car park to serve Opus Energy at Summerhouse Road	Approved 11/03/2013
N/2012/0477	Removal of condition 2 of planning permission N/2011/0404 for the creation of a car park to allow use of car park to continue on a permanent basis	Approved 27/06/2012
N/2011/0404	Creation of car park	Approved 23/06/2011 – temporary 2 year permission

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 1 – saved policies) 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:
- E1 – Existing employment areas
 - S10 – Sustainable Development
 - S11 – Carbon emissions

Northampton Local Plan 1997 (Saved Policies) (NLP 1)

- 5.4. The relevant policies of the NLP 1 are:
- Policy E20 – Design for new development
 - Policy B14 – use in Business areas
 - Policy T12 – servicing

Material Considerations

- 5.5. Below is a list of the relevant Material Planning Considerations
- **National Planning Policy Framework (NPPF)** sets out the current aims and objectives for the planning system and how these should be applied. In delivering sustainable development, decisions should have regard to the mutually dependent social, economic and environmental roles of the planning system. The NPPF should be read as one complete document. However, the following sections are of particular relevance to this application:
 - Paragraphs 7-14 - Presumption in favour of sustainable development.
 - Section 6 – Building a strong and competitive economy
 - Section 8 - Promoting healthy and safe communities.
 - Section 9 - Promoting sustainable transport
 - Section 11 – Making effective use of land
 - Section 12 – Design
 - Northamptonshire County Parking Standards (November 2016)
 - Northampton Parking Standards Supplementary Planning Document (November 2019)
 - Planning out crime in Northamptonshire SPG (2004)

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.

Consultee Name	Comment
Lead Local Flood Authority	No objection subject to conditions
Construction Futures	No comment
Highways	No comment
Archaeology	No comment
Ecology	No comment
Public Protection	No comment
Environment Agency	No comment
Northamptonshire Police	No objection

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 letters have been received.

8. APPRAISAL

Principle of Development

- 8.1 The principle of the development has been established under application N/2020/1063 and the proposal would remain acceptable in principle.

Impact on character and appearance of the area

- 8.2 The application proposes to amend the approved scheme N/2020/1063 through the alteration of the building containing Units C1-C4. Under the approved application this building contained four units running parallel to Summerhouse Road and the building was approximately 64.5 metres wide, 22.6 metres deep, and a maximum of 11.41 metres high. The revised single building is located in the southern side of the site and is now 36 metres deep, 40.5 metres wide and 11.2 metres to ridge height. The appearance would largely be similar to that approved, albeit in a different shape.
- 8.3 It is considered that the amended design for Unit C would remain to fall in character with the area, which is a commercial area with a large number of different style business and warehouse units. The amended design would not appear out of character and would remain to flow from Units A and B on the site. As such the amended Unit C is considered acceptable in design terms.
- 8.4 Due to the re-positioning of the unit there would also be a subsequent re-positioning of the parking for this unit which has been re-arranged to fall in front (north) of the unit. The parking provision would remain sufficient for the use proposed. The approved bin store on the eastern side of the site has also been re-located to the western side of unit C. These alterations are not considered to harm the character and appearance of the proposed development and are considered acceptable in design terms.

Residential Amenity

- 8.5 The application site is located within a business area and as such there are no neighbouring residential properties which would be impacted upon by this amendment to the development.

Highway impact

- 8.6 The Council's Highways department have been consulted on this application and have raised no objection to the revision. As such it is considered that the revised proposal would remain acceptable on highway safety grounds subject to the conditions as previously attached.

Section 106 Legal Agreement and Obligations

- 8.7 As with the previous consent on this site a contribution towards construction training and a construction training scheme would be required within a Section 106 Legal Agreement.

Flood Risk

8.8 The Environment Agency, Lead Local Flood Authority and Anglian Water have been consulted on this application and no objections are raised. This is subject to conditions on surface water drainage, which it is considered are reasonable to attach.

9 FINANCIAL CONSIDERATIONS

9.1 The development is not CIL liable.

10 PLANNING BALANCE AND CONCLUSION

10.1 It is considered that the proposal would not have an undue detrimental impact on the appearance and character of the wider area, nor result in any undue harm to residential amenity, parking, and highway safety. The proposal therefore accords with the National Planning Policy Framework; Policy S10 of the West Northamptonshire Joint Core Strategy; and Policies B14 and E20 of the Northampton Local Plan and it is recommended that planning permission is granted subject to conditions and the completion of a S106 legal agreement to secure the construction training contribution.

11 RECOMMENDATION / CONDITIONS AND REASONS

11.1 The proposed development is recommended for approval subject to the following conditions.

1. The development hereby permitted shall be begun before the 18th March 2024.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 19025 P0001 Rev B, P0002 Rev E, P0003 Rev C, P0004 Rev B, P0005 Rev A, P0006 Rev A, P0007 Rev C, P0008 Rev B, P0009 Rev A, P0010 Rev A, P0011 Rev E, P0012 Rev D, P0013 Rev B, P0014 Rev B.

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

3. In the event that unexpected contamination is found at any time when carrying out the development hereby approved, it must be reported immediately to the Local Planning Authority. Development works at the site shall cease and an investigation and risk assessment undertaken to assess the nature and extent of the unexpected contamination. A written report of the findings shall be submitted to and approved in writing by the Local Planning Authority, together with a scheme to remediate, if required, prior to further development on site taking place. Only once written approval from the Local Planning Authority has been given shall development works recommence

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.

4. There shall be no deliveries to the site on vehicles larger than a 12m rigid HGV during the hours of 8am to 5.30pm on any day.

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

5. The floorspace in use for light industrial (use class E(g)) and general industrial (use class B2) shall be limited to a maximum of 2300 square metres in total across the entire site.

Reason: To ensure adequate parking provision and in the interests of highway safety, in accordance with the requirements of the National Planning Policy Framework.

6. The premises shall be used for light industrial (use class E(g) former use class B1), general industrial (use class B2) and storage and distribution (use class B8) only of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), and for no other purpose (including any other purpose in Class E of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To ensure adequate parking provision and in the interests of highway safety, in accordance with the requirements of the National Planning Policy Framework.

7. Prior to the occupation of the development hereby permitted, a scheme for the provision of signage within the site to control the one way direction of traffic through the site from the access from Deer Park Road to the egress onto Summer House Road as shown on the approved plans shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to occupation and retained as such thereafter.

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

8. Removal of the invasive Cotoneaster shall be carried out in full accordance with the details contained in section 5.3.5 of Ecological Impact Assessment Deer Park Road, Northampton by AGB Environmental and dated 27 August 2020 (reference P3580.2.2).

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

9. Prior to first occupation of the units hereby permitted, details of ecological enhancement measures (as outlined in section 5.4.2 of Ecological Impact Assessment Deer Park Road, Northampton by AGB Environmental and dated 27 August 2020 (reference P3580.2.2)) shall be submitted to and approved in writing by the Local Planning Authority. The approved ecological enhancement measures shall be provided in full accordance with the approved details prior to first occupation and retained as such thereafter.

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

10. Prior to the commencement of development full details of the surface water drainage scheme for the site, based on the approved Flood Risk Assessment and Drainage Statement ref 20-7983-FRA rev 7 dated 24th May 2021 prepared by Complete Design Partnership Limited shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include:

- a) Details (i.e. designs, diameters, invert and cover levels, gradients, dimensions and so on) of all elements of the proposed drainage system, to include pipes, inspection chambers, outfalls/inlets and attenuation basins.
- b) Cross sections of all control chambers (including site specific levels mAOD) and manufacturers' hydraulic curves for all hydrobrakes and any other flow control devices.
- c) Details of the drainage system are to be accompanied by full and appropriately cross referenced supporting calculations.
- d) A qualitative examination of what would happen if any part of the system fails. It should be demonstrated that flood water will have flow routes through the site without endangering property and where possible maintaining emergency access/egress routes.

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

11. Prior to the commencement of development, a scheme for the maintenance and upkeep of the surface water drainage system proposed for that development site shall be submitted to and approved in writing by the Local Planning Authority. The maintenance plan shall be carried out in full thereafter. This scheme shall include details of any drainage elements that will require replacement within the lifetime of the proposed development.

Reason: To ensure the future maintenance of drainage systems associated with the development and in interests of flood prevention in accordance with the NPPF and Policy BN7 of the West Northampton Joint Core Strategy.

12. No Occupation shall take place until a Verification Report for the installed surface water drainage system for the site based on the approved Flood Risk Assessment and Drainage Statement ref 20-7983-FRA rev 7 dated 24th May 2021 prepared by Complete Design Partnership Limited has been submitted in writing by a suitably qualified independent drainage engineer and approved by the Local Planning Authority. The details shall include:
- a) Any departure from the agreed design is keeping with the approved principles
 - b) As-Built Drawings and accompanying photos
 - c) Results of any Performance testing undertaken as a part of the application process (if required / necessary)
 - d) Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc.
 - e) CCTV confirmation that the system is free from defects, damage and foreign objects.

Reason: To ensure the installed Surface Water Drainage System is satisfactory and in accordance with the approved reports for the development site in the interests of flood prevention in accordance with the requirements of the NPPF and Policy BN7 of the West Northampton Joint Core Strategy.

13. No hard-standing areas shall 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 in accordance with the aims of the National Planning Policy Framework.

14. Prior to the first occupation of the development hereby permitted, the parking spaces as shown within plan 19025 P0002 Rev E shall be provided in full accordance with the

approved plan and these parking spaces shall be retained at all times thereafter for the parking of vehicles in association with this development.

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

15. Prior to the commencement of the development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. Development shall then be carried out in accordance with the approved CEMP. The CEMP shall include, though not necessarily be restricted to the following details:
- i) A Traffic Management Plan incorporating the routing of construction traffic and details of heavy vehicle movement patterns.
 - ii) Measures to minimise and control noise, vibration, dust and fumes during site preparation works and construction, including vehicle reversing alarms.
 - iii) Details of the siting of all vehicles of site operatives and visitors.
 - iv) The unloading and loading arrangements for heavy plant and machinery.
 - v) The location, extent and duration of any temporary stockpiling areas.
 - vi) Measures to prevent mud being deposited on the surrounding highway.
 - vii) Hours in which development will take place.
 - viii) Non-road mobile machinery (NRMM) controls.
 - ix) Details of temporary site storage, welfare facilities and contractor parking.
- The approved CEMP and measures contained therein shall be adhered to throughout the construction process.

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

16. Full details of a scheme for the provision of electric car charging points (including a timetable for implementation) shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development. The scheme shall provide 10% of all parking spaces as EV charging spaces, including 1 charging unit per 10 disabled spaces. Where more than 50 spaces are provided, 1 rapid charging unit per 50 spaces shall be provided. Development shall be carried out in accordance with the approved details and be retained thereafter.

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

17. The development shall be undertaken in full accordance with the measures and timetable identified within the submitted travel plan by ADC Infrastructure Limited reference ADC2134-RP-B dated 26/08/2020.

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

18. Prior to first occupation of the development hereby permitted the boundary treatments as shown within plan 19025 P0021 Rev D shall be provided on site in full accordance with these details and shall be retained at all times thereafter.

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

19. The development in respect of the shell and core works to the units shall achieve a minimum rating of at least BREEAM 'very good' standard or an equivalent standard or any future national equivalent zero carbon standard.

Reason: to assist in reduction in carbon emissions and adapt to climate change in accordance with Policy S11 of the West Northamptonshire Joint Core Strategy.

20. The development shall be undertaken in full accordance with the levels details as shown on plan 20-7983-001 RevT3.

Reason: In the interests of visual amenity in accordance with Policy E20 of the Northampton Local Plan. This condition is considered necessary in order to ensure that there is a neutral impact upon the amenities of surrounding properties.

21. The materials used in the development hereby permitted shall be in full accordance with those details outlined within plans 19025 P0006 Rev A, P0010 Rev A, and P0014 Rev B.

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

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

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

23. The bin storage as shown within plan 19025 P0019 Rev D shall be provided on site prior to first occupation of the development hereby permitted and retained at all times thereafter.

Reason: In the interests of visual amenity and to ensure adequate refuse storage in accordance with the National Planning Policy Framework and Policy S10 of the West Northamptonshire Joint Core Strategy.

24. Prior to first occupation of the units hereby permitted, the lighting scheme as identified within plan P186-504-G shall be provided on site. Thereafter the lighting scheme shall be retained on site in compliance with the details within this plan and in a fully working order.

Reason: In the interests of securing a satisfactory standard of development in accordance with the requirements of Policy S10 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

Informative(s)

1. Anglian Water advise:

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore, the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

Used Water Network:

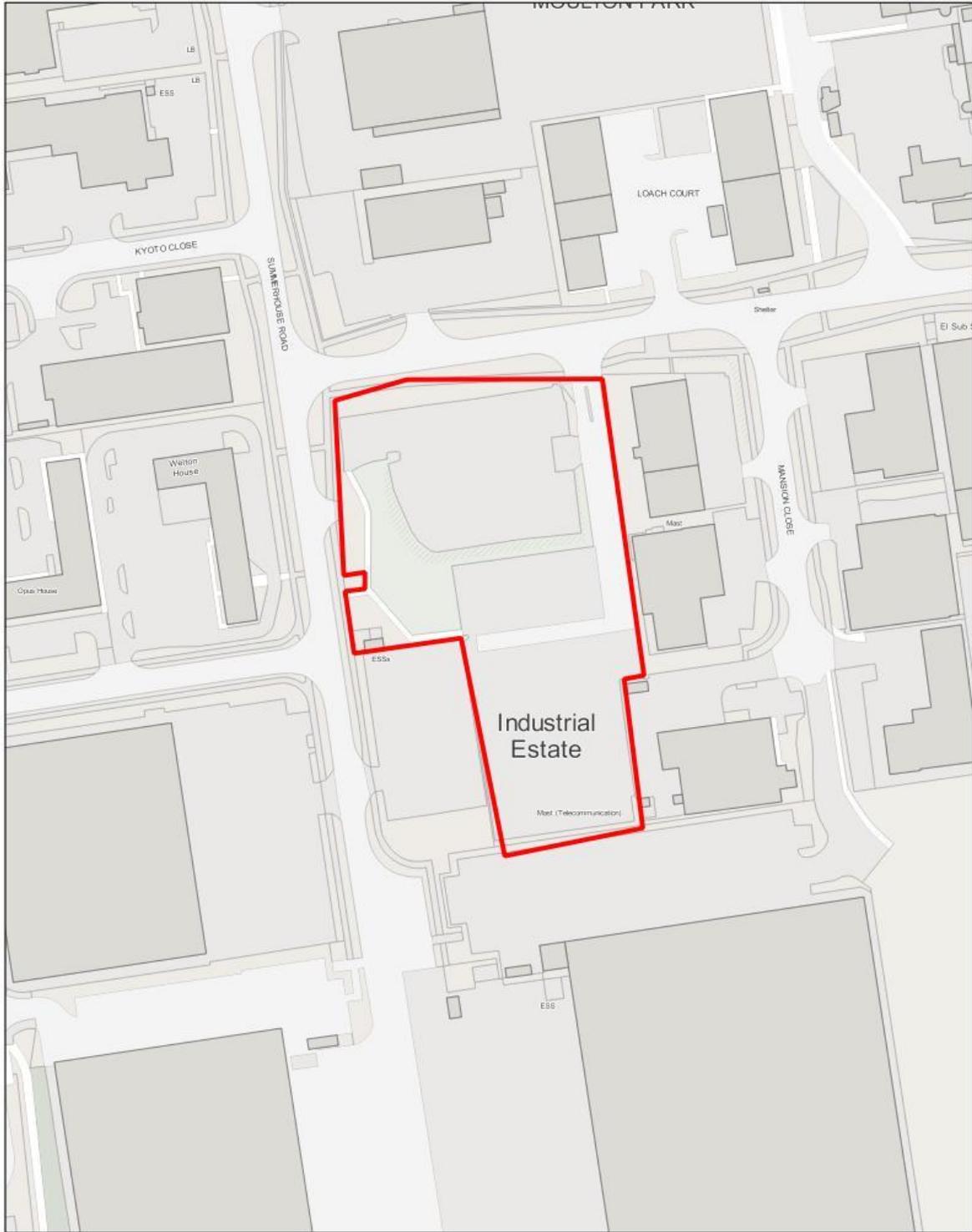
1) INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

(2) INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

(3) INFORMATIVE - Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.

(4) INFORMATIVE - Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.

(5) INFORMATIVE: The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.



**West
Northamptonshire
Council**

Title: **Deer Park Road**

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Date: 23-07-2021

Scale: 1:1,500 @A4

Drawn: MJohnson