

# Planning Committee – 7<sup>th</sup> January 2021

## Committee Updates

The schedule below details those letters etc. that have been received since the Committee reports were drafted:

Application Details:	Item No.
<p>Case Officer: Andrew Longbottom</p> <p>Presenting Officer (if different)</p> <p>Parish: Towcester an Easton Neston</p> <p>Application No: S/2020/1644/EIA</p> <p>Development description: Hybrid planning application comprising: Outline application with all matters reserved for an employment park comprising B1a, B1b, B1c, B2 and/or B8 uses, including ancillary offices (B1a), Sui Generis (selling and/or displaying motor vehicles, showrooms and petrol filling station), and/or A1 and A3 uses, service yards and HGV parking, plant, vehicular and cycle parking, earthworks and landscaping. Full planning application for a new roundabout access from the A43, internal spine road, substation, lighting infrastructure, engineering operations including foul pumping station, earthworks (including creation of development plot plateaus), pedestrian and cycle infrastructure and strategic landscaping including drainage infrastructure. (Application accompanied by an Environmental Statement)</p> <p>Location: Land to the east of Tiffield Road and to the north west of the A43 Towcester</p>	<h1>6</h1>

### Consultation responses

TOWCESTER LOCAL HISTORY SOCIETY: **Objects** on the grounds that the development would result in the loss of good agricultural land, it will lead to further development northwards and the increased congestion would have a detrimental impact on Towcester Town Centre

COUNCILLOR TARBUN: Does not object to the principal of development but **objects** to an over development of the site which will have the following impacts

- Adverse impact on the residents of the Shires housing estate, due to an increased level of traffic along the Northampton Road.
- Adverse impact on the residents of the Shires development due to noise.
- Adverse impact of increased traffic onto the A5 and an increase in air pollution in a location already subject to an Air Quality Zone.
- Adverse impact of increased traffic along the Brackley Road and on neighbouring residential properties, and Sponne School.
- The adverse visual impact, including light pollution of the proposed development on the surrounding countryside.
- The potential for an adverse impact on the communities of Caldecote, Hulcote and Tiffield.
- An adverse visual impact on the approach to Towcester
- The disproportionate development of the site for warehousing and low skill jobs.
- The adverse effect on West Northamptonshire being able to meet its commitments to reducing our carbon footprint by 2030.

*Officer comment:- The above matters are addressed in section 9 of the report*

**Neighbour responses:** 9 letters have been received raising objections on the following additional issues;-

- 1) The new roundabout is not needed and will slow traffic down on the A43.
- 2) Smaller units are required.
- 3) The amount of employment has been over estimated.
- 4) The sustainability proposals are inadequate and the buildings should be carbon neutral.
- 5) The site does not offer any green transport options.
- 6) The proposed ancillary uses are not required.
- 7) The development will result in the loss of too many trees.
- 8) The development will have unacceptable ecological impacts.
- 9) The staggering of Tiffield Lane is unacceptable.
- 10) There should be a footbridge over the A43.
- 11) The Active Travel Route must continue through the roundabout and along the A43 in both directions.
- 12) Noise barriers are needed adjacent to the A43.
- 13) The A43 layby should be closed.
- 14) The proposal is would be detrimental to the historic landscape of Easton Neston.
- 15) There should be signage to discourage the use of Northampton Road.
- 16) There should be signage to prevent the HGV's from using Northampton Road.
- 17) There should be speed tables located either side of the Puffin Crossings
- 18) Additional Vehicle Activated Signage is required.

- 19)The speed limit at the north end of Northampton Road should be reduced.
- 20)The speed limit on A43 should be reduced.
- 21)There is a lack of mitigation of the light pollution to Third Lodge and Pomfret House as well as mitigation from noise, reduction in air quality, construction noise, vibration and dust.
- 22)Fundamental concerns are not properly addressed in the committee report.
- 23)The inclusion of the development in the Local Plan is insufficient justification to approve the application.
- 24)The application should not be considered until the holding direction from Highways England has been lifted.
- 25)The development should be carbon net zero.
- 26)The application does not take into account other committed development.
- 27)The site should not have been included in the Local Plan.
- 28)There was not sufficient consultation on the Local Plan
- 29)The development conflicts with local transport planning objectives.
- 30)The inclusion of the site in the local plan precludes certain objections at a later stage.
- 31)No decision should be taken until the Highways England have commented on the construction traffic.
- 32)The recent flooding on Tiffield Land and along the Tove should be taken into account and the development could lead to further flooding.
- 33)The site should not be included in flood zone 1.
- 34)The development would increase walking times from Tiffield to Towcester and there should be better access.
- 35)The additional traffic on Tiffield Lane and through Caldecote would be detrimental to road safety for pedestrians.
- 36)The over capacity use of the Abthorpe roundabout is unacceptable and this roundabout should be grade separated.
- 37)The proposal for a footbridge over the A43 has not been properly considered.
- 38)There are no acceptable mitigation measures to ensure acceptable air quality is provided within Towcester.
- 39)No survey has been carried out of footpath SB52.
- 40)Tiffield is only ½ mile from the site not 1.5 km as set out in the report.
- 41)The impacts on Duncote are not adequately assessed.
- 42)It is not clear that the Transport Assessment includes the new Towcester Relief Road.
- 43)It is not clear what proposals there are to reduce traffic on the Northampton Road.
- 44)Impact on the highway network cannot be assessed when the end users of the buildings are not known.
- 45)It is not clear what the total floorspace of the proposed warehousing within 20 miles of Towcester is.
- 46)It is not clear what proposals there are to prevent HGV's impacting on the historic buildings and air quality.

The consultation responses also comment that the additional sums of money to provide additional highway works and the Traffic Calming Measures are supported.

*Officer comment:- the majority of the above matters have been addressed in section 9 of the report.*

*With regard to the speed limits on the Northampton Road and the A43, this remains a matter for the respective highway authorities. In addition, there has not been any requirement from the highway authorities in their consultation responses for the speed limits to be amended. Furthermore, whether the layby on the A43 is closed is a matter for Highways England.*

*With regard to the inclusion of the site in the Local Plan Officers are satisfied that the correct procedures were followed and in addition the plan was the subject of an inquiry with an independent inspector.*

*The categorisation of the flood zones is a matter for the Environment Agency and they have categorized it as flood zone 1. The proposals do include surface water attenuation as set out in the report so that the development will not increase the risk of flood elsewhere.*

*There will be no change to the proposed route of footpath SB52 and so this route will still be available to pedestrians wanting to access Towcester in this way. As this route is maintained rather than being stopped up no survey of its use was undertaken. The new spine road and A43 crossing will introduce additional choice for pedestrians wanting a safer access route to the town.*

*No decision is proposed to be taken until a full response from Highways England has been received regarding the impacts of construction traffic on the A43/Tiffield Lane junction. This matter is delegated to the Assistant Director for Planning and Economy as set out in the report.*

*The development would result in a slight increase in traffic on the minor roads through Tiffield and Caldecote however no objections have been received from the Local Highway Authority on highway safety grounds.*

*No direct mitigation measures are proposed for improving air quality in Towcester as part of the development as the modelling of traffic flows and the modelling of improved emissions from vehicles and indicate that none are necessary.*

*In terms of distance from the site, a direct line from approximately the centre of the site to the approximate centre of Tiffield is 1.3 kilometres.*

*With regard to the transport impact on Duncote/A5 junction the Transport Assessment shows that there would be minimal additional traffic through this junction.*

*In addition in the transport assessment the committed relief road is included in the wider traffic modelling as agreed with Highways England and Northamptonshire County Council.*

*The mitigation works for Northampton road includes two build outs. However, these did not form any part of the modelling, so this was just using the A43 and Northampton Road with the benefit of the roundabout. The results of this showed that whilst there would be some diversion of traffic along Northampton Road because of the roundabout, it did not materially effect the operation of the Saracens Head signals.*

*With regard to end users the TRICS database has been used which contains surveys of comparable sites and uses as well as data captured at similar developments to record 24 hour traffic data. Therefore, whilst the end user may not be known, the operations that the end user will be able to undertake within any subsequent permission have been captured within the traffic generation assumptions.*

*On the issues of already committed development all committed development within Northamptonshire has been included within the modelling, as well as forecast housing and employment numbers from traffic growth forecasts for the future year assessments.*

*When the Relief Road is delivered it will be for Highways England and Northamptonshire County Council to agree what measures should be introduced to reroute HGV traffic along the Relief Road rather than through Towcester. The uplift in HGV traffic through Towcester due to the proposed development is modest and does not have a material impact on HGV traffic levels, therefore, the applicant has not provided and has not been requested to implement any measures in Towcester town centre.*

As members might be aware there were changes to the Use Classes Order coming into full force from 1 September 2020 where the A1 (a), A2 (c) , A3 (b), B1 (a, c and d), D1(e and f) and D2 (d) uses were amended to be within a new use class (E) Commercial, Business and Service use class. Officers have taken legal advice on how to proceed with the application and received confirmation that the application must be determined with reference to the old use classes as the application was received prior to the new use classes coming into force.

## **Clarifications**

To ensure the report to members is suitably robust Officers wish members to consider the following clarifications.

Paragraph 9.94 of the report should refer to paragraph 196 of the NPPF which states *“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”*

Paragraph 9.111 should state that the impact on settings of the lodges and gates would be neutral and therefore there would be no harm to their significance.

Paragraph 9.116 should conclude that whilst the proposed scheme will result in a change within the setting of the listed buildings, those aspects of setting which contribute to significance, such as the enclosed gardens and village setting will be unaffected. It is therefore concluded that there will be a neutral impact on the significance of Springfield Cottage and The Cottage, and Mops Cottage, and the significance of these assets will be sustained.

Paragraph 9.122 should make it clear that the provisions paragraphs 193 and 194 of the NPPF and that section 66 and 72 of the Planning (listed Buildings and Conservation Areas) Act 1990 (as amended) also need to be considered.

With regard to paragraph 11.19 the economic and social benefits being referred to are those set out in paragraphs 11.9-11.10 and 11.15 of the report and it is considered by Officers that there is a clear and convincing justification that the benefits of the development outweigh any harm to the designated heritage assets.. Furthermore, by stating that the any harm to designated heritage assets is outweighed by the economic and social benefits of the development this takes into account the great weight that needs to be given to the assets conservation as required by paragraph 193 and 194 of the NPPF and section 66 and 72 of the Planning (listed Buildings and Conservation Areas) Act 1990 (as amended).

### **Applicant’s Submission**

A further submission from the applications in response to the committee report has been received and makes the following points.

#### Outstanding Matters

- The applicant is willing to continue discussions with Officers and SNC’s energy consultants to provide additional clarifications and a suitable framework for future reserved matters applications. Such a framework will be important in allowing the applicant and occupiers the flexibility to deliver the most appropriate and effective solutions in a rapidly changing context.

- The report seeks delegated authority to continue discussions with the applicant to make improvements to the proposed landscaping scheme; in particular the south-west corner of the site. The applicant is willing to continue these discussions, and any refinements to the landscaping scheme. Although the applicant considers they are unlikely to alter the conclusions of the ES.
- Although the applicant considered the submitted lighting assessment is robust they are willing to continue discussions with Officers and SNC's lighting consultants to provide additional clarifications and agree a suitable framework for future reserved matters. The applicant also states that Third Lodge, whilst not being centrally located within Hulcote, has been considered within the assessment as part of this receptor group.
- The applicant's transport consultants are in discussion with Stagecoach and Northamptonshire County Council with regards to securing bus services and associated infrastructure. The applicant is willing to continue discussions with officers and the relevant consultees to agree a revised Framework Travel Plan to be secured through the S106 Agreement, and is confident that an appropriate service level can be provided through enhancing or supplementing existing services.
- The applicant is confident that the work in the Transport Assessment has tested the 'worst case' scenario and this reflects the agreed Transport Assessment Scoping Report. Notwithstanding this, the applicant is content to work with Officers to ensure any specific concerns are addressed and provide additional clarifications if required.
- The applicant's transport consultants have provided a detailed response to Highways England, and the applicant is confident that all matters can be satisfactorily resolved. The applicant notes the Officers comments in relation to an outstanding question to HE regarding construction traffic (and use of Tiffield Lane), and commits to ensuring the construction management plan (referred to in Condition 7) includes any necessary controls to avoid adverse impacts on the strategic highway network.
- The applicant is satisfied that the commitment to bring forward a minimum of 30% of the developable area / plots on the site for B1c/B2 uses can be controlled via a suitably worded planning condition. The applicant is willing to continue discussions with officers to agree on the detailed wording of this condition, and how it will operate alongside any other planning conditions proposed.

*Officer Comments: The acceptance of the applicant to work with Officers to address the outstanding matters is welcomed.*

## Public Rights of Way

- The footpath referred to in paragraph 9.61 should be a bridleway.
- The Officers' report suggests two possible options for SB32. The first would involve diverting the bridleway through the site to terminate at a Pegasus crossing (equestrian crossing) south west of the roundabout. The second option is the stopping up of the section of bridleway which crosses through the site, which is what the applicant is proposing.
- It should be noted that there is currently no gap in the fence between the A43 and the field to gain access to SB32, and the bridleway does not connect into any other bridleways beyond its point of termination on Northampton Road. A 3-day survey has been undertaken in December 2019 which recorded no users of SB32 through the site. A further updated survey over a 7-day period in September 2020 has also been undertaken by the applicant which also recorded no users of SB32.
- Pre-application discussions were held with stakeholders including representatives for the Ramblers Associations, and British Horse Society regarding the proposed stopping up and diversion of the Public Right of Way. All parties were supportive of the stopping up of SB32, on the basis that the construction of the A43 effectively cut off the SB32 route, the section through the site was rarely used (if at all), and the proposals would address safety issues by providing a safe crossing for pedestrians and cyclists at the roundabout. The organisations also confirmed support for the proposed diversion to SB1.
- A Pegasus crossing (Equestrian Crossing) is therefore not proposed or required, with the proposed Toucan crossing facilitating pedestrian and cycle access as the appropriate and agreed form of crossing.
- On this basis the applicants have discounted alternative options and proceeded with the proposal to stop up the section of bridleway which crosses through the site as presented in the application. This is an appropriate solution to ensuring the site (as an employment park) is effectively and safely connected to the community of Towcester, from which labour can be drawn.

## Local Transport Infrastructure Fund (LTIF)

*Officer comment : This is the fund that would provide additional highway measures to Northampton Road and Tiffield Lane if required. (see heads of terms numbers 9 and 10)*

This is proposed as a mechanism to monitor and respond to any unforeseen impacts arising once the development is operational, however the applicant has been clear in discussions with the local community that this would sit outside of the planning process. This approach could be used to implement additional measures such as signage or TROs, which may assist in dealing with issues that are materially and demonstrably linked with the site once operational.

This is not a requirement of the highway authorities, and SNC's transport consultant has confirmed that the fund is not necessary to make the development acceptable in planning terms. Notwithstanding this, the applicant is committed to safeguarding some monies in its objective as a responsible developer to alleviate unforeseen impacts. However, given the proposed fund is not a requirement of the highway authorities and it is agreed that it is not necessary to make the development acceptable in planning terms, it does not meet the CIL tests and should therefore not be included within the S106 Agreement. It should therefore not be given any weight by the committee in reaching a decision.

A further separate submission relating to the LTIF has been received and amends the applicant's position on the LTIF and makes the following points

The LTIF does not form part of highway works for the development

The impact on the highway network has been accepted by Highways England and the Local Highway Authority

The concerns raised by the residents are not supported by the transport modelling.

Whilst not expected, some issues that could conceivably occur are occasional increase in speeds through Tiffield, increases in HGV movements through Tiffield and Caldecote and HGV traffic movements along the Northampton Road.

However not all unforeseen implications would be worthy of intervention such as increase in traffic movements through Tiffield captured in the modelling work.

Potential additional measures that could be used to offset any unforeseen impacts are set out in the table below

Issue	Measure	Indicative Cost
Increase in HGV traffic using Northampton Road	Implement an environmental weight limit (7.5T) between A5 and A43 with associated signage	£12,000
	Enhanced "local traffic only" signage	£8,000
Increase in HGV traffic through Tiffield	Implement an environmental weight limit (7.5T) between A43 at St Johns and the extents of the village with associated signage	£12,000
	Enhanced "local traffic only" signage	£8,000
Increase in HGV Traffic through Caldecote	Enhance existing signage on A5 highlighting presence of weight restricted bridge.	£8,000
Increase in vehicle speeds through Tiffield	Provide mobile remotely powered vehicle activation signs	£10,000 (for 2)
	Install warning signs relating to the presence of the village school (Flashing amber)	£5,000
	Install Enhanced village gateway feature	£15,000
Increased vehicle speeds on Northampton Road	Provide an additional vehicle activated sign	£7,000
		£85,000

It is proposed that the fund would be capped at £100,000 which would allow the above measure to be delivered plus an amount for professional fees and other costs. Any unspent monies would be returned to the applicant after a period of time.

The release of funds would need to be through an agreed strategy with appropriate stakeholders to ensure the correct level of evidence was provided to justify the provision of funds to deliver measures. The applicant is willing to continue discussions with SNC and the local highway authority to agree an appropriate mechanism within the Section 106 Agreement.

*Officer: Conversations have been held with the Local Highway Authority and the Council's own Transport consultant who are both of the view that the fund is necessary to make the development acceptable in highway terms. It is considered that the most appropriate way forward would be for a bond to be deposited which could be used for additional measures if required.*

*Given the views expressed by the highway consultant and the Local Highway Authority it is the view of Officers that the provision does meet the CIL tests and should be required as part of the S106 agreement.*

*The acceptance of an LTIF bond to form part of the S106 agreement is welcomed and the information contained within the applicant's submission provides a useful point to start consultations with the Local Highway Authority to ensure the bond amount and how it is applied is fit for purpose.*