

**Application Number:** WNS/2021/1860/MAF

**Location:** Plot 7 Northampton Gateway SRFI Land west of M1 J15 Milton Malsor

**Proposal:** Erection of storage & distribution building (Use Class B8), inc. ancillary office space, ancillary buildings, vehicle access, parking and service yard areas, drainage, and landscaping & associated infrastructure on development Plot 7 within Zone A4 of the Northampton Gateway Rail Freight Interchange.

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**Applicant:** Roxhill (Junction 15) Limited

**Agent:** Oxalis Planning Ltd

**Case Officer:** Denis Winterbottom

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**Ward:** Bugbrooke

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**Reason for Referral:** Major development

**Committee Date:** 27/01/2022

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## **EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION**

**RECOMMENDATION – DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND ECONOMY TO GRANT PERMISSION, SUBJECT TO:**

- 1. THE CONDITIONS TO BE SET OUT IN THE WRITTEN UPDATES (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) To ensure the proposed development is made subject to the planning obligations set out in the Northampton Gateway Development Consent Obligation without which the Planning Permission would not be issued.**

### **Proposal**

Erection of a storage and distribution building (B8 use), including ancillary office space, together with ancillary buildings with associated access, parking, service and yard areas, drainage, landscaping and associated infrastructure.

### **Consultations**

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

- Milton Malsor Parish Council, Roade Parish Council

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

- National Highways, Natural England, Local Highway Authority, Planning Policy, Environmental Protection, Ecology Building Control, Northampton Fire & Rescue Service, Anglian Water, Ramblers Association,

The following consultees are **in support** of the application:

- Economic Development

No letters of objection have been received and no 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 and the relevant material considerations.

The key issues arising from the application details are:

- The Principle of Development
- The Impact of the Development on the Character and Appearance of the Area:
- The Impact of the Development on the Highway Network
- The Sustainability of the Building
- The Impact of the Development on the Noise Environment
- The impact of the Development on Ecology and Biodiversity
- The Impact of the Development on Light pollution

The report assesses the relevant planning issues in detail and Officers conclude the proposal is acceptable subject to conditions and the completion of a Section 106 agreement.

**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, Plot 7, is a development plot of 22.58 hectares (ha). within Zone A4 of the Northampton Gateway Rail Freight Interchange (NGRFI) Main Site.

1.2 To the north of the application site is the access road to the rail freight interchange terminal and the other development plots within the NGFRI Main site. To the west of

the application site, the NGRFI Main Site and Northampton Loop Railway (NLR) is open countryside, to the east beyond the M1 is the urban fringe of Northampton, including Collingtree and Grange Park with the existing commercial development to the south east corner of M1 Junction 15.

- 1.3 The NGRFI development overall extends to some 290 hectares. The NGRFI Main site comprises 219 ha. and includes the Rail Freight Interchange Terminal and associated rail served warehousing (Use Class B8) on adjacent land, these together form the wider Main Site which is defined by the M1 motorway to the east, Collingtree Rd to the north, the NLR line to the west, the Courteenhall brook to the south. Vehicle access is from the A508.
- 1.4 The NGRFI development is authorised by a Development Consent Order (DCO) granted in October 2019. This authorises the construction of a Rail Freight Interchange facility, including a rail freight terminal, up to 468,000 sqm (gross internal area) of rail served warehousing and ancillary service buildings, (additional floorspace of up to 155,000 sqm may be provided in the form of mezzanines), and associated infrastructure, e.g. drainage, roads, landscaping, required for the development.
- 1.5 The DCO also authorises the construction of the A508 relief road for Roade village, highway improvement works to M1 J15, M1 J15A and to other surrounding local public highways.
- 1.6 Construction of the NGRFI main site scheme is underway, ground works for site preparation and the provision of site wide infrastructure are well advanced, this includes site boundary earthworks to provide the structural landscaping mitigation, and early works to bring forward the on-site rail terminal ahead of construction of associated warehousing.
- 1.7 Plot 7 sits within Zone A4 of the NGRFI main site. Zone A4 is the most southerly sub zone within NGRFI main site and is located close to the main site spine access road from the A508.
- 1.8 There are no designated heritage assets within or adjoining the application site. The northern boundary of Courteenhall Historic Park & Garden is located some 400m to the south east on the opposite side of the A508.
- 1.9 Public footpath KX017 previously crossed the application site. The NGRFI DCO authorises the diversion of this footpath and the diverted route will now pass to the south of the application site.

## **2. CONSTRAINTS**

- 2.1. The identified planning constraints include :
  - Public Right of Way, Footpath, KX/017
  - High Risk of Surface Water Flooding
  - Medium Risk of Surface Water Flooding

- Low Risk of Surface Water Flooding
- Local Wildlife Site - Within 2km buffer, Name: Roade Field, Site ID: S1548
- Local Wildlife Site - Within 2km buffer, Name: Collingtree Golf Course, Site ID: N808
- Mineral Safeguarding Area
- Designated Neighbourhood Area: Milton Malsor

2.2. The NGRFI development is authorised by a Development Consent Order (DCO) granted by the Secretary of State for Transport in October 2019.

### **3. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 3.1. The proposed development is for a bespoke and high-tech distribution and logistics facility comprising a building with a footprint of 64,524 sqm of ground floorspace, including ancillary office space car parking and service yard area for loading and unloading. The building will include mezzanine levels with a total area of 201,321 sqm. The proposed building will thus have a total floor area of 265,845 sqm of floorspace. Two ancillary security gate houses will comprise a further 47 sqm of floor area.
- 3.2. The proposed building will be 25.42m high to the roof parapet with two relatively small stairway towers, one at each end of the building, which will have a maximum height of 28.39m to allow access to the roof. The proposed building on Plot 7 will have a ground finished floor level of 89.50m above Ordnance Datum (AOD), the building roof parapet height will 114.92m AOD and the top of the two small stairway towers will be 117.89m AOD.
- 3.3. The proposed building thus exceeds the maximum height parameter (109.00m AOD) for buildings permitted by the DCO by 8.8m. The building will however fall within other relevant DCO parameters for Zone A4.
- 3.4. The vehicle access to the proposed development for private vehicles and buses is from the NGRFI spine road, close to the main site access roundabout on the A508, leading to a parking area with 892 car parking spaces (including EV charging and disabled spaces) and a bus boarding / waiting area, laid out to the east side of the building. Pedestrian access is also from the main spine estate road leading to into the car park and towards the main building entrance and office areas in the east elevation.
- 3.5. The main Large Goods Vehicle (LGV) access and security gate house is located to the west side of the building. A total of 205 LGV trailer spaces are provided in the service yard areas around north, west, and southern elevations. A secondary LGV access and security gatehouse is provided to the north of the proposed building this will be used by LGVs to exit the site during peak operational periods, this also provides an emergency access route. Bus access will also be via this northern access, which can also be used by cars to access the car park.
- 3.6. The proposed building is designed to meet the operational requirements of a bespoke occupier, these have defined the scale and the height of the building. The general

massing of the building consists of the central main warehouse with smaller protruding ancillary elements, which are included to break up the mass and to provide access and facilities to upper levels. The proposed facility is anticipated to deliver in the region of 2,000 jobs during periods of full operation and will require a range of skills sets such as warehouse operatives, management, IT servicing and administration support.

- 3.7. The development on Plot 7 will be fully integrated into the wider NGRFI site infrastructure authorised by the DCO and now being put in place, including vehicle access arrangements to/from the A508 public highway, internal site roads and footpaths, provision for bus access, site drainage, the site structural landscaping, public footpath route alterations.
- 3.8. All the DCO requirements (conditions) that required approval of details prior to commencement of work on Zone A4 have been discharged and the installation of site wide infrastructure and site preparation groundworks on Plot7 are in progress.
- 3.9. A draft Section 106 Agreement has been submitted with this planning application, the effect of this is apply the Obligations entered into in the Section 106 agreement associated with the DCO development to ensure the proposed development is subject to the same Obligations

#### 4. RELEVANT PLANNING HISTORY

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

Application Ref.	Proposal	Decision
TR050006	Northampton Gateway Rail Freight Interchange	DCO Granted
S/2020/1554/DCOR	Requirement 12 - Construction Environmental Management Plan - ecological mitigation for GCN. [Approval of details pursuant to Schedule 2 of The Northampton Gateway Rail Freight Interchange Order 2019].	Approved
S/2020/1555/DCOR	Requirement 19 Flood Risk - Courteenhall Brook Floodplain Compensation Assessment Report. [Approval of details pursuant to Schedule 2 of The Northampton Gateway Rail Freight Interchange Order 2019 ].	Approved
S/2020/1647/DCOR	Requirement 8 (2) [Works No.5 - Main Site Estate Roads details. [Approval of details pursuant to Schedule 2 of The Northampton Gateway Rail Freight Interchange Order 2019]	Approved
S/2020/1663/DCOR	Requirement 20 - Foul Water Drainage. Foul Water Drainage Strategy details. [Approval of details pursuant to Schedule 2 of The Northampton Gateway Rail Freight Interchange Order 2019].	Approved
S/2020/1665/DCOR	Requirement 12 -Construction Environmental Management Plan (CEMP) for Approved Works 1-6, for groundworks and other Components on the Main Site. [Approval of details pursuant to Schedule 2	Approved

	Requirement of The Northampton Gateway Rail Freight Interchange Order 2019].	
S/2020/1750/DCOR	Requirement 25 Contamination Risk - Risk Assessment for all Components of Works 1-6 (The Main Site). [Approval of details pursuant to Schedule 2 Requirement of The Northampton Gateway Rail Freight Interchange Order 2019].	Approved
S/2020/1781/DCOR	Requirement 13 Earthworks. & Requirement 8 Detailed design parts (2)(b) & (2)(h); for Component (a) earthworks for Works 1 to 6 (Main Site), [Approval of details pursuant to Schedule 2 Requirement of The Northampton Gateway Rail Freight Interchange Order 2019].	Approved
S/2020/1842/DCOR	Requirement 8 Detailed design approval - Component 3(d), surface water and foul drainage. [Approval of details pursuant to Schedule 2 Requirement of The Northampton Gateway Rail Freight Interchange Order 2019].	Approved
S/2020/2284/DCOR	Requirement 10 - Provision of Landscaping and Requirement 11(2) - Landscape and Ecological Management Plan- management and maintenance proposals [Approval of details pursuant to Schedule 2 Requirement of The Northampton Gateway Rail Freight Interchange Order 2019].	Approved
S/2021/0040/DCOR	Requirement 13 Earthworks and Requirement 8 Detailed design ((2) b, and h) - the southern part of the Main Site only – south of the Courteenhall Brook and west of the A508 [Approval of details pursuant to Schedule 2 Requirement of The Northampton Gateway Rail Freight Interchange Order 2019].	Approved
S/2021/0130/DCOR	Requirement 23 (1) Noise during the operational phase [Approval of details pursuant to Schedule 2 Requirement of The Northampton Gateway Rail Freight Interchange Order 2019].	Approved
S/2021/0343/DCOR	Requirement 8 Detailed design approval (8 2(d) (surface and foul drainage) [Approval of details pursuant to Schedule 2 Requirement of The Northampton Gateway Rail Freight Interchange Order 2019].	Approved
S/2021/0568/DCOR	Requirement 8 (2)(c),(q)(r) Detailed design. Works No's 1-6 Component 3(1)(f). Details of hard landscaping, inc. cycle tracks & footways access points and surfacing and fencing and other means of enclosure within the Main Site [Approval of details pursuant to Schedule 2 Requirement of The Northampton Gateway Rail Freight Interchange Order 2019]	Approved

4.2 The NGRFI is Nationally Significant Infrastructure development authorised by a Development Consent Order (DCO) granted by the Secretary of State for Transport on 9 October 2019.

4.3 The NGRFI DCO 2019 authorises the construction of a rail freight interchange facility, including a rail freight terminal, up to 468,000 sqm (gross internal area) of rail served warehousing and ancillary service buildings, (additional floorspace of up to 155,000 sqm. may be provided in the form of mezzanines), and associated infrastructure, e.g. drainage, roads, landscaping, required for the development.

4.4 The DCO authorised development includes:

- An intermodal freight terminal capable of accommodating up to 16 freight trains per day of up to 775m long and including container storage and HGV parking areas,
- Up to 468,000 sqm floorspace (gross internal area) of rail served warehousing and ancillary service buildings, with additional internal mezzanine floorspace of up to 155,000 sqm,
- A new rail line connecting the terminal to the Network Rail WCML Northampton Loop (with new north and south facing connections),
- New road infrastructure and works to connect the existing road infrastructure including bus stands & stops.
- Demolition of existing structures and structural earthworks to create development plots and landscape zones,
- Earthworks and demolition of existing structures on the Main Site, the Main Site comprising that part of the proposed development for the intermodal freight terminal, warehousing, HGV parking, and related landscaping and earthworks to form Strategic landscaping and open space, including diversions and alterations to routes of Public Rights of Way,
- Construction of the A508 relief road for Roade village and highway improvement works to M1 J15, M1 J15A and to other surrounding local public highways.

4.5 The Parameters Plan approved by the DCO identifies the Zones within the NGRFI Main site and includes the schedule of approved parameters to constrain the authorised development.

4.6 For Zone A4 the approved parameters specify the maximum building floorspace shall not exceed 126,000 sqm, (excluding mezzanine floorspace), the height of a building shall not exceed 109m above Ordnance Datum (AOD) and the building finished floor level shall not exceed 88.5m AOD.

4.7 The additional mezzanine floorspace is allocated a whole to Zone A, this may therefore be provided, up to the maximum amount specified, (155,000 sqm), either within one building or within several buildings, and within one or more of the identified Sub-Zones with Zone A.

## 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 15<sup>th</sup> December 2014, which provides the strategic planning policy framework for the District to 2029, the adopted South Northamptonshire 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
- S7 – Provision of jobs
- S8 – Distribution of jobs
- S10 – Sustainable Development Principles
- S11 – Low carbon and renewable energy
- C1 – Changing behaviour and achieving modal shift
- C2 – New developments
- C3 – Strategic connections
- BN2 – Biodiversity
- BN7A – Water supply and quality, wastewater infrastructure
- BN7 – Flood risk
- BN9 – Planning for pollution control
- INF1 – Approach to infrastructure delivery
- INF2 – Contributions to infrastructure requirements
- R1 – Spatial strategy for the rural areas
- R2 – Rural economy
- R3 – A transport strategy for the rural areas

#### South Northamptonshire Local Plan 2011-2029 (Part 2) (LPP2)

- 5.4. The relevant policies of the LPP2 are:

- SS1 – The settlement hierarchy



- SS2 – General development and design principles
- EMP1 - Supporting skills
- EMP3 – New employment development
- INF1 – Infrastructure delivery and funding
- INF4 – Electric vehicle charging points
- HE3 – Historic parks and gardens
- NE3 – Green infrastructure corridors
- NE4 – Trees, woodlands and hedgerows
- NE5 – Biodiversity and geodiversity
- NE6 – SSSI and protected species

## Material Considerations

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

- Northampton Gateway Rail Freight Interchange Order 2019
- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Supplementary Planning Guidance

## 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
Ramblers Assoc.	NO COMMENT	
Building Control	NO OBJECTION	
Local Highway Auth.	NO OBJECTION	
NFRS	COMMENTS	Advise assessment of sites should be undertaken to establish requirement for fire hydrants and recommend condition to ensure installation.
WNC Planning Policy	NO OBJECTION	
WNC Econ. Dev.	SUPPORTS	
WNC Env. Prot.	NO OBJECTION	
National Highways	NO OBJECTION	Development is acceptable providing, as set out in the TA, it will have no additional impact on the assessed trip generation for NGRFI. The mitigation identified in the at J15 & J15A within the DCO is required for this development.
Natural England	COMMENTS	Refer to Standing Advice

Milton Malsor PC	OBJECT	Cite excessive height of building, the additional mass of the building due to the increased height, minimal effect of other measures cited to reduce the effect of extra height e.g. reduced footprint and proposed landscaping, query estimate for number of jobs given inclusion of automated areas,
Road PC	OBJECT	Cite the concerns raised by Milton Malsor PC, (summarised above), disagree with applicants stated view the effect (landscape and visual) to the west due to the increased height is not a significant effect.
Anglian Water	COMMENT	Advise foul water drainage will lead to risk of flooding downstream. Anglian Water will need to plan effectively for the proposed development and will need to work with the applicant to ensure that infrastructure improvements are delivered in line with the development.

## 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. None received.

## 8. APPRAISAL

8.1. The relevant issues for consideration in the consideration of this application include:

- The Principle of Development
- The Impact of the Development on the Character and Appearance of the Area:
- The Impact of the Development on the Highway Network
- The Sustainability of the Building
- The Impact of the Development on the Noise Environment
- The impact of the Development on Ecology and Biodiversity
- The Impact of the Development on Light pollution

### Principle of Development

8.2. The principle for development is established by the Northampton Gateway Rail Freight Interchange Order 2019, (DCO), which grants the planning permission for Rail Freight

Interchange and for the erection of buildings for distribution and storage uses (Use Class B8) on the application site.

- 8.3. The DCO includes approved parameters which limit the scale and height of the authorised storage buildings . Within Zone A4 these specify the building floorspace shall not exceed 126,000 sqm, (excluding mezzanine floorspace), the height of a building shall not exceed 109m above Ordnance Datum (AOD) and the building finished floor level shall not exceed 88.5m AOD.

#### Impact on the Character and Appearance of the Area

- 8.4. The proposed development is for a bespoke and high-tech distribution and logistics facility comprising a building with a footprint of 64,524 sqm of ground floorspace, with ancillary office space car parking and service yard area for loading and unloading. The building will include mezzanine levels having an additional area of 201,321 sqm. The proposed building will thus have a total area of 265,845 sqm of floorspace.
- 8.5. The proposed building will be 25.42m to the roof parapet with two small stairway towers, one at each end of the building, which will have a maximum height of 28.39m to allow access to the roof. The proposed building on Plot 7 will have a ground finished floor level of 89.50m AOD, the building roof parapet height will be 114.92m AOD and the top of the two small stairway towers will be 117.89m AOD.
- 8.6. The proposed building thus exceeds the maximum height parameters (109.00m AOD) permitted by the DCO. The building will however fall within other relevant DCO parameters for Zone A4. The departure from the building parameters established in the DCO and supported by the Environmental Statement which informed the application for the DCO thus relates only to the building height.
- 8.7. As the proposed building will be 8.8m taller than the maximum height considered within the Environmental Statement (ES) that accompanied the DCO proposal the impact of the proposed building on landscape character and the visual effect are required to be assessed.
- 8.8. A Landscape and Visual Impact Appraisal (LVIA) has been undertaken and is submitted with the application; this provides a detailed assessment of the landscape and visual context for the proposals. The LVIA has been reviewed to assess the methodology, findings, and conclusions.
- 8.9. The LVIA uses the methodology of the current best Guidelines for Landscape and Visual Impact Assessment third edition 2013 (GVLIA 3). This is appropriate to identify and assess the significance of and the effects of change resulting from development on both the landscape as an environmental resource, on views and visual amenity.
- 8.10. In reviewing the LVIA submitted now, and the LVIA that supported the DCO, it is acknowledged most of the associated landscape and visual effects are assessed in the previous LVIA which encompassed the whole of the NGRFI DCO site, thus the focus is to assess the effects associated with the proposed building on Plot 7.

8.11. The LVIA draws attention to factors of the proposed building development that mitigate landscape and visual effect:

- The smaller ground floor 'footprint' of the proposed building which reduces the overall mass of the proposed building, than could be accommodate on the site within the approved parameters for Zone A4,
- The positioning of the proposed building to the north of the Plot 7 site, thereby reducing the building elements within in the more exposed southern part of the site, and
- The proposed additional earth mounding and native woodland and tree planting within this southern part of the Plot 7 site.

8.12. The LVIA concludes the proposed development on Plot 7 will result in no discernible change to the landscape effects for landscape character types and areas, nor will it result in discernible change to the landscape effects with respect to the site wide characteristics and features. The latter reflects the fact that the site has now already been cleared and is being remodelled and graded in accordance with the DCO development.

8.13. The influence of the highest parts of the proposed building on Plot 7 on the character of the local landscape, principally close to the west of the Main SRFI site, is likely to be increased, this however is not likely to result in significant effects. The inclusion of viewpoints from PROW footpath no. KX16, SW of Milton Malsor, KX5, W of Milton Malsor, KX10 where the FP crosses the M1 Motorway, KX13 crossing the Northampton Loop railway line would have been helpful to demonstrate the extent of this effect.

8.14. The proposed development will not be increase the overall level of effect on this local landscape as assessed and stated within the ES for the consented SRFI development.

8.15. The extra height of the proposed building has the propensity to increase its visibility. The Zone of Theoretical Visibility has been amended to show the increased height of Plot 7 building. The revised LVIA identifies a number of receptor locations which cover the majority of receptors.

8.16. The proposed development will continue to be visually screened by the existing landform and planting, by the new NGRFI perimeter mounding and planting and by the buildings that will be erected on other development plots within the NGRFI development area.

8.17. The increased height will now potentially reach the top of the canopies of the adjacent retained woodland, which sits at a height of approximately 110-120 AOD. The proposed revised building height will now sit at 114.92 AOD and the two end stair towers sit at 117.79 AOD. This would elevate the top of the building to the tops of the trees or just above the existing woodland blocks, this may result in the proposed building being visible in more distant views, particularly from the west. The visual effect in these more distant views would be reduced due to the distance involved.

8.18. The LVIA identifies the increased height of the proposed building on Plot 7 will result in some visual effects being marginally more adverse in comparison to the assessment

within the ES for the consented NGRFI development. These changes in effects are assessed as not significantly changing the effect on landscape character or the visual effect assessed within the ES for the consented NGRFI development. The Council's landscape advisor concurs with the assessment that the increased height is unlikely to result in any significant adverse effects. The proposed development is thus not considered to give rise to a significant adverse visual impact.

- 8.19. The landscaping proposals for Plot 7 should ensure these will maximise the visual mitigation to ensure any potential residual visual presence and awareness is minimised. It will also be important that this landscaped is integrated and managed in conjunction with the NGRFI site structural landscaping. With this mind the Councils landscape advisor has made several recommendations to enhance the landscaping / planting proposals. The landscape proposals should therefore be reviewed, and this could be achieved appropriately through the inclusion of a condition to require details of the landscape proposals for the proposal to submitted and approved prior to implementation.
- 8.20. The use of appropriate external cladding material for the upper building levels can also minimise the visual impact of the taller building. Details of the external cladding are provided these should however be reviewed to ensure the proposed cladding will minimise the visual effect of the upper levels this can be ensured through a condition to require details of the external cladding to be submitted and approved prior to installation.
- 8.21. Subject to the above the proposed development would broadly accord with LPP2 Policy SS2 – General development and design principles.
- 8.22. The LVIA identifies the increased height of the proposed building on Plot 7 will result in some visual effects being marginally more adverse in comparison to the assessment within the ES for the consented NGRFI development. These changes in effect will not significantly change the effect on landscape character or the visual effect assessed within the ES for the consented NGRFI development. The proposed development is thus not considered to give rise to a significant adverse visual impact.

#### The Impact of the Development on the Highway Network

- 8.23. The Transport Assessment submitted in support of the application identifies that the trip generation for Plot 7 proposal, including the mezzanine floor area, will exceed the total trip generation assessed in the DCO ES for Zone A4. To ensure there will be no overall intensification of trip generation for the NGRFI site, the applicant has allocated 78,353sqm of the overall 155,000sqm mezzanine floor space allowance for Zones A1 to A4 to Zone A4. This increases the permitted traffic generation for Zone A4, and this is now equal to the total trip generation for the proposed development including the mezzanine floorspace.
- 8.24. National Highways have reviewed the Transport Assessments and consider the proposed development on Plot 7, subject to compliance with the overall NGRFI site assessed trip generation, will not have any additional impact beyond the consented trip generation approved within ES for NGRFI DCO.

#### The Impacts of the Development on the Noise Environment:

- 8.25. Policy SS2 of the LPP2 requires developments to result in a good standard of amenity for occupiers in relation to noise impacts.
- 8.26. A Noise Impact Assessment Report (NIA), undertaken in accordance with the National Planning Policy Framework 2021, Planning Practice Guidance (Noise) (PPG(N)) and consistent with the Noise Impact Assessment undertaken for the NGRFI DCO, has been submitted.
- 8.27. The Environmental Protection service has reviewed the NIA and is satisfied the noise assessment has been undertaken in accordance with the relevant standard and procedure and that it demonstrates the proposed development can comply with paragraph 185 of the National Planning Policy Framework.
- 8.28. The NIA provides an assessment of the expected operational noise associated with the proposed Plot 7 development and the likely effects on the closest noise sensitive receptors (NSRs) to support the application. This identifies the main anticipated sources of operational noise from the proposed development as being:
- noise from heavy goods vehicles (HGVs) operations e.g. moving around within the services yard, being loaded, and unloaded, and
  - noise from mechanical services plant.
- 8.29. Noise levels for both mechanical plant and HGV noise sources have been predicted using computer noise modelling software IMMI combined with the existing acoustic model for Northampton Gateway but updated with on-site topography for the proposed site layout and levels and follow the same approach as was adopted for the Noise and Vibration Chapter which supported the DCO application. The modelling considers the number of sources, distance attenuation, atmospheric absorption, ground type, and any screening that may be provided by the unit itself or topographical features. This has been applied methodology described in ISO 9613-2:1996.

#### **LGV/HGV Operational Noise**

- 8.30. The prediction indicates that for all receptors the rated noise levels will be below the background noise levels at each of the receptor locations for both the daytime and night-time periods under all wind conditions, except for receptor R28 (Courteenhall West Lodge) where predicted noise level from LGV/HGV operational noise sources will be +1 dB above the background noise under broadly south-westerly wind conditions during the night-time period only
- 8.31. LGV/HGV activity noise is considered in the context of the peak hour day and night-time periods as based on the assumptions and traffic data provided by the applicants traffic consultants. The sound level data used in the assessment relates to LGV/HGVs reversing, loading/unloading, and starting up and pulling away with source noise levels adjusted to reflect peak hourly operational periods, typical time periods for each of these activities, and number of sources.

#### **Mechanical Services Plant**

- 8.32. The types of mechanical plant likely to be installed at the site are identified as Transformers and Air Handling and Condensing Units, Kitchen Extract units, Heat Recovery Units that will be mounted on the roof. Assessment is based on manufacturer supplied sound power level data for these items of plant. It will be appropriate to ensure that any plant and equipment installed is consistent with assessed levels. These noise sources have been characterised as point sources located in the relevant places at various heights across the proposed warehouse. The predictions assume that no mitigation in the form of attenuators have been provided for the mechanical plant.
- 8.33. The prediction indicates that for all receptors the rated noise levels will be below the background noise levels at each of the receptor locations for both the daytime and night-time periods under all wind conditions. The external amenity criteria and maximum noise levels for each of the sensitive receptor locations are predicted to be well below the recommended criteria detailed in the guidance. When the predictions are considered in accordance with the guidance the assessment indicates that it will be unlikely for mechanical plant noise sources installed at Plot 7 to cause adverse or significant adverse effects on the sensitive receptor locations.

### **Cumulative Impact**

- 8.34. Consideration is given to potential cumulative impacts in the context of developments on other plots within the NGRFI. Operations on Plot 7 are predicted to broadly give rise to a similar level of sound from that plot as that assumed in the Environmental Statement considered for the DCO and together with other sources of operational noise at the SRFI (i.e., the other plots, rail terminal and aggregates yard), it is unlikely that the cumulative impacts would be materially different to the overall impact assessed within the DCO.
- 8.35. The NIA concludes the operational noise levels associated with the proposed development will be below the existing background noise levels experienced for both the daytime and night-time periods at the closest noise sensitive receptors, except for R28 (Courteenhall West Lodge), where it is predicted that noise from HGV activities at night-time will exceed the existing background noise level by +1 dB above the background noise under broadly south-westerly winds conditions during the night-time period only.

### Impacts for Ecology and Biodiversity

- 8.36. 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.
- 8.37. 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.

8.38. Policy NE3 of the LPP2 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 to provide measurable net gains.

8.39. Policy BN2 of the LPP1 supports development that will maintain and enhance existing designations and assets or deliver a net gain in biodiversity. 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.

8.40. National Planning Practice Guidance (PPG) advises Local Planning Authorities to 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

8.41. 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. In this regard the application site is currently an area of disturbed ground on which groundworks are ongoing to form a development plot within the authorised NGRFI. The site was previously subject to ecological assessment and to appropriate mitigation measures approved within the DCO granted for the NGRFI.

8.42. The application details have been reviewed together with Natural England's Standing Advice and taking account of the site constraints it is considered that the site has limited potential to contain protected species and any species present are unlikely to be adversely affected by the proposed development. As such no formal survey is required and thus the absence of this is not a reason to withhold permission. An informative reminding the applicant of their duty to protected species shall be included on the decision notice and is considered sufficient to address the risk of any residual harm.

8.43. 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 a condition to require a phase specific Construction Environmental Management Plan (CEMP) to be submitted and approved, 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.

#### The Impact of the Development on Drainage and Flooding

- 8.44. The surface water drainage from the proposed development on Plot 7 will flow into the wider site sustainable drainage infrastructure to be provided for the NGRFI Main site.
- 8.45. The overall sustainable drainage strategy for the NGRFI Main site was approved in the Northampton Gateway Rail Freight Interchange Order (DCO). The details of the surface water drainage infrastructure for the NGRFI Main site have subsequently been approved by the LPA pursuant to Requirement 18 of the DCO.
- 8.46. The site-specific drainage arrangements for Plot 7 are detailed in the submitted drainage plans and documents including the Drainage Design Philosophy document, Proposed Drainage Layout plan and Drainage Surface Water Catchment plan.
- 8.47. The Combined Drainage Model Report submitted models the interaction of the site wide drainage infrastructure and the site-specific drainage arrangements for Plot 7.
- 8.48. The combined model uses industry standard Micro Drainage software, and the Main site pipe network is designed to the more onerous of:
- FSR rainfall data (typically used for modelling short duration high intensity storms);
  - and
  - FEH rainfall data (typically used for modelling for longer duration storms).
- 8.49. The combined model has therefore been run for the following events for both FEH and FSR rainfall and judged against the stated criteria:
- No surcharging in a 1 in 1 year return period event;
  - No flooding in a 1 in 30 year return period event; and
  - Flooding in a 1 in 200 year plus climate change (20%) event is controlled within the site and does not pose a significant risk to users of the site. It will be retained within low lying areas, such as development plot dock levellers and landscaped areas, where it will be stored until volume becomes available within the downstream system.
- 8.50. The model outputs identify the combined surface water drainage arrangements fulfill the design criteria for 1 in 1 year, and 1 in 30 years storms. Minor and localised flooding is identified within the Plot 7 demise for the 1:200 year plus climate change event, this is contained within the site and does not pose a risk to users of the Plot 7 site, the Plot 7 building or the wider infrastructure.

#### The Sustainability of the Building

8.51. The proposed development energy strategy has been developed in accord with best practice sustainable design principles. The energy hierarchy has been applied to the building design to “minimise energy use”, “supply energy efficiently” and “incorporate renewable energy”.

8.52. The energy strategy incorporates the following design measures to minimise energy use and supply energy efficiently:

*Passive design measures*

- Efficient building envelope with enhanced U-values beyond the Part L2A limiting values.
- Enhanced air permeability to reduce heating demand in the winter months.
- Glazed façades to provide natural daylighting and reduce reliance on artificial lighting.
- Balanced g-value for translucent elements to ensure optimised internal conditions in the winter and summer months.

*Active design measures*

- High efficiency heating and cooling systems.
- High efficiency mechanical ventilation heat recovery systems.
- High efficiency LED lighting to reduce electrical consumption and heat gains from lighting.
- Energy sub-metering to BREEAM standards to enable monitoring of energy usage.

8.53. The energy strategy also incorporates renewable energy in the form of solar thermal and Air Source Heat Pumps (ASHPs).

**BREEAM**

8.54. The proposed development has been subject to a BREEAM Pre-assessment to ensure that sustainability is part of the design process from the concept of the scheme. and to demonstrate the applicant’s commitment to implementing a sustainable development.

8.55. The pre-assessment exercise undertaken with reference to the BREEAM New Construction (NC) 2018 methodology for Fully Fitted buildings has established a feasible BREEAM strategy and identifies the credits and rating level considered to be achievable for the proposed development.

8.56. The submitted BREEAM Pre-assessment report demonstrates a feasible BREEAM score of 60.8% for the proposed development, equivalent to a BREEAM ‘Very Good’ rating. The rating is considered suitable for the development based on the proposed design and accords with the requirement for the NGRFI development set within the DCO.

The Impact of the Development on Light pollution

8.57. Details of the proposed external lighting are submitted. The lighting solution has been prepared in accordance with the current Design Standard for Exterior Lighting in

conjunction with BS 5489-1:2020, BS EN 12464-2:2014, CIBSE LG6 -The Outdoor Environment and BREEAM 'Very Good' requirements.

- 8.58. Luminaires that will greatly reduce light spill light and glare to and around site boundaries and prevent sky glow are proposed and full cut-off luminaires, horizontal, "flat" floodlights and LED modules that are housed in the luminaires canopy have been selected.
- 8.59. Best lighting practice design guidelines have been followed to achieve the criteria outlined in The Institution of Lighting Professionals: Guidance Notes for the Reduction of Obtrusive Light 01/20, covering Environmental Zones E0 to E4. The proposed luminaires are strategically placed to have zero or minimal upward light ratio (ULR), the proposed design solution meets the criteria of environmental zone E3, Lighting Environment classification of Medium District Brightness.
- 8.60. Glare has been kept to a minimum by ensuring that the main beam angle of all the luminaires directed towards any potential observer is not more than 70 degrees to the horizontal.
- 8.61. The proposed development requires appropriate levels of illumination throughout to facilitate safe operational use of the site. The impact of necessary lighting on the surrounding environment should be minimised. The proposed external lighting scheme is designed to reduce impact on areas outside the site and achieve this balance. The lighting scheme is thus considered to be appropriate for the development and the location.

## **9. FINANCIAL CONSIDERATIONS**

- 9.1. CIL is not chargeable on this development.

## **10. PLANNING BALANCE AND CONCLUSION**

- 10.1. The Northampton Gateway Rail Freight Interchange Order 2019 establishes the principle of development for the application site as this authorises the development on the site of a storage and distribution facility and building.
- 10.2. The DCO is a significant material consideration which effectively overrides Development Plan policy considerations with respect to the distribution of development and the appropriateness of the location for employment development.
- 10.3. The key issue remaining is the appropriateness of the proposed development in terms of its design, form and sustainability with respect to the context of the location. This requires consideration of factors such as scale, layout, appearance, landscaping of the proposed development and the assessment of the impact of these with regard to the location and surroundings, the environment and for amenity, including visual impact.
- 10.4. The DCO is also material to this consideration however as it provides site wide infrastructure for proposed developments on the development plots and through the

approved parameters it defines the site layout and the scale of the development that is assessed as being appropriate to the NGRFI site within the environmental assessment undertaken in the supporting Environmental Statement.

- 10.5. With regard to sustainability the Transport Assessment submitted with this application confirms that in traffic and person trip generation terms, the proposal for Plot 7 falls within the trip generation parameters assessed in the Transport Assessment that accompanied the DCO. This proposal will thus have no additional impact above that already assessed within the DCO which established the principle that the NGRFI site is a suitable location for an intermodal rail freight interchange and associated B8 storage and distribution development.
- 10.6. The urban fringe location is mitigated through the Public Transport Strategy approved as part of the DCO to provide opportunities for employees and visitors to access the site by public transport. The proposed development of Plot 7 will integrate into the site-wide infrastructure already being delivered, including the shared footways & cycleways that will connect the NGRFI with the external route network.
- 10.7. With regard to the impact of the proposed building in terms of effects on environment e.g. ecology, drainage, air pollution, these will not differ significantly from those of a building constructed in accordance with the DCO parameters. These impacts will thus be adequately addressed through the infrastructure and mitigation provided through the DCO.
- 10.8. With respect to the scale of the proposed building, this is within the DCO parameters for development in Zone A4, with the exception of the maximum height parameter.
- 10.9. The roof level for the greatest part of the building will be some 5.9 metres higher than that of a building that could be constructed in accordance with the DCO height parameter, and the roof of the two stairway towers, which comprise a relatively small roof area compared to the rest of the building will be 8.8m higher than that of a building constructed in accordance with the DCO parameter.
- 10.10. The increased height will result in some visual effects becoming more adverse in comparison to the assessment within the ES for the consented NGRFI development. These changes in effects will not change the effect on landscape character or the visual effect assessed within the ES for the consented NGRFI development to the extent that these would be considered to amount to a significant adverse effect. The proposed development of this taller building is therefore not considered to give rise to significant adverse visual impact.
- 10.11. The increased effect of the extra height can be reduced through the use of the most appropriate external cladding to minimise the visual impact of the highest building elements and through enhanced landscaping proposals. Subject to these the proposed development would broadly accord with LLP1 Policy S10 – Sustainable Development Principles and with LPP2 Policy SS2 – General development and design principles.

**11. RECOMMENDATION / CONDITIONS AND REASONS**

**RECOMMENDATION – DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND ECONOMY TO GRANT PERMISSION, SUBJECT TO:**

- 3. THE CONDITIONS SET OUT IN THE WRITTEN UPDATES (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY) AND**
- 4. 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):**
  - b) To ensure the proposed development is made subject to the planning obligations set out in the Northampton Gateway Development Consent Obligation without which the Planning Permission would not be issued.**