St. James Employment Area Local Development Order

Supporting Statement

Northampton Borough Council

1st April 2012
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Consultation Arrangements

Purpose

Consultation was undertaken to gain stakeholder views on the St James Employment Area Draft Local Development Order.

Consultation Period

The consultation started on 12 January 2012 and concluded at 5pm Friday 10 February 2012.

Availability of Documents

The draft St James Employment Area Local Development Order, associated documents including Flood Risk Assessment, Equality Impact Assessment Screening, Environmental Impact Assessment Screening, consultation response form and the public notice were available in the following locations:

<table>
<thead>
<tr>
<th>Electronically:</th>
<th><a href="http://www.northampton.gov.uk/consultation">www.northampton.gov.uk/consultation</a> The documents were available to accessibility readers or could be made into a large print format via pdf.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Libraries:</td>
<td><strong>St James Library</strong>, 138 St James Road, Northampton, NN5 5LQ (Monday – closed, Tue-Fri 14:00-18:00, Sat 10:00-14:00)</td>
</tr>
<tr>
<td></td>
<td><strong>Central Library</strong>, Abington Street, Northampton, NN1 2BA (Mon-Fri 08:00-18:00, Sat 09:00-17:00)</td>
</tr>
<tr>
<td>Council Offices:</td>
<td>The Planning Reception at the One Stop Shop, St Giles Square, Northampton.</td>
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</tbody>
</table>

Representations were able to be made:

<table>
<thead>
<tr>
<th>Electronically:</th>
<th><a href="http://www.northampton.gov.uk/consultation">www.northampton.gov.uk/consultation</a> via a Survey Monkey representation form as set out in the paper representation form</th>
</tr>
</thead>
<tbody>
<tr>
<td>By Post:</td>
<td>A FREEPOST address to which all written representations could be sent: Planning Policy, Northampton Borough Council, FREEPOST MID17237, Northampton, NN1 1WJ</td>
</tr>
<tr>
<td>By email:</td>
<td><a href="mailto:planningpolicy@northampton.gov.uk">planningpolicy@northampton.gov.uk</a></td>
</tr>
</tbody>
</table>

Public notices were placed in the Northampton Herald and Post on the 11 January 2012 and in the Chronicle and Echo on the 12 January 2012. In addition site notices were placed inside and outside the boundary of the Local Development Order area. Letters containing notices and the draft Local Development Order were also sent to tenants and owners of properties inside and neighbouring the Local Development Order area informing
them of the period for representations to be made. In addition the range of consultees that
the Council would normally contact in association with a planning application of a similar
nature to the proposals in the draft Local Development Order were also invited to give
representations.

A total of 17 respondents made representations. Most of the respondents that gave a
response on the desirability of the Local Development Order supported or strongly
supported its contents. In addition to this, in summary specific comments related to the
need to take account of:

a) Environment Agency Byelaws and the implications of the location of much of the
area within the floodplain and flood flows

b) Mechanisms to adequately address significant transportation implications

c) Potential adverse effect on amenity of neighbouring residential properties through
new windows, openings and changes of use

d) Inclusion of areas not within the boundary identified in the draft Order

e) Allow certain types of storage

f) The potential displacement of waste related occupiers / uses

g) Transport requirements of the Northampton Saints rugby club

h) The need to not substantially increase the working population within close proximity
to the hazardous installation of the BP petroleum storage site

These issues raised have where appropriate resulted in amendments to the Local
Development Order, more specifically through:

a) A condition requiring approval for open storage within the flood plain from the
Council

b) A condition requiring obscured glazing on any new windows above ground floor
level together with restrictions on ability for them to be opened

c) The inclusion of reference to appropriate informatives from the Environment
Agency, Anglian Water and Northamptonshire County Council

The Council’s Cabinet on the 7th March 2012 considered the representations made, the
officer responses to them and the amendments to the Local Development Order as set out
above. The Order was referred to the Secretary of State for Communities and Local
Government who indicated on 14th March 2012 that he did not wish to intervene. The
Council approved the adoption of the Local Development Order to commence on the 1st
April 2012.
Statement of Reasons for the St James Employment Area Local Development Order

1. Introduction

1.1 Government introduced Enterprise Zones to stimulate private sector investment and support business development. Key elements of Enterprise Zones are the provision of financial incentives to support business development and the simplification of the planning system. The Government promoted the use of Local Development Orders as a means of simplifying the planning process.

1.2 The Government announced that Northampton had been successful in its bid for Enterprise Zone status on 4th September 2011 with its formal designation occurring on 1st April 2012. The vision for the Northampton Waterside Enterprise Zone is for it to become a centre of excellence for advanced technologies, precision engineering, low carbon technology, sustainable construction and high performance engineering. In particular it is considered that the St. James Employment Area part of the Enterprise Zone provides an opportunity to attract manufacturing or research and development businesses within these sectors.

1.3 The St. James Employment Area Local Development Order is one of a number of geographically discrete Local Development Orders that will apply to the Enterprise Zone and possibly adjacent areas outside the Zone.

1.4 The St. James Employment Area Local Development Order has been prepared to support the delivery of the Northampton Waterside Enterprise Zone. It removes the need to gain planning permission for development that is considered to be consistent with achieving the aims of the Enterprise Zone. It thereby reduces costs to the developer by providing certainty about what can be developed. It removes the need to pay for a planning application and some of its associated work. It will also assist in speeding up the development process.

1.5 Part 4 of the 2004 Planning and Compulsory Purchase Act as amended by Section 188 of the Planning Act 2008 provide the legislation to enable local authorities to prepare and implement Local Development Orders to apply to any part of their administrative area.

2. The purpose of the St. James Local Development Order

2.1 The purpose of a Local Development Order is to extend the amount and type of development (within defined limits set by the individual Local Planning Authority) that can be undertaken by any interested party without the need to submit a planning application which otherwise would be required. The removal of planning delay and costs for specific development in identified areas within the Enterprise Zone will hopefully along with the other financial benefits encourage investment from both existing and potentially new businesses.
2.2 St James Employment Area has been identified as a distinct area that would benefit from the application of a Local Development Order for small scale material alterations and certain changes of use. This will enable businesses to quickly respond to changing operational needs that require minor alterations to their premises. It will also facilitate alternative uses for sites if they become vacant.

2.3 The Local Development Order builds on existing extensive permitted development rights that already exist for businesses set out in The Town and Country Planning (General Permitted Development) Order 1995 (as amended). The latest update of which is set out more fully in the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2010. This for example, subject to a number of provisos, allows businesses to build new premises of up to 100 square metres or extend existing premises by up to 25% or 1000 square metres whichever is the lesser. It also allows for provision of plant, machinery and hard surfacing within the curtilage of business premises.

2.4 Permitted development rights set out in the General Permitted Development Order change on a relatively regular basis. Due to these possible changes, the complexity of the legislation and differing interpretations of what they might allow it is recommended that businesses planning to undertake such works get the advice of the Council or specialist planning professionals before commencing work. If development is consistent with the contents of the Local Development Order and other permitted development rights it will not require planning permission.

3. Time Period

3.1 The Local Development Order and the terms within it will be active from the day of its adoption until 31st March 2020. The Local Development Order will therefore cease to apply on the 1st April 2020.

3.3 Development that has started under the provisions of the Local Development Order will be allowed to be completed in the event the Order is revoked or revised.

3.4 Development which has started under the provision of the Local Development Order prior to its expiry can be completed following the expiry of the Order.

3.5 On expiry of the Local Development Order the Local Planning Authority will have three options available:

- Extend it under the same criteria and conditions
- Revise it, modifying the criteria and conditions;
- Return to the established planning system
4. **Monitoring**

4.1 In order to meet the requirement to monitor the effect of the Local Development Order any party undertaking development specified within the Order shall be required to notify the Council’s Planning Department prior to its commencement. The notification shall include the property address, a clear description of the type and location of the development proposed e.g. new doorway in the rear elevation of building X, an indication of the scale of the development e.g. the dimensions of the opening and the date the work is intended to be commenced.

4.2 A record of the development permitted through the Local Development Order will be incorporated into the Annual Monitoring Report. The Council will use this and other information such as planning applications received to measure the effectiveness of the Local Development Order and whether any amendments should be made to its contents.

5. **Other statutory requirements**

5.1 Whilst the Local Development Order grants planning permission for certain types of development it does not grant other consents that might be required through other legislation, for example the need for Building Regulations approval, Flood Defence Consents and permits.

5.2 It remains the responsibility of developers to ensure that other consents and requirements beyond the scope of the planning system are adhered to. Failure to comply with the relevant statutory requirements might result in development being unlawful. This may result in appropriate enforcement action being taken by the Borough Council and/or other agencies.
The permitted development rights issued through the St James Employment Area Local Development Order

The St James Employment Area Local Development Order extends the permitted development rights for buildings located within the area defined in the Boundary Map to carry out the following types of development (over and above what is allowed in the Town and Country Planning (General Permitted Development) Order 1995 as amended without the prior submission of a planning application:

**Material alterations to the external appearance of the building** restricted to include:

a) Recladding of the building’s exterior  
b) Replacement of doors and windows  
c) The installation of new windows and doors/doorways

Subject to the following condition:  
Any windows permitted by the Local Development Order that are above ground floor level and provided in any elevation both facing and within 10m of the front or rear of any neighbouring residential boundary shall be –

(i) obscure glazed, and  
(ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed

**Solar Panels** mounted on existing pitched roofs and external walls of buildings subject to the following conditions:

a) The solar panels would not protrude more than 200 millimetres beyond the plane of the wall or the roof slope when measured from the perpendicular with the external surface of the wall or roof slope  
b) It would not result in the highest part of the solar panels being higher than the highest part of the roof (excluding any chimney)  
c) Solar panels should be removed as soon as reasonably practicable if no longer needed for micro-generation

**Solar Panels** attached to flat roofs subject to the following conditions:

a) In the case solar panels being fixed at an angle to the flat roof, the solar panels being no higher than 1 metre than the roof plane  
b) It would not result in the solar panels being within 1 metre of the edge of the roof  
c) Solar panels should be removed as soon as reasonably practicable if no longer needed for micro-generation
The use of land and buildings for the following uses as defined within the Use Classes Order within each of the zones identified within the Boundary Map:

Zone 1
a) B1 (b): research and development of products or processes
b) B1 (c): any industrial process being a use which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell fumes, smoke, soot ash, dust or grit

Subject to the following condition:
Open storage associated with the use of land and buildings as defined above shall only be permitted to areas that sit behind a line equal to the front elevation of any premises where they front a public highway and in such areas to a maximum height of 3 metres

Zone 2
a) B1 (b): research and development of products or processes
b) B1 (c): any industrial process being a use which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell fumes, smoke, soot ash, dust or grit.
c) B2: General industrial being a use for the carrying on of an industrial process other than one falling within Class B1.

Subject to the following condition:
Open storage associated with the use of land and buildings as defined above shall only be permitted to areas that sit behind a line equal to the front elevation of any premises where they front a public highway and in such areas to a maximum height of 5 metres.

Conditions that apply to all development granted through the Local Development Order:

1) Any party proposing to undertake development specified within the Local Development Order shall be required to notify in writing the Council’s Planning Department prior to its commencement (address Guildhall, St Giles Square, Northampton, NN1 1DE or planning@northampton.gov.uk). The notification shall include the property address and a clear description (including where appropriate dimensions) of the development proposed together with its location.

2) Within the Flood Zones 3 and 2 as defined by the most up to date Environment Agency maps no open storage shall take place without the prior approval of the Council. (A map outlining the Flood Zones 2 and 3 as at March 2012 is appended to this Order. The most up to date maps are available from the Environment Agency).
Timescale:
Local Development Order permitted development should be commenced prior to 1st April 2020

Informatives:

Requirements for other consents:

It remains the responsibility of developers to ensure that other consents and requirements beyond the scope of the planning system, e.g. building regulations are adhered to. Failure to comply with the relevant statutory requirements might result in development being unlawful. This may result in appropriate enforcement action being taken by the Borough Council and/or other agencies.

Flood Risk

Much of the area is within historic floodplain albeit protected by defences. Nevertheless, wherever possible when making changes to premises, effort should be made to improve the flood resilience of the property to reduce the impact and cost of flooding. Information on measures that can be undertaken and also further details of the flood warning system operating in the area can be obtained from the Environment Agency at www.environment-agency.gov.uk or Floodline 0845 988 1188 or Typetalk 0845 602 6340. Owners / occupiers / developers should refer to ‘Improving the Flood Performance of New Buildings - Flood Resilient Construction’ available to view at: http://www.planningportal.gov.uk/uploads/br/flood_performance.pdf. The report advises on how premises can be designed and constructed to conform with any flood protection already incorporated in the property and that the design / alterations also includes flood resilience measures.

Works Within 9 metres of a Main River

Under the terms of the Water Resources Act 1991, and the Environment Agency Anglian Region drainage byelaw/sea defence byelaw, the prior written consent of the Environment Agency is required for any proposed works or structures in, under, over or within nine metres of the top of the bank of the any watercourse designated a ‘main river’. The Environment Agency also regulate culverts and floodplain land raising and have a presumption against doing so on nature conservation and flood risk management grounds.

Foul water disposal

An application to discharge trade effluent must be made to Anglian Water and must have been obtained before any discharge of trade effluent can be made to the public sewer. It is an offence under section 118 of the Water Industry Act 1991 to discharge effluent to sewer without consent. Failure to install and properly maintain fat traps an all catering establishments may also constitute an offence under section 11 of the Water Industry Act 1991. Permission (a consent or agreement) isn’t given automatically.
Contamination

The area within the Local Development Order lies within 250 metres of former landfill sites. The Local Planning Authority hold further information regarding waste types, volume, and period of operation of the site etc, and should site owners / occupiers / developers require further details, they are advised to contact the Local Authority Environmental Health Department in relation to the likelihood and possible migration of landfill gas from the site. Please be aware that you (site owner) are responsible for the safe development and secure occupancy of the site.

Contaminated materials

Site owners / occupiers / developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standards BS EN 14899:2005 ‘Characterisation of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan’ and that the permitting status of any proposed treatment or disposal activity is clear. The Environment Agency recommends that site owners / occupiers / developers should refer to the Agency’s position statement on the Definition of Waste: Development Industry Code of Practice. If in doubt, the Environment Agency should be contacted for advice.

Hazardous Waste Producer

If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with the Environment Agency as a hazardous waste producer.

Reducing water use

The Building Research Environment Assessment Method (BREEAM) is a sustainability assessment for non-residential buildings. Site owners / occupiers / developers should consider incorporating higher standards for water use and other indicators to ensure high sustainability performance of non-residential buildings. Further details can be found through the following link:

Pollution Preventing Guidance

With regards to potential causes of pollution, the Environment Agency has issued Environmental Permitting Regulations including revised Pollution Prevention Guidelines (PPGs) which are to available download from: http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx. which site owners / occupiers / developers refer to these notes for further information
**Need for a Waste Management Plan**

Any development that costs over £300,000 requires a Site Waste Management Plan required under Site Waste Management Plans Regulations 2008 (No. 314) which provides a structure for waste delivery and disposal at all stages during a construction project. This should identify the volume and type of construction and demolition waste, and demonstrate how off-site disposal of wastes will be minimised and managed.

**Environmental Permits**

The activities associated with the proposed development uses (e.g. industrial processes generating releases to different environmental media) may require an Environmental Permit under the Environmental Permitting (England and Wales) Regulations 2010, from the Environment Agency, unless an exemption applies. It is advised to contact the Environment Agency on 08708 506 506 for further advice and to discuss the issues likely to be raised. Permit applicants should be aware that the permit may not be granted. Exemptions from the Environmental Permitting Regulations 2010 for moving waste spoil/subsoil off-site will also be required. Additional ‘Environmental Permitting Guidance’ can be accessed via: [http://www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)

**Highways Consents**

Those implementing the LDO are informed to be mindful of the Highway Authority agreements/licenses that may be required in association with their occupation of the premises, including:

Highways Act S278 consent which relates to development requiring works to be carried out on the existing adopted highway

Highways Act S178 agreement which relates to the placing of any overhead banner, bunting, flags or other similar apparatus over, along or across a highway

Highway Act S184 licence for vehicle crossovers, where a new or extended vehicle access is created.