



Appeal Decision

Inquiry held on 3-4 June 2025

Site visit made on 2 June 2025

by **Andrew Smith BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26th June 2025

Appeal Ref: APP/W2845/W/25/3359697

Land adjoining Bell Plantation, Watling Street, Towcester NN12 6GX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) (the Act) against a refusal to grant outline planning permission.
 - The appeal is made by Alban Mann LLP against the decision of West Northamptonshire Council.
 - The application Ref is WNS/2021/2168/MAO.
 - The development proposed is development of up to 31,800 sq m (GEA) of Employment Buildings (Use Classes E(g)(iii), B2 and/or B8), access, landscaping and associated development and drainage infrastructure (Outline, all matters reserved except for the principal means of access to the site from the A5).
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Decision

1. The appeal is allowed and planning permission is granted for development of up to 31,800 sq m (GEA) of Employment Buildings (Use Classes E(g)(iii), B2 and/or B8), access, landscaping and associated development and drainage infrastructure (Outline, all matters reserved except for the principal means of access to the site from the A5) at Land adjoining Bell Plantation, Watling Street, Towcester NN12 6GX in accordance with the terms of the application, Ref WNS/2021/2168/MAO, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made by Alban Mann LLP against West Northamptonshire Council. That application is the subject of a separate Decision.

Preliminary Matters

3. The appeal proposal is for outline planning permission with all detailed matters except for principal means of access reserved for future approval. For the avoidance of doubt, whilst not formally part of the scheme, I have treated any details submitted with the appeal application relating to matters of appearance, landscaping, layout and scale as a guide to how the site might be developed.
4. A planning obligation pursuant to Section 106 of the Act (the legal agreement) is before me. This is dated 23 June 2025 and is signed by relevant landowners (including the appellant), the Council, and the relevant mortgagee. The legal agreement contains various provisions related to biodiversity net gain, an Employment and Skills Plan, a Travel Plan, and strategic landscaping. I shall return to the legal agreement later in this Decision.

Background

5. The site, which is located to the northern side of Towcester, forms part of an allocation for development under Policy AL1 of the South Northamptonshire Part 2 Local Plan 2011-2029 (July 2020) (the P2LP). The allocation provides for 35 hectares of mixed employment generating development alongside six hectares of land to allow for the creation of a Towcester Town Football Club home ground.
6. The adjacent site, which comprises land to the north and east of the appeal site, makes up the bulk of the AL1 allocation. This is where planning permission (part in full and part in outline) has recently been granted on appeal¹ for major development centred upon the delivery of new employment floorspace across the northern portion of the allocation in conjunction with a new roundabout access from the A5 to the west and provisions for Towcester Town Football Club to the remaining southeastern site portion. The consented employment floorspace is to be principally comprised of large-footprint B8 Use Class storage and distribution units with building ridge heights intended to rise to as high as 21.5 metres.
7. The A1 allocation is not the only live employment allocation in the immediate locality. Policy AL2 of the P2LP relates to 4.5 hectares of mixed employment development at Land at Woolgrowers Field situated westward of the site, where it is my understanding an outline planning application is currently pending determination. Meanwhile, Policy AL3 of the P2LP relates to 21 hectares of mixed employment generating development at Land at Tiffield Lane located eastward of the site, where I understand detailed applications have been successfully submitted in recent times and where the conditioned maximum ridge height of buildings rises to as high as 21 metres.
8. The Council, in advance of the Inquiry, confirmed that it would not be defending either of its reasons for refusing planning permission. This follows its consideration of the findings of the Inspector who allowed the recent appeal upon the adjacent site where similar matters were in dispute. Nonetheless, I shall formulate the appeal's Main Issues based on the refusal reasons as originally imposed. This is in the interests of fairness, in recognition that interested parties have raised objections in these areas.

Main Issues

9. The main issues are:
 - The effect upon the character and appearance of the area, having particular regard to the siting of the proposed tallest buildings; and
 - The effect upon the Strategic Road Network (SRN), having particular regard to whether or not there would be a severe residual cumulative impact.

Reasons

Character and appearance

10. The site, which extends to approximately 11.1 hectares in area, is predominantly comprised of grassed agricultural land that adjoins the Bell Plantation Garden Centre (the Garden Centre) and its range of ancillary facilities and parking areas.

¹ Ref: APP/W2845/W/24/3354423 Land North of the Bell Plantation – DHL Real Estate Solutions, decision date 4 April 2025

There is a semi-mature woodland plantation (the woodland) in place covering the northwest corner of the site, whilst the A5 and A43 line the site's often well-vegetated western and southern boundaries respectively. These strategic routes connect at the Tove Roundabout, which is located adjacent to the site's southernmost part. Gradual level changes are observable, with the site's north-eastern portion exhibiting its highest level. Meanwhile, a mix of commercial developments sited proximate to the Tove Roundabout are located to the opposite southern side of the A43.

11. In view of the allocations and permissions that prevail immediately adjacent to and close to the site, there is an inevitability that widespread employment development often at large scale shall materialise and heavily influence the future baseline of the locality against which the character and appearance effects of the intended development should be rightfully adjudged. Indeed, large-format B8 development to the immediate north of the site shall be particularly impactful in governing future experiences of the proposed development from a variety of local vantage points.
12. Nevertheless, there are factors that dictate that the development proposal would be fairly anticipated to have a moderate adverse landscape effect upon initial implementation. This is in-part due to the necessitated removal of established elements of planting, including the woodland and a part of the treeline along the A5 to allow for the provision of access. Nevertheless, the woodland has limited visual prominence that can be reasonably envisaged to curtail further in lieu of development consented to the north and required A5 tree removals would be modest in number. It is also of relevance that there is recognition through the development framework for AL1, as outlined within the Employment Site Allocations Development Brief Supplementary Planning Document (October 2022) (the SPD), that the woodland could be removed for reasons that relate to enhanced safety and accessibility.
13. Further, the perimeter of the site is earmarked to accommodate various landscape zones. Structural zones, to consist of retained features supplemented by additional planting to add width to landscaped buffers inside the site perimeter, are intended to locations that include the A5 and A43 frontages of the site. In addition, new indicative planting zones would complement and emphasise the boundary planting envisaged to come forward in conjunction with neighbouring development.
14. The ongoing management and maintenance of structural landscaping is secured via the legal agreement, which would assist in ensuring the successful integration of the scheme with its receiving landscape as new/retained planting establishes and/or matures over time. It is also noteworthy that, especially when considered in the context of the future baseline at play, the proposed development would have a highly constrained visual envelope. Having undertaken a comprehensive inspection incorporating a range of views from differing distances, I am satisfied that no significant visual effects would be encountered as a consequence of the development.
15. Moreover, even though Zone 2 as annotated upon the submitted Parameters Plan contains the site's highest ground, there is sound rationale for siting the intended tallest buildings within this zone. This is due to the adjacent positioning to the north of future buildings of greater height, and to the setback position of Zone 2 relative to both the A5 and A43 frontages of the site from where clear visibility of the proposed development would be most likely to prevail.

16. For the above reasons, having particular regard to the siting of the proposed tallest buildings, the scheme would not cause harm to the character and appearance of the area. The proposal accords with Policy S10 of the West Northamptonshire Joint Core Strategy (December 2014) (the JCS), Policy SS2 of the P2LP, and the SPD in so far as these policies and guidance require that development will protect, conserve and enhance the natural and built environment.

The effect upon the SRN

17. The National Planning Policy Framework (December 2024) (the Framework) sets out that development should only be prevented or refused on highway grounds if there would be unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.
18. The Council's second reason for refusal, which it is no longer defending, alleged a severe residual cumulative impact on the SRN with specific reference to future years cumulative impact to 2031. It is the appellant's view that the impacts upon the SRN should instead be assessed on the basis of an opening year assessment. It has been suggested that a 2026 opening year assessment would suitably align with the technical assumptions that underpinned original assessments as well as with the assumed date of first occupation.
19. National Highways (NH) has not queried the legitimacy of the opening year used by the appellant, nor has it brought into question the accuracy/suitability of any data/assumptions used to support its assessments. Moreover, extended dialogue with both NH and the Local Highway Authority (LHA) has led the appellant's approach with regard to traffic modelling/survey work and the Council's own Northamptonshire Strategic Transport Model (NSTM) has been used to obtain forecast traffic flows for future years. For the avoidance of doubt, there is no clear reason to suspect that non-representative data has informed forecasting.
20. NH comment that the impact of the proposed development in isolation indicates minimal increases in queues and delays on the SRN such that no severe impact is expected in the opening year scenario. These comments represent a matter of importance because NH is a statutory consultee responsible for operating, maintaining and improving England's SRN.
21. Even so, for the sake of completeness and in the interests of responding to the specific wording of the second refusal reason, the appellant has carried out updated 2031 assessments to support its position at appeal. This forecasting is again informed by the NTSM and has considered such factors as anticipated background traffic growth, committed developments across the entirety of the county, all local plan allocations, and the Tove Roundabout mitigation scheme to be delivered in association with approved development to the north. Further, reductions in traffic as a consequence of mode-shift and sustainable transport improvements to be delivered by the scheme have also informed these updated assessments.
22. It is important to note that the legal agreement secures that a Travel Plan be approved and implemented that achieves general compliance with the Framework Travel Plan (April 2024) already submitted, which targets a 20% mode-shift from single occupancy motor vehicle trips. The legal agreement further secures a reduction in vehicle trips of at least 18.4%, a percentage negotiated with the LHA in

- view of mode-shift estimations that apply at other allocated employment sites in the immediate vicinity. An initial obligation to maintain and develop the Travel Plan for a minimum of five years would be extended in the event of non-compliance until such time as targets are demonstrated to have been achieved. These are ambitious and robustly secured requirements.
23. The appellant's 2031 journey time and queue length analysis, which I am suitably satisfied takes into account a range of realistic and reasonable transport scenarios, assists in demonstrating that merely minor differences in journey times and queue lengths across relevant sections of the SRN could be fairly attributed to the proposed development once anticipated mode-shift is accounted for. This is particularly so when noting that the predicted journey times and queue lengths presented may ultimately be conservative in light of wider traffic reduction factors that could realistically materialise (including reduced out-commuting and mode-shift associated with other committed developments). In this context, a severe residual cumulative impact upon the SRN cannot be fairly asserted – even on the basis of a 2031 assessment year. There is thus no need for me to consider in any further detail the suitability of the appellant's assessments based on the scenario of a 2026 opening year.
24. I acknowledge that the 2031 assessment work indicates that significant capacity issues are anticipated to arise on the SRN, namely on specific stretches of both the A5 and A43. This is primarily as a consequence of background traffic growth as opposed to as a direct repercussion of the specific scheme before me. This has been demonstrated via various journey time comparisons produced by the appellant. As indicated by NH, the most appropriate way to address such forecast wider future capacity issues would seemingly be via a jointly agreed strategic approach and thus the plan-making process. For the avoidance of doubt, it would be neither reasonable nor appropriate to impose a planning condition at this juncture requiring the prioritisation/undertaking of such wider strategic work.
25. For the above reasons, the proposal, following mitigation, would not have a severe residual cumulative impact on the SRN. The scheme accords with the Framework in so far as it seeks to ensure sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location, and sets out that development should only be refused on highway grounds in circumstances that include where severe cumulative impacts on the road network are identifiable.

Other Matters

26. Safety concerns have been raised by virtue of the intended introduction of a new priority T-junction on to the A5 with ghost island for right hand turns into the site. This would be introduced relatively close to an anticipated new roundabout to serve the northern portion of the development allocation and there are other accesses in place along the same stretch of the A5. However, there is no reason to consider that unsafe access arrangements would prevail nor that an appropriate road safety audit has not been undertaken. Moreover, NH has not raised any objection to the proposed arrangements – which involve the stopping up of an existing vehicular access to the Garden Centre off the A5.
27. Interested parties have also raised concerns with respect to the impact of the proposed development upon the local highway network, with the suitability of some rural roads/junctions to accommodate additional traffic brought into question.

However, whilst no predicted journey times covering the local network have been calculated as part of the appellant's assessments, queue lengths have been considered at specific points on the network that include the Towcester Road approach to the Tove Roundabout. The LHA has confirmed acceptance with the forecast outcome of queuing being unaffected by the cumulative impacts of development, including during peak hours. There is no clear reason for me to take a difference stance, nor to find that the scheme would lead to materially different volumes of traffic using local rural routes.

28. In such circumstances, it is not justifiable to seek mitigation related to the control of traffic flows on the local network. This is notwithstanding any difficulties currently experienced when entering the SRN, nor any tendency for satellite navigation systems to re-route traffic via rural routes in the event of an incident or delays on the SRN – a situation that shall likely evolve to at least some degree once the Towcester Relief Road is formally opened.
29. The extent of local bus service provision has been raised as a concern by an interested party. Nevertheless, it is apparent that a range of services to and from different local destinations (albeit currently tending to run at low frequencies during the course of any given day) would be available for future occupiers/employees at the site should they desire to utilise them. Moreover, particularly in lieu of other measures to be implemented to promote sustainable travel choices, I find the scheme to be acceptable from the perspective of accessibility to bus services.
30. There are designated heritage assets located in the site's general vicinity. These include, to the east, the Grade I Listed Easton Neston House and its surrounding Grade II* Listed Registered Park and Garden (the RPG). The significance and special interest of Easton Neston House is drawn, in part, from its enduring connections with the designed landscape within which it sits and the key views and vistas that emanate across and beyond this. The significance of the RPG meanwhile, is drawn, in part, from its extensive mature planting and its inherent connection to Easton Neston House. I am satisfied that the scheme, which would occupy a peripheral part of the setting of Easton Neston House, would not materially compromise the quality or ruralness of available views and vistas. This is most particularly owing to the well-established nature of intervening planting situated around the RPG's perimeter. As such, it is my view that the proposal would not cause harm to the heritage significance or special interest of either Easton Neston House or the RPG. This finding similarly applies to any other designated asset located in the vicinity.
31. The scheme shall result in the loss of agricultural land. However, as corroborated by an Agricultural Land Quality Survey (September 2021), no loss of best and most versatile agricultural land would materialise. Thus, when also noting that the site is already allocated for development, this loss does not offer robust justification for withholding the grant of planning permission.
32. As is apparent from the Indicative Masterplan that has been produced, it is the planned intention to deliver a series of smaller and medium sized buildings across the site. Indeed, the shape and layout of the particular site in question does not readily lend itself to the placement of especially large buildings and no individual unit could exceed 6,500 square metres (Gross External Area) in accordance with restrictions to be conditioned. Whilst up to half of the on-site floorspace could be occupied in a B8 capacity, a mix of different employment uses would be

accommodated for in compliance with market evidence submitted with the original application. Moreover, in overarching terms, the proposal secures satisfactory compliance with the varied requirements of Policy AL1 of the P2LP and accords with the development plan when read as a whole. Material considerations do not lead me to a decision otherwise.

Legal Agreement

33. The legal agreement secures the submission and subsequent implementation of a Biodiversity Gain Plan that shall comply with the principles established in a Biodiversity Net Gain Briefing Note (November 2022) already submitted and that is anticipated to include an element of off-site biodiversity gain to augment a range of on-site measures/features to be initiated. Monitoring reports across a 30-year timeframe and associated monitoring fees are also secured. Such provisions ensure the effective delivery and enforcement of biodiversity net gain, taken from a baseline that acknowledges the existence and intended removal of the woodland.
34. An Employment and Skills Plan is secured in the interests of enhancing the proportion of local construction workers and associated opportunities for training. This is in direct accordance with Policy EMP1 of the P2LP. A Travel Plan and associated monitoring fees are secured on the basis of the terms discussed in my highways-related reasoning above and in broad accordance with associated requirements of the development plan. Full details of structural/strategic landscaping, to include a timetable for delivery and on-going maintenance provisions, are also secured in the interests of ensuring the robust management of important landscaping features moving forwards.
35. I am satisfied that the various contributions and provisions secured through the legal agreement would be necessary to make the development acceptable in planning terms, would be directly related to the development, and be fairly and reasonably related in scale and kind.

Conditions

36. A list of draft planning conditions was worked upon by the parties in advance of the Inquiry. Following further discussion at the event, I have considered the conditions against advice in the Framework and Planning Practice Guidance. As a result, I have made some minor amendments to the list for consistency and clarity purposes. Pre-commencement conditions have only been applied where agreed to by the appellant and where necessary to guide initial works on site.
37. In the interests of certainty, a condition setting out the approved plans is required. A condition setting the maximum overall floor space, the maximum floorspace for any individual unit, and the maximum level of Use Class B8 floorspace across the scheme is reasonable to ensure that development is implemented in a guise that reflects the parameters against which the proposal has been assessed, including the relevant assumptions used to inform traffic modelling. For the same reasons, further conditions to ensure premises continue to be used as first occupied and that full details of any mezzanine floors proposed at detailed planning stage are provided are reasonable and necessary.
38. In the interests of protecting the character and appearance and visual amenities of the area, conditions are necessary that: set maximum building heights; secure full details of structural and other on-site landscaping; ensure the implementation of

- tree/hedge protection measures during construction; and secure full details of external lighting. Further, in the interests of promoting a sustainable and energy-efficient form of construction, a condition to ensure that at least a BREEAM Very Good standard is achieved in accordance with the requirements of Policy S11 of the JCS is reasonable to impose.
39. In the interests of safeguarding and promoting biodiversity, conditions are reasonable and necessary that secure: full compliance with the various recommendations and mitigation/enhancement measures outlined across a supporting suite of nature conservation documents; the submission of a revised Ecological Mitigation and Enhancement Strategy covering the construction period; the undertaking of revised ecology survey work to establish any changes in the presence, abundance or impact upon protected species before development commences; the production of a Habitat Management and Monitoring plan to secure the implementation of long-term monitoring and remedial measures; the submission of lighting design strategies; and that the timing of site clearance works avoids the bird nesting season. For the avoidance of doubt, on the basis of the relevant technical evidence before me, no further conditions specific to bats or great crested newts are justified at this outline stage.
 40. In the interests of protecting the living conditions of local residential occupiers, conditions are reasonable and necessary that secure that: opening/operating hours are specified at detailed planning stage for the respective phases of development; a noise assessment is submitted to outline the likely impact upon any noise sensitive property and any associated noise mitigation measures necessitated; and acceptable construction working hours are stipulated. For the avoidance of doubt, in the particular circumstances of this site/case, I see no clear justification for conditions to be imposed at this outline stage to specifically control the operation/use of either refrigerated trailers or vehicle reversing beepers.
 41. In the interests of safeguarding human health, conditions are reasonable that secure: the undertaking of comprehensive intrusive ground investigation; the production and subsequent implementation of a scheme of remediation works if necessitated; and further remediation in the event previously unidentified contamination is found during the construction phase.
 42. In the interests of ensuring neither highway safety nor the operation of the SRN is prejudiced by the development, conditions are necessary that secure that: the new site access is completed and open to traffic prior to the commencement of any building construction; and the Towcester Relief Road, which is presently under construction, is completed and open to general traffic prior to any occupation. For the same reasons, full details of new Garden Centre access arrangements and their implementation are reasonable to condition in advance of the stopping up of the existing Garden Centre access point direct from the A5. This stopping up, I note, comprises part of the site access works as stipulated upon approved plan Ref 003 rev P04.
 43. Also, in the interests of not prejudicing highway safety as well as promoting environmental protections, a Construction Method Statement, to incorporate a comprehensive suite of provisions, is necessary to condition. I note here that, consistent with the Council's findings, non-significant air quality effects would be fairly anticipated during both the construction and operational phases of

- development. This is especially so in lieu of the measures to be implemented and enforced in relation to mode-shift.
44. It has been suggested by an interested party that the Tove Roundabout mitigation scheme secured in association with development to the north should be conditioned here in the interests of guarding against a severe impact upon the SRN. However, there are enforceability constraints associated with controlling off-site works to be delivered by others. In any event, it is reasonable to predict that said scheme – which is specifically tailored to mitigating the impact of a different development – shall be delivered in a timely and expedient fashion. This is especially in view of the time limit for commencement that applies to development granted full planning permission on the neighbouring site.
 45. In the interests of promoting the utilisation of sustainable travel modes, conditions are reasonable to secure: the provision of electrical vehicle charging equipment to 10% of parking spaces wherever a building is to be served by ten or more parking spaces; and the completion of off-site highways works – as stipulated upon approved plan Ref 003 Rev P04 and to include the provision of bus stops on the A5 close to the site, footway/cycleway improvements, and relevant highway crossings – prior to the occupation of any building. For the same reason, conditions are necessary that secure the provision of shared footway/cycleways through the site – to link Zone 1 to the southern corner of the site, to connect the main internal estate road and Zone 2 to the site's northern boundary, and to link the same estate road and Zone 3 to the site's eastern boundary and a public right of way in this location. I am suitably satisfied that such links would be fit-for-purpose and suitably encourage the utilisation of sustainable travel modes.
 46. In the interests of guarding against flood risk and ensuring the sound management of surface water runoff, conditions are reasonable that secure: the detailed design of a surface water drainage scheme for the site; that reserved matters applications are accompanied by compliance statements and revised/updated Flood Risk Assessments setting out full drainage details; the submission of a detailed scheme for the ownership and maintenance for every element of the surface water drainage system to be installed; and a verification report for the installed system.
 47. I note here that relevant climate change allowances are engrained within the initial surface water drainage assessments contained within the submitted Flood Risk Assessment and Drainage Strategy (May 2021), which shall inevitably guide the future detailed drainage system design. I also note here that the Council confirmed at the Inquiry that it would formally consult NH upon any scheme that involves discharge into SRN drainage systems. Further, to ensure the proper management of foul water, a scheme for the provision and implementation of foul water drainage for each respective phase of development is reasonable.
 48. In the interests of ensuring the availability of adequate water infrastructure for the local fire service, a scheme and timetable for the provision of fire hydrants, sprinkler systems and any associated infrastructure is reasonable to condition. Further, in the interests of crime prevention, a scheme of crime prevention measures to include both electronic and physical measures is reasonable to condition shall accompany all future reserved matters applications. In addition, to ensure features of archaeological interest are properly examined and recorded, the preparation and subsequent implementation of a Written Scheme of Investigation is necessary to condition.

Conclusion

49. For the reasons given above the appeal should be allowed, such that outline planning permission is granted subject to conditions.

Andrew Smith

INSPECTOR

Schedule of Conditions

- 1) Application for approval of all the reserved matters for Zone 1 (as stipulated on approved plan Ref 16170-SGP-XX-00-DR-A-P006 rev H) shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and application for approval of all the reserved matters for Zones 2 and 3 shall be made to the Local Planning Authority before the expiration of five years from the date of this permission. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of each respective reserved matters to be approved whichever is the later.
- 2) Details of the layout, scale, appearance and landscaping (hereafter referred to as 'the reserved matters') for each phase of development shall be submitted to and approved in writing by the Local Planning Authority before any development within that phase takes place and the development of each phase shall be carried out as approved.
- 3) The development shall not be carried out otherwise than in complete accordance with the approved plans and details unless a non-material or minor material amendment is approved by the Local Planning Authority under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The approved plans and details are:
 - 16-170-SGP-XX-00-DR-A-P003 (Location Plan)
 - 16170-SGP-XX-00-DR-A-P006 rev H (Parameters Plan)
 - 003 rev P04 (A5 Access and Footway Improvements).
- 4) The development hereby permitted shall comprise no more than 31,800 sqm of total floorspace (GEA). As part of this, no individual unit or building shall exceed 6,500 sqm (GEA) and the maximum floorspace for Use Class B8 shall not exceed 15,900 sqm (GEA).
- 5) In accordance with approved plan Ref 16170-SGP-XX-00-DR-A-P006 rev H, the maximum height of the buildings (to the ridge) shall not exceed:
Zone 1 - 11.0 metres;
Zone 2 – 16.0 metres;
Zone 3 – 13.0 meters.
Finished floor levels shall not exceed:
Zone 1 - 104.5m AOD;
Zone 2 - 107.5m AOD;
Zone 3 - 104m AOD.
- 6) Any premises first used for purposes within Class E(g)(iii), B2 or B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) shall thereafter only be used for those purposes and for no other purpose(s) whatsoever.
- 7) The development hereby permitted shall be constructed to at least a BREEAM 'Very Good' standard, or any equivalent standard or future national equivalent standard that replaces it.
- 8) All site clearance (including the removal of any vegetation or works to hedgerows) shall be timed so as to avoid the bird nesting season, this being during the months of March until July inclusive unless alternative provisions have been previously agreed in writing by the Local Planning Authority.

- 9) The development hereby permitted shall be carried out in accordance with the recommendations, mitigation and enhancements set out in the Preliminary Ecological Appraisal, Ecological Impact Assessment (EclA), Bat Transect Survey Report, Breeding Bird Survey Report, Reptile Survey Report and the Ecological Mitigation and Enhancement Strategy by Focus Environmental Consultants, all dated 9th December 2021, unless otherwise agreed in writing by the Local Planning Authority.
- 10) No development shall take place within each phase until the existing tree(s) and hedges within that phase (or outside that phase but with the potential of being impacted by construction activity) to be retained have been protected in the following manner unless otherwise previously agreed in writing by the Local Planning Authority:
 - a) Protective barriers shall be erected around the tree(s) to a distance not less than a radius of 12 times the trunk diameter when measured at 1.5 metres above natural ground level (on the highest side) for single stemmed trees and for multi-stemmed trees 10 times the trunk diameter just above the root flare;
 - b) The barriers shall comply with the specification set out in British Standard BS5837:2012 'Trees in Relation to Construction – Recommendations' that is steel mesh panels at least 2.3 metres tall securely fixed to a scaffold pole framework with the uprights driven into the ground a minimum of 0.6 metres depth and braced with additional scaffold poles between the barrier and the tree(s) at a minimum spacing of 3 metres;
 - c) The barriers shall be erected before any equipment, machinery or materials are brought onto the site for the purposes of development and shall be maintained until all equipment, machinery and surplus material has been removed from the site;
 - d) Nothing shall be stored or placed within the areas protected by the barriers erected in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made, without the written consent of the Local Planning Authority.
- 11) Prior to the construction of any building above slab level, reserved matters for all Structural Landscape Zones (as defined on the approved Parameters Plan Ref 16170-SGP-XX-00-DR-A-P006 rev H) shall be submitted to the Local Planning Authority together with a timetable for their delivery. Thereafter, all landscaping within the Structural Landscape Zones shall be fully implemented in accordance with the approved details and timetable.

Details of landscaping within the Indicative Landscape Zones (as defined on the approved Parameters Plan Ref 16170-SGP-XX-00-DR-A-P006 rev H) shall be submitted to the Local Planning Authority as part of the reserved matters for each respective phase or sub-phase and shall be implemented by the end of the first planting season following first occupation of each respective phase/sub-phase.
- 12) The reserved matters applications for each phase shall include full details of proposed opening/operating hours for those proposed uses. The premises granted reserved matters consent shall thereafter be operated in accordance with the approved details.
- 13) Prior to the commencement of construction of any building, the scheme of works to create the highways access for vehicular traffic in general accordance with approved plan Ref 003 rev P04 (A5 Access and Footway Improvements) shall be completed and open to traffic.

- 14) No development hereby permitted shall be occupied until the Relief Road that links the A5 and A43, known as the Towcester Relief Road, is constructed in full and open to general traffic.
- 15) No building shall be occupied until the bus stops and other off-site footway/cycleway improvements (as shown on approved plan Ref 003 rev P04) have been completed.
- 16) No development shall take place within each phase until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work for that phase in accordance with a written scheme of investigation to be submitted to and approved in writing by the Local Planning Authority. This written scheme shall include the following components, completion of each of which will trigger the phased discharging of the condition:
 - (i) Approval of a Written Scheme of Investigation;
 - (ii) Fieldwork in accordance with the agreed Written Scheme of Investigation;
 - (iii) Completion of a Post-Excavation Assessment report and approval of an approved Updated Project Design: to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority;
 - (iv) Completion of analysis, preparation of site archive ready for deposition at a store (Northamptonshire ARC) approved by the Local Planning Authority, production of an archive report, and submission of a publication report: to be completed within two years of the completion of fieldwork, unless otherwise agreed in advance with the Local Planning Authority.
- 17) No development shall take place on each phase until a Construction Method Statement for that phase has been submitted to and approved in writing by the Local Planning Authority. The statement shall provide for at a minimum:
 - a) The parking of vehicles of site operatives and visitors;
 - b) The routeing of HGVs to and from the site;
 - c) Loading and unloading of plant and materials;
 - d) Storage of plant and materials used in constructing the development;
 - e) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - f) Wheel washing facilities including type of operation and road sweeping;
 - g) Measures to control the emission of dust and dirt during construction;
 - h) A scheme for recycling/disposing of waste resulting from demolition and construction works;
 - i) Details of any temporary construction access;
 - j) Measures to manage the uncontrolled flow of surface water run off during the construction phase.The approved Construction Method Statement shall be adhered to throughout the construction period for the development of each respective phase.
- 18) Prior to the commencement of development (including demolition, ground works, vegetation clearance) a revised Ecological Mitigation and Enhancement Strategy (EMES) for the construction period shall be submitted to and approved in writing by the Local Planning Authority. The EMES shall include revised measures, as required, based on any changes in habitat and species presence as shown by the pre-commencement surveys. The EMES shall include as a minimum:
 - a) Risk assessment of potentially damaging construction activities;
 - b) Identification of 'Biodiversity Protection Zones';

- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- d) The location and timing of sensitive works to avoid harm to biodiversity features;
- e) The times during construction when specialist ecologists need to be present on site to oversee works;
- f) Responsible persons and lines of communication;
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- h) Use of protective fences, exclusion barriers and warning signs;
- i) Sensitive Lighting Plan for Bats.

No external lighting shall be installed within the identified Biodiversity Protection Zones. The approved EMES shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

- 19) A Habitat Management and Monitoring Plan (HMMP) for the retained, enhanced and created habitats, including the on and off site biodiversity net gain provision, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development (including demolition, ground works, vegetation clearance). The content of the HMMP shall follow that of the published Natural England/DEFRA HMMP template (JP058), as amended, and include as a minimum the following;
- a) Description and evaluation of features to be managed;
 - b) Ecological trends and constraints on site that might influence management;
 - c) Detailed design for off-site BNG provision;
 - d) Aims and objectives of management;
 - e) Appropriate management options for achieving aims and objectives;
 - f) Prescriptions for management actions including initial aftercare and long-term maintenance;
 - g) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period) demonstrating that works are aligned with the proposed phasing of development;
 - h) Details of the body or organisation responsible for implementation of the plan;
 - i) Ongoing monitoring and remedial measures including 1, 2, 3, 5 and then every 5 year monitoring cycle of Biodiversity Net Gain provision with results fed back to the Local Planning Authority Ecologist.
- The HMMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.
- The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the HMMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.
- 20) Prior to the construction of any building above ground level within each phase, a "lighting design strategy for biodiversity" for that phase shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:
- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting

places or along important routes used to access key areas of their territory, for example, for foraging; and

b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting within each phase shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances shall any other external lighting be installed without prior consent from the Local Planning Authority.

- 21) Prior to the commencement of the development within each phase, a revised ecology survey report (including badgers) for that phase shall be undertaken to establish changes in the presence, abundance and impact on protected species. The survey results, together with any necessary changes to the Ecological Mitigation and Enhancement Strategy shall be submitted to and approved in writing the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.
- 22) Prior to the commencement of development within each phase, a comprehensive intrusive ground investigation shall be undertaken for that phase and the subsequent report shall be submitted to and approved in writing by the Local Planning Authority. The investigation shall seek to characterise the type, nature and extent of contamination present (if any), and the risks to receptors. The report shall be undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.
- No development shall take place within each phase unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination for that phase has been adequately characterised as required by this condition.
- 23) If contamination is found by undertaking the work carried out under Condition 22, then no development within the respective phase shall take place until:
- (a) a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use has been prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and
- (b) such scheme has been submitted to and approved in writing by the Local Planning Authority.
- No development shall take place within each phase until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring for that phase required by this condition.
- 24) Prior to the commencement of development within each phase, a detailed design of surface water drainage scheme for that phase (but linking into a site wide drainage strategy) based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development within that phase is first occupied. The scheme shall include:

- i) Details (i.e., designs, diameters, invert and cover levels, gradients, dimensions and so on) of all elements of the proposed drainage system, to include pipes, inspection chambers, outfalls/inlets and attenuation structures;
 - ii) Details of the drainage system are to be accompanied by full and appropriately cross-referenced supporting calculations which shall include a 10% allowance for urban creep;
 - iii) Cross sections of the control chambers (including site specific levels mAOD) and manufacturers' hydraulic curves shall be submitted for all hydrobrakes and other flow control devices;
 - iv) Confirmation of site specific soil conditions.
- Should the proposed drainage involve discharge into any Strategic Road Network drainage systems, the applicant will need to secure approval for a Departure from Standard, together with completion of and acceptance by National Highways of a drainage management and maintenance agreement.
- 25) All subsequent reserved matters applications for the development plots shall make reference to the original approved Flood Risk Assessment & Drainage Strategy (produced by PJA, version A, dated May 2021) and shall be accompanied by a compliance statement with the original approved scheme. In addition, an accompanying revised and updated Flood Risk Assessment with full drainage details shall be submitted with each future reserved matters application, indicating whether any further works are required. Development shall be implemented in accordance with the originally approved scheme or any updated scheme as approved in writing by the Local Planning Authority pursuant to that application.
- 26) No development shall take place within each phase until a detailed scheme for the ownership and maintenance for every element of the surface water drainage system proposed within that phase has been submitted to and approved in writing by the Local Planning Authority and the maintenance plan shall be carried out in full at all times thereafter. The scheme shall include:
- i) Details of which organisation or body will be the main maintaining body where the area is multifunctional (e.g. open space play areas containing SUDS) with evidence that the organisation/body has agreed to such adoption;
 - ii) A maintenance schedule setting out which assets need to be maintained, at what intervals, and what method is to be used;
 - iii) A site plan including access points, maintenance access easements and outfalls;
 - iv) Details of maintenance operational areas, to ensure there is room to gain access to the asset, maintain it with appropriate plant and then handle any arisings generated from the site;
 - v) Details of expected design life of all assets with a schedule of when replacement assets may be required.
- 27) Prior to the commencement of development within each phase, a noise assessment that outlines the likely impact on any noise sensitive property (including cumulatively), and the measures necessary to ensure that noise does not unacceptably affect the amenity of residents shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall be determined by measurement or prediction in accordance with the guidance and methodology set out in BS4142:2014. Thereafter, the premises shall be installed, operated and maintained in accordance with the approved scheme.

- 28) Prior to the commencement of construction of any building hereby permitted, the detailed design for a 3-metre-wide shared footway/cycleway through the site, linking Zone 1 and the pedestrian/cycle access point in the southern corner of the site by the A5/A43 Tove Roundabout, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved scheme shall be fully implemented and opened for use prior to the first occupation of any building and shall subsequently remain open in perpetuity.
- 29) The reserved matters application for Zone 2 shall include details of a 3-metre-wide shared footway/cycleway with a metalled surface linking the main internal estate road with the northern boundary of the site, where it adjoins the remainder of policy allocation AL1, as defined in the adopted South Northamptonshire Part 2 Local Plan. The links shall thereafter be constructed in accordance with the approved details prior to the first occupation of any building subject to reserved matters approval within Zone 2 and shall thereafter provide unfettered pedestrian access to the boundary of the site in perpetuity.
- 30) The reserved matters application for Zone 3 shall include details of a 2-metre-wide path linking the main internal estate road with the eastern boundary of the site, to connect with Public Right of Way SB52. The links shall thereafter be constructed in accordance with the approved details prior to the first occupation of any building subject to reserved matters approval within Zone 3 and shall thereafter provide unfettered pedestrian access to the boundary of the site in perpetuity.
- 31) Prior to the closure/stopping up of the existing access which serves the adjacent garden centre (on to A5), details of a new vehicular traffic access and pedestrian and cycle access to serve the garden centre shall be submitted to and approved in writing by the Local Planning Authority. The access shall be constructed and available for use before the existing garden centre access is closed.
- 32) Prior to the commencement of development within each phase, a scheme for the provision and implementation of foul water drainage for that phase shall be submitted to and approved in writing by the Local Planning Authority. The drainage shall thereafter be constructed and completed in accordance with the approved plans before the first occupation of any buildings in the phase which it serves.
- 33) If remedial works have been identified via Condition 23, the development within each phase shall not be occupied until the remedial works for that phase have been carried out in accordance with the scheme approved under Condition 23 and a verification report that demonstrates the effectiveness of the remediation carried out has been submitted to and approved in writing by the Local Planning Authority.
- 34) No building with ten parking spaces or more shall be first occupied until a scheme for at least 10% of the parking spaces to be provided with electrical vehicle charging equipment (including the specification of the charging points and the timing of the installation of the charging points) has been submitted to and approved in writing by the Local Planning Authority. The car charging equipment shall be installed in accordance with the approved details and shall thereafter be available for use at all times and be maintained in full working order.
- 35) Details of all external lighting including any proposed streetlighting for each phase or sub-phase, including the design, position, orientation and any screening of the lighting, to comply with 'Environmental Zone E2' (rural) of The Institution of Lighting Professionals: Guidance Notes for the Reduction of Obtrusive Light 01/20, shall be submitted to and approved in writing by the Local Planning Authority prior to its

- installation. The lighting shall be installed in accordance with the approved scheme before any building in that phase is occupied and operated in accordance with the approved scheme at all times thereafter.
- 36) No construction of any building (excluding temporary, service buildings, e.g. substation or buildings used for security purposes) above finished floor level shall take place until a scheme and timetable detailing the provision of fire hydrants, sprinkler systems (where required) and their associated infrastructure has been submitted to and approved in writing for that building by the Local Planning Authority. The fire hydrants, sprinkler systems and associated infrastructure for that building shall thereafter be provided in accordance with the approved scheme and timetable.
- 37) All reserved matters applications for the construction of buildings (excluding temporary, service buildings, e.g. substations or buildings used for security purposes) shall be submitted with a detailed scheme for crime prevention which shall include both electronic and physical measures to demonstrate compliance with section 10 of the Council's Supplementary Planning Guidance document "Planning Out Crime in Northamptonshire". Electronic measures should include a monitored CCTV system with ANPR capability. The development approved under the reserved matters consent shall thereafter be implemented fully in accordance with the approved scheme prior to its first occupation and all measures shall be maintained in full working condition in perpetuity.
- 38) All reserved matters applications shall include full details of any proposed mezzanine floors where they are proposed to be included within any of the units that form part of the reserved matters submission.
- 39) No building shall be occupied until a Verification Report for the installed surface water drainage system for that phase (as approved under Condition 24) has been submitted in writing by a suitably qualified independent drainage engineer and approved in writing by the Local Planning Authority. The details shall include:
- a) Demonstration that any departure from the agreed design is in keeping with the approved principles;
 - b) As-Built Drawings and accompanying photos;
 - c) Results of any performance testing undertaken as a part of the application process (if required/necessary);
 - d) Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges, etc;
 - e) CCTV confirmation that the system is free from defects, damage and foreign objects;
 - f) Confirmation of adoption or maintenance agreement for all SUDS elements as detailed within the drainage strategy in place.
- 40) If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.
- 41) With the exception of works within the A5, A43 and to construct the new site access, no construction work including site clearance shall be carried out except between the hours of 0800 to 1800 Monday to Friday and 0800 to 1300 on Saturdays and at no times on Sundays, Bank and Public Holidays.

APPEARANCES

FOR THE APPELLANT:

Sarah Reid KC	Counsel
She called:	
James Morton	Associate, Aspect Landscape Planning Ltd
James Williams	Senior Associate Transport Planner, Stantec UK Ltd
Jason Tait	Director, Planning Prospects Limited

FOR THE COUNCIL:

Saira Kabir Sheikh KC	Counsel, instructed by the Council's legal department
She called:	
Daniel Callis	Major Projects Officer
Jenny Baker	Highways

INTERESTED PARTIES

Chris Bowmer	Greens Norton Parish Council
John Russell	Save Towcester Now
Anne Gray	Save Towcester Now
Christine Walker	Local resident
Julie Barrie	Local resident
Roger Issott	Local resident

INQUIRY DOCUMENTS

- ID1 Opening statement of the appellant
- ID2 Opening statement of the Council
- ID3 Transcript of statement made by Chris Bowmer
- ID4 Transcript of statement made by John Russell
- ID5 Transcript of statement made by Anne Gray
- ID6 Plans and photographs produced and referred to by Christine Walker
- ID7 Transcript of statement made by Julie Barrie
- ID8 Final costs comments submitted by the appellant

DOCUMENT RECEIVED AFTER THE INQUIRY

- A Completed Section 106 agreement, dated and submitted 23 June 2025