

NORTHAMPTON BOROUGH COUNCIL

PLANNING COMMITTEE

YOUR ATTENDANCE IS REQUESTED AT A MEETING TO BE HELD AT
THE JEFFREY ROOM, ST. GILES SQUARE, NORTHAMPTON, NN1
1DE. ON TUESDAY, 15 NOVEMBER 2011 AT 6:00 PM.

**D. KENNEDY
CHIEF EXECUTIVE**

AGENDA

1. APOLOGIES
2. MINUTES
3. DEPUTATIONS / PUBLIC ADDRESSES
4. DECLARATIONS OF INTEREST
5. MATTERS OF URGENCY WHICH BY REASON OF SPECIAL CIRCUMSTANCES THE CHAIR IS OF THE OPINION SHOULD BE CONSIDERED
- 6. LIST OF CURRENT APPEALS AND INQUIRIES G. JONES
X 8014
Report of Head of Planning (copy herewith)
7. OTHER REPORTS
None
8. NORTHAMPTONSHIRE COUNTY COUNCIL APPLICATIONS
None
9. NORTHAMPTON BOROUGH COUNCIL APPLICATIONS
None
10. ITEMS FOR DETERMINATION
An Addendum of further information considered by the Committee is attached.
 - (A) N/2011/0323-ENHANCEMENT OF MEREWAY CENTRE INCLUDING AN EXTENSION TO THE EXISTING FOOD STORE, ERECTION OF A NEW NON-FOOD RETAIL UNIT (AS REPLACEMENT FOR THE LOSS OF AN EXISTING UNIT), NEW BUS WAITING FACILITY, PROVISION OF NEW PEDESTRIAN FOOTPATHS, LANDSCAPE WORKS, LIGHTING WORKS AND REVISIONS TO THE CAR PARK LAYOUT AT TESCO SUPERSTORE HUNSBURY CENTRE, CLANNELL ROAD TONY
BOSWELL
X8724
Report of Head of Planning
(copy herewith)

Ward: East Hunsbury

- (B) N/2011/0504 DEMOLITION OF EXISTING SCHOOL BUILDINGS AND ERECTION OF 14 DWELLINGHOUSES AND ASSOCIATED ACCESS ROAD AND CAR PARKING. (AS AMENDED BY REVISED PLANS RECEIVED 21/09/2011) AT FORMER ST JAMES C OF E LOWER SCHOOL, GREENWOOD ROAD

BEN
CLARKE
X8916

Report of the Head of Planning (copy herewith)

Ward:St James

- (C) N/2011/0928 CHANGE OF USE OF PART OF GROUND FLOOR FROM RETAIL (USE CLASS A1) TO RESTAURANT (USE CLASS A3) INCLUDING ALTERATIONS TO SHOP FRONT AND CONVERSION OF UPPER FLOOR INTO FIVE RESIDENTIAL FLATS (1X 2 BED AND 4 X 1 BED). RE-SUBMISSION OF APPLICATION N/2011/0791 AT CHURCH CHINA, 44-54 ST GILES STREET

BEN
CLARKE
X8916

Report of Head of Planning (Copy Herewith)

Ward: Castle

11. ENFORCEMENT MATTERS

None.

12. APPLICATIONS FOR CONSULTATION

- (A) N/2011/0865 OUTLINE APPLICATION FOR A WAREHOUSE AND DISTRIBUTION DEVELOPMENT WITH ASSOCIATED INFRASTRUCTURE AND LANDSCAPING. ALL MATTERS RESERVED EXCEPT ACCESS. (WNDC CONSULTATION) AT THE CATTLEMARKE T, LILIPUT ROAD

TONY
BOSWELL
X8724

Report of the Head of Planning (copy herewith)

Ward: Rushmills

13. EXCLUSION OF PUBLIC AND PRESS

THE CHAIR TO MOVE:

“THAT THE PUBLIC AND PRESS BE EXCLUDED FROM THE REMAINDER OF THE MEETING ON THE GROUNDS THAT THERE IS LIKELY TO BE DISCLOSURE TO THEM OF SUCH CATEGORIES OF EXEMPT INFORMATION AS DEFINED BY SECTION 100(1) OF THE LOCAL GOVERNMENT ACT 1972 AS LISTED AGAINST SUCH ITEMS OF BUSINESS BY REFERENCE TO THE APPROPRIATE PARAGRAPH OF SCHEDULE 12A TO SUCH ACT.”

SUPPLEMENTARY AGENDA

**Exempted Under Schedule
12A of L.Govt Act 1972
Para No:-**

<TRAILER_SECTION>
A6795

Agenda Item 2

NORTHAMPTON BOROUGH COUNCIL

PLANNING COMMITTEE

Tuesday, 18 October 2011

PRESENT: Councillor Flavell (Chair); Councillor Golby (Deputy Chair);
Councillors Aziz, N. Choudary, Davies, Hibbert, Lynch, Markham,
Mason, Meredith, and Oldham

1. APOLOGIES

Apologies for absence were received from Councillor Hallam.

2. MINUTES

The minutes of the meeting held on 13 September 2011 were agreed and signed by the Chair.

The Head of Planning noted that in respect of item 10b, N/2011/0403, the applicant had subsequently withdrawn the application.

3. DEPUTATIONS / PUBLIC ADDRESSES

RESOLVED: That Messrs Gonzalez de Savage, Nunn and Robeson, Mrs Field, Mrs Gosling and Councillors Larratt, and Eldred be granted leave to address the Committee in respect of item 10a, N/2011/0323.

That Councillor Subbarayan and Mr Skinner be granted leave to address the Committee in respect of item 10b, N/2011/0481.

That Councillor Golby be granted leave to address the Committee in respect of item 10e, N/2011/0635.

That Mr Hasuji be granted leave to address the Committee in respect of item no 10h, N/2011/0683.

That Messrs Clarke, Stead and Cross and Councillors Yates and Beardsworth be granted leave to address the Committee in respect of Item 12a, N/2011/0882.

That Messrs Clarke and Stead, Mrs Bartlett and Councillors Yates and Beardsworth be granted leave to address the Committee in respect of Item 12b, N/2011/0883.

4. DECLARATIONS OF INTEREST

Councillor Oldham declared a Personal and Prejudicial interest in item 10a-N/2011/0323 as having publicly expressed an opinion on this application.

Councillor Markham declared a Personal interest in item 10a- N/2011/0323 as her husband was an employee of the applicant.

Councillor Golby declared a Personal and Prejudicial interest in item 12a- N/2011/0882 being the seconder of a motion at the Council meeting held on 17 January 2011 which in part called for the reallocation of housing from Buckton Fields to Daventry Town Centre and the removal of Buckton Fields from any development plans.

Councillor Golby declared a Personal and Prejudicial interest in item 12b- N/2011/0883 being the seconder of a motion at the Council meeting held on 17 January 2011 which in part called for the reallocation of housing from Buckton Fields to Daventry Town Centre and the removal of Buckton Fields from any development plans.

Councillor Golby declared a Personal and Prejudicial interest in item 10e- N/2011/0635 as representing residents views on the application.

5. MATTERS OF URGENCY WHICH BY REASON OF SPECIAL CIRCUMSTANCES THE CHAIR IS OF THE OPINION SHOULD BE CONSIDERED

None.

6. LIST OF CURRENT APPEALS AND INQUIRIES

The Head of Planning submitted a List of Current Appeals and Inquiries, elaborated thereon and commented that the appeals in respect of N/2009/0566 and N/2011/0493 had been dismissed by the Planning Inspectorate.

RESOLVED: That the report be noted.

7. OTHER REPORTS

None.

8. NORTHAMPTONSHIRE COUNTY COUNCIL APPLICATIONS

None.

9. NORTHAMPTON BOROUGH COUNCIL APPLICATIONS

None.

10. ITEMS FOR DETERMINATION

10.

(A) N/2011/0323- EXTENSION TO THE EXISTING FOOD STORE, ERECTION OF A NEW NON FOOD RETAIL UNIT (AS REPLACEMENT FOR THE LOSS OF AN EXISTING UNIT), NEW BUS WAITING FACILITY, PROVISION OF NEW PEDESTRIAN FOOTPATHS, LANDSCAPE WORKS, LIGHTING WORKS AND REVISIONS TO THE CAR PARK LAYOUT AT TESCO, MEREWAY

Councillor Oldham left the meeting in accordance with his declaration of interest recorded above.

The Head of Planning submitted a report in respect of application no N/2011/0323 and reminded the Committee of the reasons for the deferral of consideration of the application at the previous meeting. He commented that Wootton and East Hunsbury Parish Council had met with Tesco's but that there remained a difference of opinion between them. The Committee's previous concerns had been in respect of highways issues and he reminded the Committee that the application needed to be determined on the basis of what was presented to them. The Head of Planning referred to the Addendum that set out a resume of what had happened since the last meeting, Wootton and East Hunsbury Parish Council's response to the meeting held with Tesco's, and representations made by Legal and General Investment Management and residents since the meeting of the Committee on 13 September.

Mr Gonzalez de Savage, on behalf of residents, stated that it had been evident at the Wootton and East Hunsbury Parish Council meeting that Tesco's had not been willing to act on the wishes of the local community. The Parish Council and residents were against the application because of the access arrangements to the site off Clannell Road. He acknowledged that Tesco's were a successful company and there had been a three year dialogue with them over their proposals. The Parish Council's and the residents preferred option was for the Dot Com business vehicles to exit the site via the Mereway roundabout as at present. They were concerned at commercial traffic exiting the site into residential streets and using those streets as a means of access to other parts of the Town and outlying villages to the south. Tesco's as a major employer and priding itself as a good neighbour could have redrawn its plans but had chosen not to do so. There were concerns about obstruction to neighbours opposite the site. Mr Gonzalez de Savage commented that Highways Agency representatives had indicated to him that commercial traffic could enter and leave the site via the Mereway roundabout. In answer to a question, Mr Gonzalez de Savage confirmed his statement that Highways Agency representatives had indicated to him that commercial traffic could enter and leave the site via the Mereway roundabout and that Dot Com vehicle drivers had stated to him that they had been advised to use the residential streets instead.

Mr Nunn, the Chairman of Wootton and East Hunsbury Parish Council, noted that the public meeting of the Parish Council with Tesco's had taken place on 12 October. This meeting had also confirmed that a large number of residents supported the Parish Council's position. The Clannell Road access to the site remained the main public concern together with safety issues in respect of Sandhurst Close. The Parish Council believed that the proposals represented an over development of the site and suggested that the Committee would not be able to approve the application as it currently stood.

Mrs Field, on behalf of residents in the surrounding area, commented that they were not against Tesco's per se but were against the consequential effects of their expansion plans on residents. Tesco's had indicated that other access options were either not viable or too costly. There were already problems with congestion and parking caused by the Leisure Centre. Residents believed that the ideas for yellow lines in Sandhurst Close would make things worse. Tesco's own figures suggested that the expansion of the store would create 2,000 extra car journeys to and from the site. There was a conflict between parked cars, pedestrians and commercial traffic. In answer to a question Mrs Field commented that the Leisure Centre was already an existing situation and that if the yellow lines were not enforced they were pointless.

Councillor Larratt, as Ward Councillor, commented that he had e-mailed members of the Committee the previous evening about the application. He had attended two meetings with Tesco's representatives since the last meeting of the Committee. Tesco's appeared to remain intransigent. He believed that the issue was all about the amenity of local residents. He believed that the current application detracted from the use of the site to date. At present all commercial vehicle movements were via Mereway roundabout. This application would change this to move the Dot Com business traffic to access via residential streets, whilst the articulated lorry movements would remain via Mereway. He queried who would want traffic lights at the bottom of their gardens and the associated engine noise and fumes. The whole area would be affected, not just Sandhurst Close and Falconers Rise: it would become a back route to other parts of the area. He asked the Committee to consider the amenity of residents and refuse the application. In answer to a question Councillor Larratt commented that the proposal for a yellow box in Clannell Road had been put forward before the last meeting of the Committee and that residents of Sandhurst Close and Falconers Rise were against the current access proposals and that the Highways engineers had suggested other more acceptable solutions.

Councillor Eldred, as Ward Councillor, commented that the Committee had heard many valid arguments against the application and displayed a map showing the surrounding villages whose residents were likely to use this store. Tesco's proposals would increase floor space by 38%, car parking by 20% but only increase footfall by 10%. It could be anticipated that at least half of the increase in vehicle movements would be via Clannell Road. The Dot Com vehicle movements would add over 26,000 to the annual traffic count in Sandhurst Close and Clannell Road alone. He asked that the Committee take all of this into account. In answer to a question he confirmed that the Dot Com vehicle movements equated to one per twenty minutes.

Mr Robeson, the Agent on behalf of Tesco's, commented that their plans were to improve community relationships for example by moving the service area away from neighbouring residents. He noted that Sandhurst Close also serviced the Leisure Centre and the proposed new access point was positioned so that no commercial vehicles would pass residential property. He also noted that the suggestion for a pedestrian crossing on Clannell Road had come from the Parish Council but would be paid for by Tesco's. A three hour parking limit would be applied to the new car park. The new signalled junction benefited both pedestrians and residents of Falconers Rise who had current problems turning in and out of their road. Relocating the entrance would not improve the situation for residents as the pedestrian crossing would not be where people would want it to be as there were footpaths from Falconers Rise leading to other streets. He was confident that the application

represented the best compromise between the views of the Parish Council, residents and Tesco's. In answer to questions Mr Robeson commented that Tesco's had considered road improvements to Clannell Road and Falconers Rise three years previously and the Highways Agency had first suggested a controlled crossing at that time: a solution that benefited the most people had been sought; Falconers Rise linked to other areas to the south; moving the access further west gave less access to pedestrians; modifications to the crossing had been considered and the main concern was for public safety; there were nine Dot Com vehicles each making three outbound journeys and three inbound; there were no current plans to extend the Dot Com vehicle fleet; the junction plans had been submitted to transport modelling; there would be 50 full time equivalent jobs created; the concerns of the public had been listened to even if all the points raised could not be met; the proposed Mereway Forum would be for all the commercial businesses to meet to discuss improvements to the site and the wider vicinity; and at present the Dot Com business was serviced from the south east part of the site, it was not part of the back house distribution area and the expansion plans would not significantly alter the internal layout of the store to move the Dot Com business would not be viable.

Mrs Gosling on behalf of Tescos, commented that the store was very busy and people had expressed frustration that products were not always available. She gave an example of a nearby resident who drove to the Weston Favell store to be sure of getting what she wanted. The expansion would improve this and the scheme included £2m of highway improvements plus public transport improvements. Tesco's wanted to build on a sense of community in the area and she noted a petition from customers and residents in support of their plans. The Parish, County and Borough Councils, residents and shoppers had been consulted. The current service area had been moved in order to meet residents concerns. Solutions had been agreed with officers and further changes made. She believed that the proposals were positive for the wider community and had been worked on for several years to get to this point. She urged the Committee to accept the report. In answer to questions Mrs Gosling commented that further improvements included the provision of a yellow box, the pedestrian crossing and extended scope of litter picking; the running of the Mereway Forum would be funded by Tesco's for five years and was seen to be a small scale chamber of commerce made up of the businesses and organisations on the wider site that would look at how the area could be improved and work with the Parish and Borough Councils; this could be written into a Section 106 agreement and the Forum could choose to include Parish Council and resident representatives.

The Head of Planning commented that speakers had referred to various highways related options but that the Committee had to make a decision on the basis of the application before it. The application had been through a rigorous assessment and the Highway Authority was clear that there were no highways objections to the proposals and Environmental Health were also clear that there were no objections on the basis of loss of residential amenity or noise or fumes. There were no planning reasons on which to refuse the application. The Dot Com business was already on the site and in a similar configuration to that currently proposed but at present exited via a service road onto Mereway. The proposal for an access via Sandhurst Close would benefit some residents but concerns about other residential areas had been raised. The Dot Com business might in future expand or contract and the vehicle movements discussed were, in planning and highway terms, low volume. In answer to questions the Head of Planning commented that any possible condition on the Dot

Com business had to be considered in terms of its necessity and whether it could be enforced. Bearing in mind that the Highway Authority had raised no objection and the difficulty in enforcement such a condition would not be appropriate. There would be some thinning out of trees on the boundary of the site to help create a better integration with the wider area. The Head of Planning commented that if the Committee were minded to refuse the application this could only be done on valid grounds and justified by reference to planning policies. The Borough Solicitor concurred with this advice.

The Committee discussed the application.

Councillor Meredith proposed and Councillor N. Choudary seconded "That the recommendation in the report be approved."

Upon a vote the motion was lost.

Councillor Davies proposed and Councillor Markham seconded "That the application be refused on the grounds of inadequate mitigation of the highways effects of the proposals on the Sandhurst Close / Clannell Road junction and the impact on the amenity of residents in the wider area in terms of the general access arrangements to the site from Clannell Road"

Upon a vote the motion was carried.

RESOLVED: That the application be refused on the grounds of inadequate mitigation of the highways effects of the proposals on the Sandhurst Close / Clannell Road junction and the impact on the amenity of residents in the wider area in terms of the general access arrangements to the site from Clannell Road

(NB: Councillors N. Choudary and Meredith asked that their votes against the decision to refuse the application be recorded)

Following the resolution the Chair indicated that she would welcome the applicant's continued dialogue with a view to resolving these outstanding matters.

Councillor Oldham rejoined the meeting.

12. APPLICATIONS FOR CONSULTATION

12.

- (A) N/2011/0882- RESIDENTIAL DEVELOPMENT CONSISTING OF APPROXIMATELY 1050 DWELLINGS WITH EMPLOYMENT AREA (B1 USE), LOCAL CENTRE, PRIMARY SCHOOL, CARE HOME, OPEN SPACE AND STRUCTURAL LANDSCAPING, HIGHWAYS AND DRAINAGE INFRASTRUCTURE WORKS AND A PARK AND RIDE SCHEME (RETENTION OF FARM SHOP) (ALL MATTERS RESERVED EXCEPT FOR MEANS OF ACCESS) (IN PART) (RESUBMISSION) (DAVENTRY DISTRICT COUNCIL CONSULTATION) AT BUCKTON FIELD**

Councillor Golby left the meeting in accordance with his earlier declaration of interest.

The Head of Planning submitted a report in respect of application no. N/2011/0882 elaborated thereon and noted that Daventry District Council would determine the application on 20 October 2011. He referred to the Addendum that set out five further objections to the scheme and a copy of a letter sent by the Nene Flood Prevention Alliance to the Environment Agency. The Head of Planning noted that when the application had been considered on 21 June 2011 the Committee had expressed concerns relating to highways matters and education. Daventry District Council in refusing the application in July had sought a review of the Highways Agency advice and had commissioned independent advice that the highways mitigations were adequate. That advice was that the mitigations agreed with the Highways Agency were adequate. He also that the advice from the Education Authority was also clear that a secondary school was not needed on the site.

Mr Clarke, Chair of Boughton Parish Council, commented that the proposal represented a tripling of the size of the parish. The existing Boughton village was designated as for "limited infill". The Parish Council had been surprised that an application had come forward so quickly after the refusal in July and had written to Daventry District Council on 30 September 2011. This application was the same as that rejected previously except for the information in respect of the traffic impact assessment. This site was greenfield and the cumulative effect of developing it and Dallington Grange would be bad for both Northampton and the surrounding villages. Mr Clarke noted that there was no current route for a North West Bypass. He believed that there was nothing about the current application that changed the original view that it should be objected to.

Councillor Yates, as Councillor of an adjoining Borough Ward, stated that this application was 98% the same as the application made in June. He commented that some residents adjoining the site had not been notified of the proposals by the applicant. He queried whether there were grounds to object to the application on the basis of lack of consultation with adjoining residents. Councillor Yates noted that the Cock Hotel junction was currently operating at 130% of capacity and the improvements currently under way would only improve the situation to 110% of capacity. A development of this size would only worsen this situation still further. Kingsthorpe already suffered some of the worst air quality in the County.

Mr Stead of FOBA, commented that he was surprised that the current application was substantially the same as the previous one and noted the applicant's comments that the proposed National Planning Policy Framework strengthened the case to allow development unless the disbenefits of so doing clearly outweighed the benefits. The situation concerning the North West By-pass was key. The Secretary of State had saved the By-pass proposal into the Milton Keynes South Midlands study and consequently it had been part of the Regional Spatial Strategy. However this was to be abolished. Mr Stead believed that the traffic situation would only worsen if the application were to be approved; he thought that the assessment of a modal shift in transport usage patterns was dubious.

Councillor Beardsworth, as Councillor of an adjoining Borough Ward, commented that the public had concerns in respect of flooding and highways and reminded the Committee of the consequences of the Easter 1998 floods in Northampton. She had

been advised by the Highways Agency that once the current works had been completed at the Cock Hotel junction there was nothing further that could be done to make additional improvements. She believed that this proposal put Daventry's new build on the Borough boundary; they would get the benefits of the Council Tax raised. Councillor Beardsworth stated that the public and businesses in Kingsthorpe had already suffered from the problems of traffic congestion and the improvement works and this development would only make matters worse. She believed that there had been a lack of consultation with the people most affected.

Mr Cross of WASPRA, commented that residents were concerned by the effect of the proposal on all forms of infrastructure. His own background was in logistics and he had looked at the traffic projections and questioned the use of the word "sustainable" when the A508 Boughton Green Junction was predicted to be over capacity by 2021. Drivers would seek "rat runs" through neighbouring residential streets. Whilst primary and secondary school places had been part of the assessment the needs of the University and the two colleges, each of which were successful and expanding had not been included. He believed that a thousand houses represented up to an extra 7,000 traffic movements each day. He believed that there would be knock on effects on the Kingsthorpe Hollow and Regent Square junctions: none of this was "sustainable".

The Head of Planning noted that this application was the same as that submitted in June. Whilst the Committee could not object to the application on the grounds of lack of public consultation a comment could be made to Daventry District Council. In respect of the National Planning Policy Framework this had been put into context in the report: the existing planning guidance and policies remained in place until they were replaced. In terms of planning status the land had been allocated by Daventry District Council for development and it was included in the pre submission draft of the Joint Core Strategy as land available for residential development. The site also formed part of the Council's housing strategy that included the development of brownfield sites. The strategy also had to identify a future land supply. In respect of the flood risk the Environment Agency's advice was clear. In answer to a question, the Head of Planning commented that the North West By-pass was included in the Joint Core Strategy as part of an Infrastructure Plan that would set out what was needed from each site. The pre submission draft currently stated that the By-pass would be needed within three years of Dallington Heath being developed but it was now clear that other sites were likely to come forward first and therefore that statement was likely to be reviewed before submission to the Secretary of State. This would be resolved by the Spring of 2012. The mitigation asked for by the Highways Agency for a contribution towards the costs of the North West By-pass had been agreed to. The independent advice sought by Daventry District Council had confirmed the proposed highway mitigations put forward by the Highways Agency.

The Committee discussed the application.

Councillor Mason proposed and Councillor Markham seconded "That Daventry District Council be informed that the Council objects to the application in principle on the grounds that, notwithstanding the highways advice, it does not believe the highways mitigations to be adequate and that the North West By-pass should be in place before any development takes place. Furthermore, the Council does not believe that the community engagement on the proposal had been adequate."

Upon a vote the motion was carried.

RESOLVED: That Daventry District Council be informed that the Council objects to the application in principle on the grounds that, notwithstanding the highways advice, it does not believe the highways mitigations to be adequate and that the North West By-pass should be in place before any development takes place. Furthermore, the Council does not believe that the community engagement on the proposal had been adequate.

(B) N/2011/0883- OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT CONSISTING OF UP TO 376 DWELLINGS WITH PRIMARY SCHOOL, OPEN SPACE, STRUCTURAL LANDSCAPING, HIGHWAYS AND DRAINAGE INFRASTRUCTURE WORKS (ALL MATTERS RESERVED EXCEPT MEANS OF ACCESS) (IN PART) (AMENDED SCHEME) (DAVENTRY DISTRICT COUNCIL CONSULTATION) AT BUCKTON FIELD

The Head of Planning submitted a report in respect of application no. N/2011/0883 elaborated thereon and noted that this application was an amended form of a similar application submitted in 2008 and that Daventry District Council would determine the application on 20 October 2011. He referred to the Addendum that set out five further objections to the scheme and a copy of a letter sent by the Nene Flood Prevention Alliance to the Environment Agency. He noted that the advice sought by Daventry District Council in respect of the Highways Agency proposals in respect of N/2011/0882 also covered this application and concluded that the highways mitigations were adequate.

Mr Clarke, Chair of Boughton Parish Council, commented that the Parish Council did not believe that this application should be twin tracked with N/2011/0882. It was really a first phase of development. He referred to the masterplan for development of the whole site which had identified the need for 1.5 form entry primary school on the site. This proposal was too small to require such provision in its own right.

Councillor Yates, as Councillor of an adjoining Borough Ward, stated that this application was 98% the same as the application made in June. He commented that some residents adjoining the site had not been notified of the proposals by the applicant. He queried whether there were grounds to object to the application on the basis of lack of consultation with adjoining residents. Councillor Yates noted that the Cock Hotel junction was currently operating at 130% of capacity and the improvements currently under way would only improve the situation to 110% of capacity. A development of this size would only worsen this situation still further. Kingsthorpe already suffered some of the worst air quality in the County.

Mr Stead of FOBA, commented that he did not understand why this application had come forward as a separate entity. He believed that in effect it represented a first phase of development. He concurred that this proposal would not support the provision of a primary school but just moved the pressure to provide it into any subsequent second phase of development. He believed that this was unacceptable.

and found the modal shift projections for transportation to be dubious. He urged the Committee to object to the application.

Mrs Barlett on behalf of WASPRA, commented that this Greenfield site was under threat. She noted that Daventry District Council's policy HS2 expected the development of the North West Bypass. HS2 required provision of the By-pass on the completion of the first 150 units. She commented that although the effect of 376 new properties on the Cock Hotel junction might not be as great as N/2011/0882 it would still generate up to 2,000 extra car movements a day. It would still move the traffic bottleneck further into Northampton. She concurred that this application represented a first phase of development, that there was no primary or secondary school within walking distance of the site and that the application should be resisted.

Councillor Beardsworth, as Councillor of an adjoining Borough Ward, commented that the public had concerns in respect of flooding and highways and reminded the Committee of the consequences of the Easter 1998 floods in Northampton. She had been advised by the Highways Agency that once the current works had been completed at the Cock Hotel junction there was nothing further that could be done to make additional improvements. She believed that this proposal put Daventry's new build on the Borough boundary; they would get the benefits of the Council Tax raised. Councillor Beardsworth stated that the public and businesses in Kingsthorpe had already suffered from the problems of traffic congestion and the improvement works and this development would only make matters worse. She believed that there had been a lack of consultation with the people most affected.

The Head of Planning noted that development of the greater site would lead to the provision of a primary school and that a site for it could be reserved through a Section 106 Agreement. Whilst the Committee could not object to the application on the grounds of lack of public consultation a comment could be made to Daventry District Council. In respect of the National Planning Policy Framework this had been put into context in the report: the existing planning guidance and policies remained in place until they were replaced. In terms of planning status the land had been allocated by Daventry District Council for development and it was included in the pre submission draft of the Joint Core Strategy as land available for residential development. The site also formed part of the Council's housing strategy that included the development of brownfield sites. The strategy also had to identify a future land supply. In respect of the flood risk the Environment Agency's advice was clear. In answer to a question, the Head of Planning commented that the North West By-pass was included in the Joint Core Strategy as part of an Infrastructure Plan that would set out what was needed from each site. The pre submission draft currently stated that the By-pass would be needed within three years of Dallington Heath being developed but it was now clear that other sites were likely to come forward first and therefore that statement was likely to be reviewed before submission to the Secretary of State. This would be resolved by the Spring of 2012. The mitigation asked for by the Highways Agency for a contribution towards the costs of the North West By-pass had been agreed to. The independent advice sought by Daventry District Council had confirmed the proposed highway mitigations put forward by the Highways Agency.

The Committee discussed the application.

Councillor Mason proposed and Councillor Markham seconded “That Daventry District Council be informed that the Council objects to the application in principle on the grounds that, notwithstanding the highways advice, it does not believe the highways mitigations to be adequate and that the North West By-pass should be in place before any development takes place. Furthermore, the Council does not believe that the community engagement on the proposal had been adequate.”

Upon a vote the motion was carried.

RESOLVED: That Daventry District Council be informed that the Council objects to the application in principle on the grounds that, notwithstanding the highways advice, it does not believe the highways mitigations to be adequate and that the North West By-pass should be in place before any development takes place. Furthermore, the Council does not believe that the community engagement on the proposal had been adequate.

NB: Councillor Golby rejoined the meeting.

ITEMS FOR DETERMINATION (continued)

(B) N/2011/0481- DEMOLITION OF EXISTING OUTBUILDINGS AND ERECTION OF 11NO. 1 AND 2 BEDROOM FLATS IN 2 AND 3 STOREY BUILDING AND 9NO 2 STOREY HOUSES TOGETHER WITH NEW ACCESS ROAD, PARKING, AND AMENITY SPACE AT LAND AT REAR OF NBC DEPOT, WHEATFIELD ROAD SOUTH

The Head of Planning submitted a report in respect of application no N/2011/0481 and noted that the word “not” should be deleted from the fourth line of paragraph 7.13.

Councillor Subbarayan, as Ward Councillor, commented that he did not object to the application per se. He stated that the site notice had been difficult to find and had been obscured by vegetation. The issue of concern was the status of the existing car park that was believed to belong to the Community Centre. On Sundays in particular the Community Centre was well used and cars parked all along Wheatfield Road South. He asked that reconsideration be given to that part of the application proposing four dwellings that would be built largely over the current car park. He believed that taking away the car park could jeopardise the future of the Community Centre. In answer to questions Councillor Subbarayan stated that at least 12 cars could use the car park and that the proposal would remove all of the off street parking for the Community Centre.

Mr Skinner, on behalf of Abington Community Association, challenged the statement that part of the existing car park was unused. Up to 230 people might attend an event and even with car sharing would mean over 50 vehicles trying to park nearby. The car park in its current form had existed since 1990 for residents, users of the Community Centre and users of the former Dallington Centre. Mr Skinner queried the

sense of the proposal given that, at the request of another part of the Council, the Community Association were considering taking over the management of it which was a Council policy. He noted that the whole area including the Community Centre site had been purchased by the predecessor Council in 1900 and that part of the land given over to the Dallington Centre had transferred to the County Council upon local government reorganisation in 1974, hence the confusing picture of land ownership. In answer to questions Mr Skinner commented that there was no public off street parking in the vicinity with only some private parking available at the Beech Avenue Medical Centre and that the Community Association had previously asked about acquiring the car parking but had been refused.

The Head of Planning commented that no legal agreements or covenants had been found relating to the Community Centre's use or rights in respect of the car parking. He confirmed that all adjoining landowners had been consulted, a site notice displayed and advertised in the press. He reminded the Committee that the Highway Authority had raised no objections. In answer to a question the Head of Planning confirmed that the Council owned the Community Centre.

The Committee discussed the application.

Councillor Meredith proposed and Councillor N. Choudary seconded "That consideration of the application be deferred so as to allow reconsideration of the car parking associated with the Community Centre by the Council and the Head of Planning"

Upon a tied vote the Chair used her casting vote to defeat the motion.

RESOLVED: That the application be approved in principle subject to the prior completion of a S106 legal agreement and the conditions set out in the report as the principle of a residential development in an existing residential area was acceptable and in accordance with Policy H6 of the Local Plan Policies. The siting, design and appearance of the development would enhance the surrounding residential area and would not be detrimental to visual or residential amenity or highway safety in accordance with Policies H6 and E20 of the Local Plan Policies and the guidelines contained within PPS3 and PPG13.

(C) N/2011/0504- DEMOLITION OF EXISTING SCHOOL BUILDINGS AND ERECTION OF 14 DWELLINGHOUSES AND ASSOCIATED ACCESS ROAD AND CAR PARKING(AS AMENDED BY REVISED PLANS RECEIVED 21/9/2010 AT FORMER ST JAMES C OF E LOWER SCHOOL, GREENWOOD ROAD

Item withdrawn.

(H) N/2011/0683- CHANGE OF USE FROM DENTAL SURGERY (USE CLASS D1) TO BETTING OFFICE (USE CLASS A2) TOGETHER WITH SITING OF AIR CONDENSER UNITS AND SATELLITE DISH TO REAR AT 22-26 ST LEONARDS ROAD

The Head of Planning submitted a report in respect of application no. N/2011/0683 and elaborated thereon.

Mr Hasuji, the occupier, commented that no objections had been received to the application. The area was a defined local centre and there would be no loss of retail provision. Ladbrokees had consulted the Police and had taken on board the suggestions that had been made. Environmental Health were also happy with the application. Mr Hasuji queried the necessity of proposed condition 2 as it had already been agreed to. In answer to questions Mr Hasuji commented that it was difficult to estimate footfall but perhaps between 20 to 40 people per hour at peak times; most customers tended to walk to betting shops; and that five jobs would be created.

The Head of Planning reported that Environmental Health had indicated that they were happy with the application and that Highway Authority had raised no objection to the application.

The Committee discussed the application.

RESOLVED: That the application be approved subject to the conditions set out in the report as the proposed use, by reason of the existing range of shop uses in the vicinity of the site and the nature of the use, would have no adverse impact on the vitality and viability of the centre or on the amenities of existing neighbouring residents. The proposal would thereby comply with Local Plan Policy E20 and the aims and objectives of PPS1, PPS4, PPG 24 and PPG13.

(F) N/2011/0668- 1NO. NON- ILLUMINATED FASCIA SIGN AND 1NO. ILLUMINATED HANGING SIGN AT 22-26 ST LEONARDS ROAD

The Head of Planning submitted a report in respect of application no. N/2011/ 0668 and elaborated thereon.

The Committee discussed the application.

RESOLVED: That advertisement consent be given subject to the conditions set out in the report.

(E) N/2011/0635- INSTALLATION OF TWO STORAGE TANKS FOR CONTAMINATED WATER AND PROCESSED OIL AT DUSTON OILS, 70 PORT ROAD, DUSTON

The Head of Planning submitted a report in respect of application no. N/2011/0635 and elaborated thereon.

Councillor Golby commented that residents had expressed concern that they were unaware of the meeting of the Committee. They were concerned at the cumulative effect of continual approvals to applications over time. Residents queried whether it was appropriate to allow a business such as this to grow in a residential area such as this. There were worries about the fire risk and incidents that had happened in other

parts of the country. There had been additional queries about emergency planning and noxious smells. In answer to questions Councillor Golby commented that that Duston Parish Council had not formally submitted any comments and that use of the site would be tolerated if it remained as it currently was.

(Councillor Golby in accordance with his earlier declaration of interest took no further part in the discussion of the application and did not vote thereon.)

The Head of Planning noted that the site had a complicated history and in answer to questions commented that both the advice of the Environment Agency and the Highway Authority had been sought and that he was not aware of any prosecutions resulting from non-compliance with the Environment Agency licence of the site.

The Committee discussed the application.

RESOLVED: That the application be approved subject to the conditions set out in the report as the proposed development, by reason of its nature, scale and siting, would not result in the undue extension or intensification of the existing lawful use of the site and would have no adverse impact on the visual or residential amenity of the area in accordance with Policies E19, E20 and B19 of the Northampton Local Plan and the aims and objectives of PPS1, PPG13 and PPS23.

(D) N/2011/0591- RETENTION OF PARKING AREA (WITH NEW SURFACING) AND CREATION OF LAY-BY AND PEDESTRIAN WALKWAYS AT UPTON HALL, UPTON LANE

The Head of Planning submitted a report in respect of application no. N/2011/0591 and elaborated thereon.

The Committee discussed the application.

RESOLVED: That the application be approved subject to the conditions set out in the report as the proposals would preserve and enhance the special historic character of the site without harm to other interests of acknowledge importance in accordance with Policies E1, E9, E11, E12 and E18 of the Northampton Local Plan and the advice contained in PPS5 (Planning for the Historic Environment).

(I) N/2011/0795- TO TILE TWO EXISTING TIMBER STUDWORK WALLS AT ASK RESTAURANT, ST GILES SQUARE

The Head of Planning submitted a report in respect of application no. N/2011/0795 elaborated thereon and referred to the Addendum that set out the correct listing of the building.

The Head of Planning in answer to a question commented that the proposal was acceptable because there was no impact on the building itself, the works were allowable in the context of the grade of the listing of the building and that the works would be reversible.

The Committee discussed the application.

- RESOLVED:**
1. That the Secretary of State be notified that the Council have resolved to grant Listed Building Consent for the proposed works.
 2. That; subject to no objection being received from the Secretary of State, Listed Building Consent be granted subject to the conditions set out in the report.

(G) N/2011/0674- CHANGE OF USE FROM COMMUNITY CENTRE (USE CLASS D1) INTO 1NO. DWELLING (USE CLASS C3) INCLUDING ERECTION OF FIRST FLOOR EXTENSION AND NEW VEHICULAR ACCESS ROAD. (AS AMENDED BT REVISED PLANS RECEIVED 13/9/2011) AT ISLAMIC PAKISTANI COMMUNITY CENTRE, 98A COLWYN ROAD

Item withdrawn.

11. ENFORCEMENT MATTERS

None.

The meeting concluded at 22.00 hours

Directorate: Planning and Regeneration
Head of Planning: **Susan Bridge**



List of Appeals and Determinations – 15th November 2011			
Written Reps Procedure			
Application	Del/PC	Description	Decision
N/2009/0566 APP/V2825/A/10/2123568	DEL	Change of Use to 4no. bedsits at 1 Humber Close – Retrospective.	DISMISSED
APP/V2825/C/10/2125236	COM	Appeal against Enforcement Notice for change of use to 4no. bedsits at 1 Humber Close	DISMISSED
N/2010/0320 APP/V2825/E/11/2160382	COM	Erection of two storey visitor centre at the base of tower (as amended by revised plans received on 13 October 2010 and 06th December 2010) at the Lift Testing Tower Abbey works, Weedon Road	AWAITED
N/2010/0906 APP/V25825/A/11/2160380	COM	Erection of two storey visitors centre at base of tower. (As amended by revised plans received 06th December 2010) at the National Lift Tower, Tower Square	AWAITED
N/2010/1078 APP/V2825/A/11/2156204	DEL	Erection of 1no. one bed dwelling with integral parking at Land to the rear of 2 Trinity Avenue	ALLOWED
N/2011/0195 APP/V2825/D/11/2159578	COM	Two storey and single storey front extensions and single storey rear extension at 50 Abington Park Crescent	ALLOWED
N/2011/0270 APP/V2825/A/11/2158240	DEL	Change of use of ground floor from light industrial/warehouse (Use Class B1/B8) to Dance studio (Use Class D1) at 13 Ryehill Court	AWAITED
N/2011/0277 APP/V2825/A/11/2160368	DEL	Application to vary condition no.4 of planning permission N/2010/0887 to extend opening hours to 00:00 Sunday to Thursday and 02:00 Fridays & Saturday at 200 Wellingborough Road	AWAITED
N/2011/0493 APP/V2825/D/11/2158529	DEL	Erection of railings to parapet wall and existing extension at The Sheiling, 261 Billing Road	DISMISSED
N/2011/0588 APP/V2825/A/11/2160261	COM	Change of use of part of doctors surgery (class D1) to pharmacy (Class A1) at Abington Health Complex, 51A Beech Avenue	AWAITED
N/2011/0628 APP/V2825/H/11/2161774	DEL	Internally illuminated free standing double-sided totem sign at Co-operative, 31-33 Semilong Road	AWAITED
N/2011/0630 APP/V2825/H/11/2161777	DEL	Two internally illuminated wall mounted poster signs at Co-operative, 76-78 Leonards Road	AWAITED
N/2011/0631 APP/V2825/H/11/2161778	DEL	Internally illuminated freestanding double sided totem sign at Co-operative, 14 Bushland Road	AWAITED
N/2011/0701 APP/V2825/A/11/2163499/NWF	DEL	Demolition of existing garages and erection of new two storey dwelling (resubmission) at garages adjacent to 9 South Street	AWAITED

The Address for Planning Appeals is Mr K Pitchers, The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN.	Appeal decisions can be viewed at - www.planning-inspectorate.gov.uk
Local Government (Access to Information) Act 1985 Background Papers The Appeal Papers for the appeals listed	Author and Contact Officer Mr Gareth Jones, Development Control Manager Telephone 01604 838014 Planning and Regeneration The Guildhall, St Giles Square, Northampton, NN1 1DE



Addendum to Agenda Items Tuesday 15th November 2011

Items for Determination

ITEM 10a N/2011/0323

Enhancement of Mereway Centre including an extension to the existing food store, erection of a new non-food retail unit (as replacement for the loss of an existing unit), new bus waiting facility, provision of new pedestrian footpaths, landscape works, lighting works and revisions to the car park layout at Tesco Superstore Hunsbury Centre, Clannell Road

Additional Representations

Wootton and East Hunsbury Parish Council -

- Had requested longer to consider the revised proposal and express concern re the extent of consultation.
- Having reviewed the revised application the Parish Council resolved to maintain their position that "The Parish Council reject the application entirely as overdevelopment of the site". The parish council do not accept that a 38% increase in size of the store will only lead to a 10% increase in footfall. The parish council believe that the application will have a significant detrimental impact on the local amenity.
- Paragraphs 121 and 122 of the draft national planning policy framework are relevant:
 - 121. *In determining applications, significant weight should be given to truly outstanding or innovative designs which help raise the standard of design more generally in the area. Permission should be refused for development of obviously poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.*
 - 122. *Developers will be expected to work closely with those directly affected by their proposals to evolve design proposals that take account of the views of the community. Proposals that can demonstrate good engagement with the community in developing the design of the new development should be looked on more favourably.*
- Continue to support the concerns of residents that the entrance from Sandhurst Close is not needed, all commercial traffic should access the site from Mereway Roundabout.
- Still believe that the Clannell Road entrance (if needed) should be located opposite the footpath at the rear of Barn Owl Close and that a roundabout (not traffic lights) should be installed.

- **If** this current application is be passed then the following planning conditions should be put in place.
 1. We still require a yellow box junction on the west bound carriageway of Clannell Road at the junction with Falconers Rise.
 2. We continue to require the yellow lines on Sandhurst Close, but also require that a residents parking scheme throughout the rest of the road be implemented if required by residents and those small closes off it so that the problems are just not moved further round the estate. This should be funded by the developer for at least five years.
 3. Tesco to pay a sum of money to the Parish Council to monitor and maintain the cleanliness of the footpath from the Mereway underpass near Abbeyfield School to Sandhurst Close that runs behind Olympia Close, Kentford Close, Sandhurst Close and Danes Camp Leisure Centre must also be required. A sum of money for the provision of litter bins should also be paid to the Parish Council.
 4. All Dot Com / Home Delivery vehicles shall enter and exit the site from the Mereway roundabout.
 5. The Sandhurst Close access shall be used only for vehicles servicing the four ancillary non-food retail units and restaurant unit in the south east corner of the site and for no other purpose without the approval of the Council and Parish Council.
 6. The location of the re-cycling facilities shall be fixed in accordance with the plan and the facilities shall not be moved anywhere else within the site without the prior approval of the Council and Parish Council.
 7. The siting of all external plant throughout the site, such as air-conditioning and refrigeration units, must be approved in advance by the Council and Parish Council.
 8. The applicant must submit a scheme for the ongoing maintenance of the landscaping of the site for the approval of the Council and Parish Council before the commencement of any development.
 9. A weight restriction should be placed on Clannell Road eastwards of the entrance from Sandhurst to avoid commercial traffic moving through a residential area.

Highway Authority:

- The new proposals are acceptable in highways terms to the Local Highway Authority
- I've discussed the possibility of still providing a yellow box at the exit from Falconers Rise, which is fine.
- Recommend that should parking restrictions be applied to the bottom section of Sandhurst Close, a Section 106 obligation could be imposed to monitor the parking situation for residents and require Tesco to implement a residents permit scheme if required.
- Moving the junction further west may be unacceptable, but it would need to be demonstrated that the required forward visibility, gradients and sufficient capacity at the junction, could be achieved. If a different junction form was provided to the proposed signal junction, this may cause more rat running through the site, and on to Clannell Road, and a separate signal controlled pedestrian crossing would be required. In addition, Clannell Road would need to be re-aligned to provide sufficient deflection on the approaches to the roundabout.


Cllrs Larratt and Eldred: Object, offer comment and proposed conditions:

- Welcome that the applicants have gone some way to alleviate Committee's

previous concerns, however we do not consider that all of the concerns of local residents and the Parish Council have been fully addressed.

- Support the views of the Parish Council
- Relocation of the Clannell Road junction is welcome however traffic lights still pose problems for some residents of Falconers Rise; matters are made worse for no28 due to its proximity to the proposed junction stop line. Noise of vehicles stopping and starting will affect 28 and 30.
- Therefore we would prefer the junction to move west adjacent to the park away from residential properties. However if the junction were to stay in the location proposed it may be more acceptable with no traffic lights but a roundabout instead as it would bring less noise and pollution and there would be no traffic lights to maintain
- NCC Highway officers have indicated to us that they have no problem with locating the access junction further west and we request that this option and the roundabout option are modelled and presented to the Highway Authority for consideration and the one most favourable to residents be implemented.
- To assist exit from Falconers Rise a yellow box junction is requested
- Many residents do not want the height or density of the landscaping reduced especially along Clannell Road except at the access junction. The existing access should be landscaped to match what exists in the vicinity. Also requests a condition to secure the on-going maintenance of the landscaping
- There remain major concerns re potential for litter in the area surrounding the site particularly on the footpath from Sandhurst Close to Mereway to the rear of Olympia Close, of which there is evidence that the litter emanates from Tesco's customers. Therefore a condition / S106 agreement is requested to secure payment by the applicant to the Parish Council for twice weekly cleaning (NB want the cleaning to be carried out by the Parish Council as they don't trust the applicant to do it).
- We are pleased to see the relocation of the Dot.Com business from the Sandhurst Close access we would prefer no access to the Tesco site from this road. However if this access was considered acceptable we would wish to see conditions and highway measures to protect nearby neighbour / the wider area including. Parking controls in Sandhurst Close as previously proposed, however concerns remain that this will impact adversely on the parking situation further into Sandhurst Close. Having raised this with the Highway Authority we recommend a S106 to monitor the parking situation for residents and require Tesco to implement a residents permit scheme if required
- Concern re potential use of the service area accessed off Sandhurst Close for a variety of purposes other than just servicing (e.g. additional storage by Tesco at Christmas). Therefore a condition is requested to prevent this.
- Concern that HGV servicing the small retail units and restaurant off Sandhurst Close will be attracted to do so via East Hunsbury from the south / M1 Jt15. Therefore a condition / S106 agreement is requested for a highway weight restriction (eg on the eastern half of Clannell Road to Penvale Road and on Hilldrop Road from Clannell Road to Rowtree Road)
- In the past there have been issues on the site re the location of waste facilities / external plant therefore conditions are requested that the location of the recycling facilities is fixed and all external plant must be approved by the Council and Parish Council

Police Crime Prevention Design Officer:

The wall to the perimeter to the service yard shall be of a sufficient height and construction to deter climbing by young people; and planting should be prickly and densely planted against this wall with  in order to deter climbing. Planting in

the main car park should not be capable of growing higher than 1m to maintain lines of sight.

The applicant has responded: "I ... confirm that the walls to both the Tesco service yard and the service yards serving the retail units and Chillies will be of sufficient height and construction to deter climbing by young people. The planting to the east of the retail units service yard will be prickly, akin to that around the footpath leading to the Abbey Centre (as requested by Sharon), and that the landscaping introduced in the car park will be maintained at a height no higher than 1m.

9 Kentford Close – Objects:

- Welcomes the move of the "dot.com" operation to use the Mereway entrance,
- However there are still concerns re the proposed entrance into Sandhurst Close as this is a resident estate.
- The public footpath is used daily by school children and local residences. Everyday with the volume of traffic with people using Danes Camp there is congestion and near miss accidents happening daily.
- Tesco's would still have the option to re-develop the Sandhurst Close proposed entrance to use "dot.com" at a point in the future. A solution to the situation could be to have the entrance from the Tesco's car park to serve the non food retail units.
- Queries if the proposed store redevelopment will be having a second floor thus meaning that the Tesco store will then be visible to residents and an eyesore to the local residents of Sandhurst Close.

3 Falconers Rise - Objects:

- Removal of hedges and trees means loss of privacy, noise and fumes and views to the store;
- The area should stay residential;
- Long waiting time existing to exit Falconers Rise
- Parking restrictions in Sandhurst Close would cause overspill parking in Falconers Rise;
- The proposed relocated Clannell Road junction should be located even further west.

28 Falconers Rise – Objects:

- The proposed relocated Clannell Road junction just moves the problem and provides no benefits;
- The junction would be closest to no28, with the new junction / traffic lights within 2.5m of a bedroom raising concerns re air quality, harm to health and proximity to queuing traffic; and
- Concern re rat running through the revised site car park between Clannell Road and Mereway; and
- Requests one of the following:
 - 1) Refuse access to Clannell Road / close existing access,
 - 2) Move the access further west at least 50m, and
 - 3) Refuse proposed Clannell Road entrance and retain existing without traffic light

39 Olympia Close – Object:

- objected to the original planning proposal on the grounds of increased vehicular traffic, increased noise, increased inconvenience for local residents and safety issues arising from these factors
- The revised plans are an improvement but unfortunately these revisions still

do not address our original concerns.

- When the Mereway store was originally constructed the entrance and exit on Clannell road were intended primarily for the use of Hunsbury residents, with the A45 entrance and exit was intended as the main entrance and exit and was thus intended to ensure that traffic visiting Tesco's was directed away from the residential area.
- Any change to the Clannell Road entrance will result in increased traffic, noise, inconvenience and most importantly increased safety risks to the residents of East and West Hunsbury, due to the increased traffic flow through the residential area.

Legal and General: maintains its objection to this planning application as set out in previous submissions.

**ITEM 10b
N/2011/0504**

Demolition of existing school buildings and erection of 14 dwellinghouses and associated access road and car parking. (As amended by revised plans received 21/09/2011) at former St James C of E Lower School, Greenwood Road

Highway Authority

Express concerned at how the Highway Authority's position is addressed and reflected in the report and that the scheme does not address the amendments requested. Therefore, we are of the opinion that the most expedient way of addressing our concerns in the absence of an agreed layout is for a planning condition to be applied to any consent requiring full details of the access and internal highway layout to be submitted to and approved by the council prior to commencement of construction work on site.

**ITEM 10c
N/2011/0928**

Change of use of part of ground floor from retail (use class A1) to restaurant (use class A3) including alterations to shop front and conversion of upper floor into five residential flats (1x 2 bed and 4 x 1 bed). Re-submission of application N/2011/0791 at Church China, 44-54 St Giles Street

None

Applications For Consultation

**ITEM 12a
N/2011/0865**

Outline application for a warehouse and distribution development with associated infrastructure and landscaping. All matters reserved except access. (WNDC Consultation) at The Cattlemarket, Liliput Road

Email submitted on behalf of the applicant:

- Request that it be clarified that:
 - There were three letters received by NBC (Para 6.1):
 1. The letter from an individual summarised in para 6.1;

2. The letter from Henry H Bletsoe & Sons dated 20 October;
 3. The letter from Savills (in response to the Bletsoe letter) dated 21 October.
- Para 7.4 A - The proposed development would comprise up to 420,000sqft of new buildings within Use Class B8 and ancillary B1 office (B2 is not being sought by the outline application);
 - Para 7.4 B – The built scale of the eastern elevation is not 'some 20m high' but 18.5m to ridge.
 - The report as drafted under-plays the economic development benefits offered by the development which include around 560 FTE jobs directly created, with a further 168 'multiplier effect' jobs at the local level (280 'multiplier effect' jobs at the regional level).

Brackmills Industrial Estate Business Improvement District (BID) – strongly supports the proposal:

- The BID company for Brackmills Industrial Estate represents 150 businesses in implementing the business plan which businesses voted in favour of some 2 years ago.
- The site is within the BID area, we are very keen to see it developed rather than lying unused and have no desire to see it used as a Cattle Market
- The main vision of the of the DIB plan is to establish Brackmills as the premier business and logistics park in the country and the proposal fits very well with this vision and the objectives therein (including encouraging / developing the estate through providing marketing opportunities and attracting inward investment)
- The proposal has the potential to provide a strong commercial fit with the other business in Brackmills and provide increased work opportunities and help raise the image / prestige of the estate



PLANNING COMMITTEE: 15th November 2011
DIRECTORATE: Planning and Regeneration
HEAD OF PLANNING: Susan Bridge

N/2011/0323: Extension to the existing food store, erection of a new non-food retail unit (as replacement for the loss of an existing unit), new bus waiting facility, provision of new pedestrian footpaths, landscape works, lighting works and revisions to the car park layout at Tesco, Mereway.

WARD: East Hunsbury

APPLICANT: Tesco Stores Ltd
AGENT: Martin Robeson Planning Practice

REFERRED BY: Head of Planning

REASON: Major Development of more than a local significance. This item was resolved to be refused permission at the Committee's meeting on the 18th of October but, before the issue of a decision, the applicants submitted amendments, which may cause the previous reason for refusal to be reconsidered.

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1 INTRODUCTION

- 1.1 This application was deferred at the Committee's previous meeting on the 13th of September to enable further discussion between planning officers,

the Wootton and East Hunsbury Parish Council and the applicants regarding two specific issues. These were:

- The location of the proposed reconfigured and traffic light controlled road entrance to the store access from Clannell Road. And,
- The proposed new access from Sandhurst Close to the service area.

1.2 These two matters were the subject of an extensive discussion on 23rd September that was attended by Borough and County Council officers, the applicant's highway design consultants, the Chairman and Clerk to the Parish Council and Ward Members. After minor amendments which followed from that discussion, at a subsequent meeting of this Committee on 18th October the application was resolved to be refused for the following reason (as subsequently drafted by officers):

"The anticipated increase in commercial vehicle movements via Sandhurst Close and Clannell Road associated with the servicing of the proposed reconfigured Tesco.com home delivery operation and the adjacent smaller shops and the freestanding restaurant, would create a significantly objectionable degree of harm to the amenities of nearby homes in the immediate neighbourhood and the convenient means of pedestrian and vehicular access to and from those homes that are accessed via the local road and footpath network. This adverse impact is not adequately or significantly mitigated by the traffic and parking management measures proposed within Sandhurst Close or at the proposed revised junction of Clannell Road and Falconers Rise. The proposed development would therefore fail to comply with saved Policy E19 of the Northampton Local Plan and the aims and objectives of PPG13 Transport."

1.3 On Monday 24th October prior to the issue of the decision notice amended drawings were received which show a number of significant amendments addressing the Committee's concerns as outlined in the drafted reason for refusal. The applicants asked that these amendments be considered prior to the issue of the Council's decision. Relevant case law supports the view that it is possible to follow this approach, notwithstanding the decision-makers resolution to make a decision, as the decision is not formally made until the decision notice is issued. This report therefore addresses the implications of those amendments.

2 RECOMMENDATION

2.1 **GRANT PLANNING PERMISSION** for the reason set out in the report to this Committee on 18th October (appended) and subject to the conditions and Section 106 provisions as set out therein.

3. THE PROPOSAL AS NOW REVISED.

3.1 Notwithstanding the various material considerations which were the subject of the previous reports to this Committee on 13th September and 18th October, the two matters which concerned this Committee and led to a resolution to refuse permission were:

- a) The traffic and pedestrian safety implications of Tesco.com home delivery vehicles making use of a proposed new vehicular access to Sandhurst Close to Chillies restaurant, the Dot.com loading area and four freestanding retail units; and
- b) The location and nature of an enlarged and traffic light controlled entrance to the Tesco store from Clannell Road. The proposals included removal of the mini-roundabout within the site, a wider two-way access road and reconfigured junction arrangement to provide an enlarged and light controlled junction (the traffic lights would provide a pedestrian phase to better enable safe access from residential areas to the south of Clannell Road).

3.2 Both of these matters are now substantially revised by the amended drawings received on 24th October. The key points are:

- a) Tesco's dot.com servicing has been returned to the north of the store, alongside the store's servicing, thereby reverting access arrangements to the existing scenario via the on-site roundabout immediately south of the Mereway roundabout (i.e. not Sandhurst Close)
- b) Tesco.com provision has reduced from 9 to 6 Tesco.com vehicles. It is apparently intended that some of the home distribution operation previously proposed at Mereway will now be transferred to the Tesco store at Weston Favell.
- c) The servicing of the Chillies restaurant and the four adjoining retail units remains off Sandhurst Close.
- d) The landscaping in the vicinity of No. 2 and 4 Sandhurst Close has been increased following the relocation of the previously proposed Tesco.com service yard to the north of the store.
- e) The proposed pedestrian crossing on Sandhurst Close remains.
- f) The proposed TRO to install yellow line parking controls over the southern section of Sandhurst Road remains on offer. However, see paragraph 3.3 below.
- g) The pedestrian crossing over Clannell Road from Falconer's Rise has been moved to the east of the junction to connect with the footpath to the north and incorporates an island pedestrian refuge rather than a signalised crossing with a pedestrian crossing phase as previously proposed.

- h) The signalised junction on Clannell Road has been moved westwards away from Falconer's Rise homes and gardens. It has not been possible to move the junction any further westwards given the kink in Clannell Road adjacent to the Library, the implications to the layout of Tesco's car park and landscaping and implications for pedestrian safety when crossing Clannell Road from the south. Tesco have been in further discussion with Northampton CC as Highway Authority regarding these revisions and NCC have insisted that the new junction is signalised to ensure the scheme is future proof.
- i) Raised tables will be provided along the north/south internal road within Tesco's car park to help to address rat running and improve pedestrian priority within the car park.
- j) Attendant changes to the internal layout of the car park have increased the number of public car bays from 894 spaces to 907 spaces, (including an unchanged 36 Disabled spaces and 32 Parent and child spaces).

3.3 In relation to point (f) above, members of the Committee may recall that certain members of the public felt that new yellow lines within Sandhurst Close might effectively lead motorists to park further into Sandhurst Road or on other local roads. In relation to the previously proposed TRO which would control on-street parking on the lower section of Sandhurst Close, the applicants have commented as follows:

"Finally we note the concerns raised about double yellow lines on Sandhurst Close. The zig zags incorporated with the pedestrian crossing on Sandhurst Close will cover the majority of Sandhurst Close south of the service yard entrance. Tesco are happy to also offer monies towards traffic calming/a TRO on Sandhurst Close in advance of using this service access but would request that the implementation of the TRO does not hold back the implementation of the scheme in case it is not required or approved by NCC".

The inclusion of a developer funded TRO is therefore available as an option if this Council wish to pursue that matter, but it is optional, given the absence of Tesco.com vehicles making use of Sandhurst Close.

3.4 As now amended, the application comprises a range of Plans and technical documents, including:

- PL01 – Location Plan
- PL02 – Existing Site Plan
- PL04 – Existing Elevations
- PL06 – Existing Store Plan
- PL08 – Existing Roof Plan
- PL12 – Elevation

- 6846_PL202 Proposed Elevations (October 2011)
- PL22 – Proposed Store Plan
- PL23 – Proposed Roof Plan
- 6846_PL203 Existing and Proposed Sections (October 2011)
- F/EXT/1112/SK41C Proposed Site Plan (Oct 2011)
- 6846_PL201 Proposed Site Plan (October 2011)
- ASP1 Existing Situation (October 2011)
- ASP2 Landscape Master plan Rev M (October 2011)
- ASP3 Vegetation Removed Rev C (October 2011)
- ASP4a Planting Plan 1 of 2 Rev D (October 2011)
- ASP4b Planting Plan 2 of 2 Rev D (October 2011)
- ASP5 Landscaped Linkage Strategy Rev C (October 2011).
- ASP6 Residential Boundary Planting Detail Rev D (October 2011)
- 8126 Tesco Stores Ltd – Root Protection Areas (RPAs) (October 2011)
- Air Quality assessment
- Contamination report
- Daylight & Sunlight Assessment
- Design & Access Statement
- Ecology Assessment
- Environmental review & update letter (21st Dec 2010)
- Flood risk assessment and update letter (21st Dec 2010)
- Landscape statement & update letter (21st Dec 2010)
- Lighting scheme
- Noise analysis
- Transport Assessment and travel plan
- Suggested conditions and terms of 106 agreement
- Planning & Retail Statement & updates (updated January 2011 and subsequent letters dated 17th June 2011 and 30th June 2011).
- Statement of Community Consultation and, addendum to that SCC dated September 2011.

4 SITE DESCRIPTION

- 4.1 Please see the report to this Committee on 18th October, appended to this report.

5 PLANNING HISTORY

- 5.1 Please see the report to this Committee on 18th October, appended to this report.

6 PLANNING POLICY

6.1 Development Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The current Development Plan comprises the East Midlands Regional Plan, the saved policies of the Northamptonshire County Structure Plan and the saved policies of the Northampton Local Plan 1997.

6.2 National Policies:

PPS1 – Delivering Sustainable Development
PPS4 – Planning For Sustainable Economic Growth
PPS9 – Biodiversity and Geological Conservation
PPG13 – Planning and Transport
PPS23 – Planning and Pollution Control
PPG24 – Planning and Noise
PPS25 – Development and Flood Risk

PPS4 is particularly relevant as it contains policies EC10, EC14, EC15, EC16 and EC17 regarding the determination of significant retail development proposals.

6.3 East Midlands Regional Plan

Policies 1 and 3 – Seek to direct new development to sustainable locations and reduce reliance on the private car
Policy 2 – Promoting Better Design
Policy 22 - Regional Priorities for Town Centres & Retail Development
Policy MKSM SRS Northamptonshire 2 – Northampton Implementation Area
Policy MKSM SRS Northamptonshire 3 - Northampton Central Area

6.4 Northampton Borough Local Plan (NLP)

E14 – Corridors of Travel
E19 – Implementing Development
E20 – New Development
E40 – Planning and crime and anti-social behaviour
T12 – Development requiring servicing

6.5 Supplementary Planning Guidance

Northamptonshire County Parking Standards SPG 2003

6.6 Emerging Planning Policies

The government's "Draft National Planning Policy Framework" (NPPF) is referred to and has informed some parts of this report. When finally published after current consultations, the NPPF will replace the still material Planning Policy Statements and East Midlands Regional Plan that have guided the administration of this planning application to date. The Planning Inspectorate has indicated that the NPPF is capable of being considered as a material planning consideration, although the weight to be given to it will be a matter for the decision maker in each particular case.

6.7 It is considered that for the purposes of considering this particular application, the NPPF largely reflects the general thrust of existing national policy as set out in PPS4: Planning for Sustainable Economic Growth. The application will therefore be considered primarily against the provisions of PPS4. However the definition of Sustainable Development as set out in Para 14 of the NPPF and the Written Ministerial Statement 'Planning for Growth' dated 23rd March 2011 may be a particular material consideration and this will be referred to in more detail below.

6.8 In addition, the following emerging policy documents have also informed certain parts of this report:

- The published Pre-submission Northampton Central Area Action Plan (CAAP).
- The published Pre-submission West Northamptonshire Joint Core Strategy (PSWNJCS).

7. CONSULTATIONS / REPRESENTATIONS

7.1 The Wootton and East Hunsbury Parish Council were provided with copies of the applicant's amended key layout drawing on the morning of Tuesday 25th October (in time for their regular meeting on 25th October). A total of 69 local residents were also notified of the proposed amendments by a specific letter sent by first class mail on the 25th October – asking for any further views in time to be reported in an addendum to this report. That total of 69 third parties included all local residents originally notified of this proposal by WNDC and later notified by the Borough Council, plus others who also responded prior to this Committee's meeting on 18th of October.

- 7.2 **Wootton and East Hunsbury Parish Council** - additional comments regarding the current amendments are summarised as:

TO FOLLOW IN ADDENDUM.

8. POLICY CONSIDERATIONS

- 8.1 Please see the report to this Committee on 18th October, appended to this report.

9. CONCLUSION

- 9.1 In the course of making their decision to refuse planning permission on the 18th of October as minuted. The Committee's sole area of concern was with the two matters set out in paragraph 3.1 above.
- 9.2 In the view of officers, the amendments submitted on 24th October address those concerns.
- 9.3 In the slightly unusual circumstances of this case, officers therefore recommend that the previous resolution to refuse planning permission be rescinded and, that planning permission be then resolved to be granted subject to the planning obligation and conditions set out in the previous report to this Committee on 18th October.

10. CONDITIONS

- 10.1 Please see the report to this Committee on 18th October, appended to this report.

11. BACKGROUND PAPERS

- Item 10a of the Planning Committee Agenda of 18 October 2011
- Item 10a of the Planning Committee Agenda 13 September 2011
- Amended planning application drawings as set out in paragraph 3.4 of this report.
- On the legalities of reconsidering a previous resolution to refuse planning permission under the present circumstances see the principles established in *R V West Oxfordshire DC ex parte Pearce (CH) Homes [1986] JPL523* and; *R Kides v South Cambridgeshire DC [2002] EWCA Civ 1370*.

- Planning Application N/2010/0653 (as submitted to WNDC) and, N/2011/0323 (i.e. this current application to Northampton BC).
- “Northampton Foodstores Cumulative Impact Study Report” – AECOM; 14th April 2011.
- “West Northamptonshire Retail Study” – WNJPU; 2009.
- “Northampton Borough Council, Town Centre Health Check” – Roger Tym and Partners; Oct 2009
- “Planning Policy Statement 4: Planning for Sustainable Economic Growth” – CLG; 2009
- “ONS Statistical Bulletin; Retail Sales – June 2011” Office of National Statistics (republished monthly), available on-line from: www.statistics.gov.uk/statbase/product.asp?vlnk=870
- “Draft National Planning Policy Framework” CLG 25th July 2011; available on-line from: www.communities.gov.uk/publications/planningandbuilding/draftframework
- “Planning for Growth” Ministerial Statement – CLG; 23rd March 2011; available on-line from: www.communities.gov.uk/statements/newsroom/planningforgrowth

13. LEGAL IMPLICATIONS

- 13.1 None, other than the recommended Section 106 planning obligation and the required Section 278 agreement (see recommended condition 2) - to be undertaken by Northampton County Council.

14. SUMMARY AND LINKS TO CORPORATE PLAN

- 14.1 In reaching the attached recommendations regard has been given to securing the objectives, visions and priorities outlined in the Corporate Plan together with those of associated Frameworks and Strategies.

Position:	Name/Signature:	Date:
Author:	T Boswell	31/10/2011
Planning Manager Agreed:	G Jones	03/10/2011



Name: LZ
 Date: 11th August 2011
 Scale: 1:2500
 Dept: Planning
 Project: Site Location Plan

Title
Tesco Store, Clannell Road

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APPENDIX



PLANNING COMMITTEE: 18th October 2011
DIRECTORATE: Planning and Regeneration
HEAD OF PLANNING: Susan Bridge

N/2011/0323: Extension to the existing food store, erection of a new non-food retail unit (as replacement for the loss of an existing unit), new bus waiting facility, provision of new pedestrian footpaths, landscape works, lighting works and revisions to the car park layout at Tesco, Mereway.

WARD: East Hunsbury

APPLICANT: Tesco Stores Ltd
AGENT: Martin Robeson Planning Practice

REFERRED BY: Head of Planning

REASON: Major Development of more than a local significance. This item deferred from the previous meeting on 13th September to permit further discussion between planning officers, Wootton and East Hunsbury Parish Council and the applicants regarding two specified local traffic related issues.

DEPARTURE: No

APPLICATION FOR DETERMINATION BY:

1 INTRODUCTION

1.2 This application was deferred at the Committee's previous meeting on the 13th of September to enable further discussion between planning officers,

the Wootton and East Hunsbury Parish Council and the applicants regarding two specific issues. These were:

- The location of the proposed reconfigured and traffic light controlled road entrance to the store access from Clannell Road. And,
- The proposed new road entrance from Sandhurst Close.

1.4 These two matters were the subject of an extensive discussion on the 23rd of September that was attended by Borough and County Council officers, the applicant's highway design consultants, the Chairman and Clerk to the Parish Council and, Borough and County Councillor Larratt. Following that discussion the applicants have written to the Parish Council and it is understood that the text of that letter will be the subject of a special meeting of the Parish Council's Planning Committee – to which concerned residents of Falconers Rise and Sandhurst Close will be invited. The Parish Council's views following that public meeting of their Planning Committee will be reported in an addendum to this report.

1.5 A copy of the letter from the applicant's representative to the Parish Council was evidently sent to members of this Planning Committee on the 29th of September.

2 RECOMMENDATION

2.1 **GRANT PLANNING PERMISSION** for the reason set out below, subject to the conditions recommended below and, with an informative note regarding the applicant's duties under the Wildlife and Countryside Act; subject to prior completion of planning obligations on terms acceptable to the Council's Head of Planning and the Borough Solicitor within three calendar months of the resolution to so grant conditional planning permission. In brief, the relevant planning obligations should address:

- a) Notwithstanding the proposed internal floor uses indicated on submitted drawings; the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) and the Town and Country Planning (Use Classes) Order 1987 (as amended) or, any future enactments to similar effect, the net retail sales area within the proposed major store as proposed to be enlarged shall at no time exceed 7,894 sq metres. In addition, the net retail sales area used for the display and sale of all goods other than "convenience goods" shall at no time exceed 3,470 sq metres.
- b) Prior to the new element of the enlarged building being brought into use, an agreed payment for the enhancement of cycle routes which link the Tesco Mereway store to other destinations within 1.7 kilometres of the application site. And,

- c) Prior to the bringing into use of the new road access from Sandhurst Close being brought into use, an agreed payment to Northampton County Council to be used to enact and implement measures to prevent future on-street parking congestion on Sandhurst Close and, the installation of a suitably located pedestrian crossing. And,
- d) Prior to the new element of the enlarged building being brought into use, the Applicant shall make a payment to Northampton CC for the better provision of public bus services to and from the Development. Such services to be as considered appropriate by NCC. And,
- e) Prior to the new element of the enlarged building being brought into use, an agreed and scaled payment will be made towards local fire and rescue service infrastructure costs to reflect the net additional floor space proposed. And,
- f) With effect from the date of the relevant planning permission, Tesco shall use reasonable endeavours to establish and facilitate a landowners' and operators (including bus operators) forum ("The Mereway Forum"). That Forum will drive forward initiatives to better use existing and improved facilities. Membership of the Forum should be limited to owners and operators within Mereway as defined above. The public and other relevant parties may, as appropriate, be invited to its meetings. The Forum will liaise with and consult with statutory and other stakeholders (for example the Borough Council, the County Council, the West Northamptonshire Development Corporation and Parish Councils on matters that involve their roles and functions as those relate to Mereway Forum). The Forum would expect to be consulted by those bodies on initiatives being brought forward that directly or indirectly affect the operation of the Mereway Forum and its constituent operators. Tesco will fund and facilitate meetings for a period of no less than five years; providing meeting accommodation and a secretariat, using all reasonable endeavours to ensure that the future Mereway Forum meet not less than three times a year. And,
- g) Prior to occupation of the enlarged development as hereby permitted, Tesco shall prepare and submit to Northampton Borough Council, the Wootton and East Hunsbury Parish Council and the future Mereway Forum, a written Method Statement describing management measures, waste bins and other measures which shall be implemented to routinely and frequently cleanse and remove litter and detritus from the exterior of the application site and its wider environs (including the car park, peripheral landscaped areas and nearby pedestrian routes). And,

- h) From the commencement of new development Tesco shall fund, manage and proactively implement measures described in the “Green Travel Plan” submitted with the planning application. And,
- i) Tesco will facilitate the use and availability of their car park for visitors to other uses within the Mereway Centre for a period of up to three hours without charge and, prominent signage shall be erected throughout that car park and fronting Sandhurst Close to make this off-street parking facility apparent to the public, including those attending the Dane’s Camp Leisure Centre and the Simon de Senlis Primary School. And
- j) Prior to the new element of the enlarged building being brought into use, an agreed payment for improved pedestrian crossing facilities north of the Mereway underpass – subject to design criteria in compliance with DfT Local Note 1.95.

For the reason that:

The site is within an existing centre identified in Northampton Local Plan and therefore a sequential assessment under PPS4 is not required. The proposal would have a negative impact on Northampton town centre; however this would not be significant and would be outweighed by the benefit of introducing control over the level of comparison floorspace in the enlarged store. Given the location, scale and nature of the development, combined with mitigation secured via legal agreement and conditions, the proposed development would not adversely affect highway safety, the free flow of traffic or residential amenity, would promote the use of alternative modes of transport and improve energy efficiency / carbon emissions of the store. The proposal therefore accords with Policies 1, 2, 3, MKSM SRS Northamptonshire 2 and MKSM SRS Northamptonshire 3 of the East Midlands Regional Plan and Policies E20, E19, E40 and T12 of the Northampton Local Plan and the aims and objectives of national planning policy, notably PPS1, PPS4, PPG13 and PPS24.

- 2.2 **OR**, if planning permission is not granted in the above terms within three calendar months, REFUSE PLANNING PERMISSION on the grounds that the applicant has not secured adequate mitigation through the Sec 106 for appropriate reasons, the framing of which is hereby delegated to the Council’s Head of Planning.

3. THE PROPOSAL

- 3.1 This application to extend the existing Tesco superstore at Mereway, along with other works, was submitted to Northampton Borough Council on 6 April 2011.

- 3.2 This current submission results from an earlier application submitted to WNDC (application N/2010/0653). The Borough Council was then consulted by WNDC on that proposal. Reducing the floor area and deleting a proposed community use significantly amended the application then before WNDC. As a result, this substantially revised development then fell below the threshold for consideration by WNDC and in April 2011, a new application was submitted to Northampton BC. Briefly described, the proposed development is set out below.
- 3.3 The proposal involves a 2,445 sq metre extension (*gross internal floor area*) to the existing store on 2 sides, of an external design similar to the existing store, which absorbs the existing service road to the smaller units as well as one of the smaller shops.
- 3.4 The net retail floor space of the proposal has therefore evolved as follows:

Table 1: Net Tradable Floor space of the New Proposal

Floor space	Existing Store	July 2010 proposal (to WNDC)	April 2011 proposal (to NBC)	Extension to Existing Store
	Sq m	Sq m	Sq m	Sq m
Convenience	3,810	4,366	4,424	614
Comparison	1,923	4,087	3,470	1,547
Total	5,733	8,453	7,894	2,161

The split between Convenience goods floor space and Comparison goods floor space has also been revised.

Table 2: Convenience/Comparison Goods Floor space split

Floor space	Existing Store	July 2010 proposal (to WNDC)	April 2011 proposal (to NBC)
	%	%	%
Convenience	66	52	56
Comparison	34	48	44
Total	100	100	100

- 3.5 The proposal creates a new non-food retail unit in the small parade of shops to replace the one that would be subsumed into the extended Tesco and a new service road access (taken from Sandhurst Close), opposite the Danes Camp leisure centre to the east. That proposed new service access was the subject of the subsequent discussions and correspondence reported in paragraph 1.2 and 1.3 above.

- 3.6 The car park is to be extended on to land that is currently a redundant service road around the western side of the site. New lighting is to be created and the bus waiting area enhanced, with improved disabled facilities and a second bus shelter. The zone immediately adjacent to the main store entrance and the frontage to smaller shops would be significantly enlarged and de-cluttered by relocation of trolley bays and the ATM unit. This would improve the visibility of the forecourt and pedestrian access to the small shop units, thus improving of the public realm around the retail units
- 3.7 The southern vehicular entrance from Clannell Road is to be improved with the mini-roundabout within the site removed and a wider two-way access road and improved junction arrangement provided. That present entrance would be reconfigured to provide an enlarged and light controlled junction. Traffic lights would provide a pedestrian phase to better enable safe access from residential areas to the south of Clannell Road. Alternative locations were considered for the junction after local residents and Wootton & East Hunsbury Parish Council expressed concerns at the time of the original proposals then submitted to WND. Those alternatives were however initially rejected by the Highway Authority as they would suffer reduced forward visibility; a substantial reduction in car park capacity or, seriously reduced length of internal access lane for peak hour off-highway queuing purposes. The location of that proposed revised access was the subject of the discussions and correspondence reported in paragraph 1.2 and 1.3 above.
- 3.8 The existing area for customer recycling would be relocated to a new location to the west of the road entrance from Clannell Road. This would be well screened from Clannell Road by pre-existing landscaping. It would be some 75 metres or more from the nearest homes and gardens in Falconers Road, Condition 15 is recommended to control any audible nuisance arising from that location.
- 3.9 The proposal includes improved pedestrian crossing areas on the roads surrounding the site and with new/improved pedestrian access routes to the site, through the dense tree-belt surrounding the site. New tree planting would be provided at various locations to better frame and render the legibility of the re-planned car park and retail units rather better than now. Existing pedestrian routes would be improved by better signage and CCTV coverage. New pedestrian and cycle way links are proposed, to improve connectivity between the superstore, the car park, the library and Abbey Centre and the Leisure Centre. This will involve new lighting, disabled access and CCTV coverage.
- 3.10 The applicant is proposing to establish a Mereway Forum to ensure that the enhancements to the environment around the superstore are

maintained. The Mereway Forum will comprise a landowners and operators forum, including the bus operators, who will engage with statutory and other stakeholders, including the Council and Parish Council on matters that involve the role and functionality of the Mereway Centre and the accessibility of the area.

3.11 The applicant is also to fund and enable Northants CC as Highway Authority to undertake circa £1.3 million in necessary improvements to the roundabout on the A5076 Mereway; a new pedestrian crossing facility to the north of that roundabout and pedestrian underpass; improvements to the Clannell Road/Towcester Road junction and, a new pedestrian crossing over Sandhurst Close adjacent to the Danes Camp Leisure Centre. Those matters would be the subject of an agreement under Section 278 of the Highways Act 1980 which is the subject of condition 2 recommended below.

3.12 The application is accompanied by a range of Plans and technical documents, including:

- PL01 – Location Plan
- PL02 – Existing Site Plan
- PL04 – Existing Elevations
- PL06 – Existing Store Plan
- PL08 – Existing Roof Plan
- PL12 – Elevation
- PL21 A – Proposed Elevations (Dec 2010)
- PL22 – Proposed Store Plan
- PL23 – Proposed Roof Plan
- PL24 – Existing and Proposed Sections
- SK36 A – Proposed Site Plan (Nov 2010)
- Air Quality assessment
- Contamination report
- Daylight & Sunlight Assessment
- Design & Access Statement
- Ecology Assessment
- Environmental review & update letter (21st Dec 2010)
- Flood risk assessment and update letter (21st Dec 2010)
- Landscape statement & update letter (21st Dec 2010)
- Lighting scheme
- Noise analysis
- Transport Assessment and travel plan
- Suggested conditions and terms of 106 agreement
- Planning & Retail Statement & updates (updated January 2011 and subsequent letters dated 17th June 2011 and 30th June 2011).

- Statement of Community Consultation and, addendum to that SCC dated September 2011.

4 SITE DESCRIPTION

- 4.1 The existing Tesco Extra store has its principal vehicular entrance from the main roundabout on Mereway, the A5076 dual carriageway. This leads to an internal mini-roundabout within the northern part of the site and with a public service bus waiting area and a filling station also at the northern end. The A5076 Mereway is a key part of Northampton's peripheral primary road network. A further secondary access with a further internal mini-roundabout is currently situated at the southern side of the site from Clannell Road. Clannell Road functions as a local distributor road providing access from residential areas to the south, without need to encounter or make use of the A5076 roundabout that accesses the site from the north.
- 4.2 These road entrances then serve a network of circulation lanes and aisles which access extensive car parking. The main store building is situated at the eastern end of the site, nearest to Sandhurst Close.
- 4.3 The site as a whole is largely level and is almost completely surrounded by dense boundary planting. Along with Clannell Road this screening quite effectively isolates adjacent areas to the south, east and west that comprise homes and gardens, commercial and community uses. The Tesco store is however visually prominent from the A5076 dual carriageway.
- 4.4 At its southern side, and so facing the public realm within the site as pedestrians approach the main store entrance is a modest parade of 4 non-food retail shop units. There is also a further freestanding unit that operates as Chillies restaurant to the south of the parade of 4 shops units.
- 4.5 Surrounding the site on 3 sides are substantial areas of housing with Danes Camp Way Leisure Centre and the Simon de Senlis Primary School to the west of the car park. A range of other community facilities – churches, library, health centre and leisure centre are located along Clannell Road. The site is visually dominated by the Tesco store and its extensive car park, but the relationship between the store and the community facilities is poor as each been developed in a largely independent manner and with little evidence of integrated and beneficial place making applied to the location as a whole. The current application seeks to address some of these issues, particularly in terms of better linking the Tesco store with its neighbours as set out above.

5 PLANNING HISTORY

- 5.1 The site has an extensive planning history in excess of 44 applications (although most are advertisements and minor works). The most significant planning history is shown below:

DC 3011 – (25th January 1985). Original planning permission for “superstore, including restaurant and storage facilities, shop units, petrol filling station, public house and car parking”. Permitted.

N/1995/0591 – (30th May 1997). Subsequent “extensions to provide additional retail floor space and new storage area together with revised car parking layout”. Permitted.

N/2001/181 – (15th August 2003). Subsequent “extension to existing foodstore and internal parking reorganisation and ancillary works”. Permitted.

N/2004/0092 – (12th February 2004). Application for a certificate of lawfulness for proposed development regarding the installation of a mezzanine – Granted but not implemented.

N/2007/0937 - New extension and canopy structure to be used for Tesco home delivery service at Tesco superstore. – Permitted.

- 5.2 The previous and rather larger proposals that were submitted to WNDC were the subject of a report to this Committee as consultees on the 8th of March 2011 and, again on the 5th of April. That earlier proposal was subsequently withdrawn and, after amendments, resubmitted to Northampton BC as reported in paragraph 3.2 above. These reports were withdrawn from the agenda at the request of the applicant, but considered the key planning considerations in the determination of that planning application in the context of PPS4 – “Planning for Sustainable Economic Growth”. The key consideration in those reports was whether or not the proposed development lies within an identified centre. The key elements of those reports have been incorporated into this report and are therefore principally of historic interest as they were not subject to resolution by this Committee. However, they are within the public domain.

6 PLANNING POLICY

6.1 Development Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The current Development Plan comprises the East Midlands

Regional Plan, the saved policies of the Northamptonshire County Structure Plan and the saved policies of the Northampton Local Plan 1997.

6.2 **National Policies:**

PPS1 – Delivering Sustainable Development
PPS4 – Planning For Sustainable Economic Growth
PPS9 – Biodiversity and Geological Conservation
PPG13 – Planning and Transport
PPS23 – Planning and Pollution Control
PPG24 – Planning and Noise
PPS25 – Development and Flood Risk

PPS4 is particularly relevant as it contains policies EC10, EC14, EC15, EC16 and EC17 regarding the determination of significant retail development proposals.

6.3 **East Midlands Regional Plan**

Policies 1 and 3 – Seek to direct new development to sustainable locations and reduce reliance on the private car
Policy 2 – Promoting Better Design
Policy 22 - Regional Priorities for Town Centres & Retail Development
Policy MKSM SRS Northamptonshire 2 – Northampton Implementation Area
Policy MKSM SRS Northamptonshire 3 - Northampton Central Area

6.4 **Northampton Borough Local Plan (NLP)**

E14 – Corridors of Travel
E19 – Implementing Development
E20 – New Development
E40 – Planning and crime and anti-social behaviour
T12 – Development requiring servicing

6.5 **Supplementary Planning Guidance**

Northamptonshire County Parking Standards SPG 2003
Planning out Crime in Northamptonshire SPG 2004

6.6 **Emerging Planning Policies**

The government's "Draft National Planning Policy Framework" (NPPF) is referred to and has informed some parts of this report. When finally published after current consultations, the NPPF will replace the still material Planning Policy Statements and East Midlands Regional Plan that

have guided the administration of this planning application to date. The Planning Inspectorate has indicated that the NPPF is capable of being considered as a material planning consideration, although the weight to be given to it will be a matter for the decision maker in each particular case.

- 6.7 It is considered that for the purposes of considering this particular application, the NPPF largely reflects the general thrust of existing national policy as set out in PPS4: Planning for Sustainable Economic Growth. The application will therefore be considered primarily against the provisions of PPS4. However the definition of Sustainable Development as set out in Para 14 of the NPPF and the Written Ministerial Statement 'Planning for Growth' dated 23rd March 2011 may be a particular material consideration and this will be referred to in more detail below.
- 6.8 In addition, the following emerging policy documents have also informed certain parts of this report:
- The published Pre-submission Northampton Central Area Action Plan (CAAP).
 - The published Pre-submission West Northamptonshire Joint Core Strategy (PSWNJCS).

7. CONSULTATIONS / REPRESENTATIONS

- 7.1 This report of the response to public consultations is in two parts. Those listed in paragraphs 7.2 to 7.23 are made specifically in relation to the current planning application. Those listed later under the sub-heading – "The former Planning Application to WNDC" – relate correspondence received by WNDC concerning that former proposal, before its substantial amendment and re-submission to Northampton BC.

The Current Planning Application to Northampton Borough Council.

- 7.2 A total of 51 near neighbours of the proposed development were notified of the current planning application to Northampton BC by mail on the 18th of April 2011. A press notice was published on the 22nd of April 2011.
- 7.3 A 2,000 name petition of support of the proposals has been submitted by "Tesco Community Champions for the Mereway Store". Petitioners signed their names to – *"We the undersigned support the plans for an extended and improved Tesco store along with new jobs and investment in Mereway district Centre"*.
- 7.4 A further petition in favour of the current planning application dated the 8th of September 2011, signed by 19 persons who have also signed their names to – *"We, the undersigned, support the plans for an extended and*

improved Tesco store along with new Jobs and investment in Mereway District Centre”.

7.5 An e-mail response states – “In favour – looks a little tired now – access needs to be improved, particularly at rush hours”.

7.6 An e-mail response – “we wholeheartedly support ...”

7.7 A further e-mail response – “Fully support the project in terms of local employment”.

7.8 Two letters of support (which in fair summary):

- Support proposals as extension will improve an already excellent local store
- Our adjacent shop ‘unit’ is to be relocated as part of the works and our hairdressers has traded here for 13 years and employs 17 staff.
- The centre is always busy and, as Tesco is not involved in hairdressing, they have encouraged our operation.
- This will support jobs and help the community.

7.9 A letter dated 1st May from a resident of Sandhurst Close. In fair summary:

- Detract business from the town centre
- Increased traffic on the congested ring road
- Increased lorries containing non-food items on the local transport network
- Increased traffic and speeding on Clannell Road which already serves the Leisure Centre, Park, Library, Abbey Centre, Church and Primary School.
- Service road entrance on already congested Sandhurst close.
- Another not needed Community Building. Residents do not want another community centre. *(As featured in the former application to WNDC but not in the current application to NBC)*
- Tesco monopolising Northampton.

The respondent in this case made similar objections in an e-mail submission dated the 12th August 2010 to WNDC regarding the former application.

7.10 An e-mailed objection from a resident of Kentford Close to the proposed new service entrance from Sandhurst Close. In fair summary this states. *“Would devalue area – might be expanded in future to serve more than the (limited) use as now proposed. Hazard to pedestrians including children using Danes Camp Leisure Centre. Will encourage on street parking in Sandhurst Close”.* (Note by Northampton BC officers. The

objector may not be aware of the proposed new developer funded pedestrian crossing or, the planning obligation to fund regulation of on-street parking within Sandhurst Close – see paragraph 2.1(c) and paragraph 3.11 earlier).

7.11 A letter of objection from Legal and General (Northampton Shopping Centre Partnership). Continue to express concern (see paragraph 7.25 below) at the cumulative impact of retail proposals that have been approved in Northampton since this proposal was submitted to WNDC in its original form. Draw particular attention to paragraph 52 of the “*Northampton Foodstores Cumulative Impact Study Report*” (AECOM for WNDC, April 2011). This states – “*Either of the proposed superstore extensions on its own would be less likely to put at risk the emerging policy for a large new foodstore in the town centre; but either would make it significantly harder to achieve a major comparison goods retail development in the town centre*”. (Note by Northampton BC officers. The cumulative impact study was finalised *before* opening of the new Tesco food store at Abingdon Street within the town centre. The other “foodstore extension” referred to in paragraph 52 quoted above is that at Sainsbury’s, Sixfields store. At the time of writing, WNDC have resolved to permit that development, but with a condition restricting the scale of future comparison goods floor space). The objector also makes reference to other aspects of that same cumulative impact study to similar effect. L&G (on behalf of the Northampton Shopping Partnership) also wrote two earlier and broadly similar letters to WNDC dated the 19th of August 2010 and 8th September 2010 dealing with impacts of the ten proposed development – primarily upon regeneration prospects within the Central Area Action Plan.

7.12 A further letter of objection states (in fair summary):

- Retail assessment states the store is over-trading, but any problems arise from poor management of the store – cramped aisles, crowding and congestion and a lack of operators at the tills.
- Problems at the store could be resolved by better management and staff training rather than a 40% extension.
- Whilst anti-crime measures are supported, the dark areas can be addressed by re-opening the circulation road, removing rubbish and improving the lighting/maintenance of planting.
- The reduced footfall to other units would be improved if Tesco better managed the trolley bays, which restrict access to those units
- Will adversely increase traffic congestion contrary to Policy EC10.2(b) of PPS4 – improvements proposed are not improvements, but are to resolve problems they create by extending the store.
- Traffic signals will cause congestion and delay for residents.
- Development will not reduce the need to travel by car.

- Air-quality will be affected, and there is a primary school within 100m.
- Noise information is severely lacking and no 'modelling' has been done in relation to noise and extra floor area and changes to deliveries will impact on neighbours.
- What type of community facility is proposed as no amount of financial input will overcome fundamental impact of this store. *(Note by officers. This element of the original proposals as submitted to WNDC has subsequently been deleted).*
- Development fails the sequential test of PPS4 and it will have a detrimental retail impact on centre and Far Cotton.
- Mereway is not in need of enhancement or strengthening as it serves local community well.
- Exceeds 3,700 sq m 'rule' of West Northamptonshire Retail Study and extra floor area not needed.
- Will reduce investment in town centre and affect other stores such as Netto.
- Existing store size is adequate and the extension is inappropriate within an out-of-town centre in a residential area and proposed Core Strategy seeks to downgrade Mereway to a local centre as Tesco has dominated area.
- Policy R9 is not relevant and Local Plan is out of date.
- Retail study shows that there is not a strong need for extra comparison shopping in district centres but proposed development is contrary to this conclusion.
- Development will not generate 125 extra staff as suggested – this is likely to be only part-time staff – around 40 full-time equivalents.
- Retail study states that Town centre must be protected with no extra retail should be permitted.
- Tesco's claims about viability are not correct and claim about leakage to Milton Keynes is exaggerated.
- Council should commit to the intention to resist out-of-town shopping.
- Development is contrary to Development Plan and National Policy and no conditions or obligations will overcome this.

7.13 **Highways Agency** – No objections.

7.14 **Northampton County Council as Highway Authority** – No objection subject to 106 Agreement for contributions and external works. These requirements are as set out in the recommendation.

7.15 **NBC Arboricultural Officer** – No objection to removal of trees within planted areas subject to the proposed replacement planting.

7.16 **Northamptonshire Police** – No objections as proposals will address current problems of crime and disorder.

- 7.17 **NBC Environmental Health Officer** – No objections on noise/lighting grounds and agree that an air-quality issue is unlikely to arise from the related junction alterations – advises conditions.
- 7.18 **Environment Agency** – No objections.
- 7.19 **Natural England** – No objection, suggest informative regarding duty under Wildlife and Countryside Act and, a condition to prevent disturbance to birdlife within the breeding season.
- 7.20 **Wildlife Trust** – No objections.
- 7.21 **Anglian Water** – No objections as drainage can be accommodated without capacity issues.
- 7.22 **Wootton and East Hunsbury Parish Council** - additional comments regarding the current application are summarised as:
- Concerned at future management of landscaping and litter. (*See paragraph 2.1 (g) and recommended planning obligations (f) and (g) in paragraph 2.1 of this report*).
 - Suggest that tables and benches alongside the adjacent public library might cause anti-social behaviours. Suggest that better facilities might be funded by Tesco in the nearby Grangewood Park.
 - Concerned at parking congestion in Sandhurst Close. (*Note that Tesco are to fund a new RTO to better control parking and a new pedestrian crossing in Sandhurst Close – see paragraph 2.1 (c) of this report*). Suggest relocation of the proposed vehicular entrance to the Tesco.com service yard to increase parking capacity that might then provide overflow parking for Danes Camp Leisure Centre.
 - Remain concerned at the noise and forward visibility provided for the revised entrance from Clannell Road and suggest it be relocated towards Towcester Road. (*See paragraph 3.7*).
 - Seek Tesco's financial support for improvements to facilities in the nearby Grangewood Park.
- 7.23 **The Former Planning Application To WNDC**
- 7.24 A letter on behalf of Sainsbury's objecting to the scale of the store extension and its retail impacts, as originally considered by WNDC.
- 7.25 Two letters on behalf of Legal and General (Northampton Shopping Centre Partnership) objecting to the scale of store extension and its retail impacts upon town centre regeneration as originally considered by WNDC. (See also paragraph 7.11 above).

7.26 41 identical letters of support submitted by Tesco's Regional Corporate Affairs Manager.

7.27 A petition with 214 signatures objecting to the former application on two grounds:

- The expansion would lead to a significant and potentially hazardous increase in congestion, noise and pollution in this predominantly residential area.
- Expansion will contribute to the demise of Northampton Town Centre where increasing numbers of retail outlets stand empty.

7.28 An undated letter to WNDC adding to one earlier emphasizing:

- Tesco could resolve acknowledged problems at the store without the proposed extension.
- Significant adverse impacts on local environment and vitality and viability of Northampton town Centre.
- Not in accordance with Development Plan policy or national planning policies.
- Planning obligations or conditions are not capable of overcoming these adverse impacts.

7.29 A letter dated 6th February 2011 to WNDC stating:

- The entrance from Clannell Road should be moved further away from Falconers Rise.
- There should no new entrance from Sandhurst Close that creates more traffic along Clannell road.

7.30 An earlier letter to WNDC on the 15th August from the same respondent made the following points:

- Additional traffic around the area is unwelcome. Suggest that the *existing entrance* from Clannell Road creates an average of one accident per month.
- Too much parking in Sandhurst Close, new entrance will create a bottleneck. (*Note the new parking restrictions and pedestrian crossing now proposed*).
- Traffic entering Clannell Road from Falconers Rise already suffers delay.
- The Mereway roundabout is often congested and lorries may seek to use the Clannell Road entrance as an alternative. (*Note by officers, as now revised, that will not be possible*).
- Increase in noise and pollution from vehicle waiting at the new traffic light controlled entrance from Clannell Road.

- 7.31 A letter to WNDC dated 10th August 2010 making the following points:
- Revised entrance from Clannell Road will make it more difficult to exit Falconer's Rise.
 - Pedestrians have difficulty crossing Clannell Road. (*Note that the traffic lights now proposed will include a pedestrian phase*).
 - Traffic lights will be opposite respondent's garden. Will traffic lights intrude into garden?
 - Queuing vehicles will cause pollution.
- 7.32 An e-mail to WNDC dated 13th January 2011 objecting to the proposed new entrance from Sandhurst Close, due to traffic hazard to pedestrians and children in particular. Would also de-value the Mere Park estate.
- 7.33 An e-mail to WNDC dated 3rd September 2010 stating:
- Objecting to the new vehicular entrance from Sandhurst Close for Tesco.com delivery vehicles.
 - The A45 Mereway roundabout is already at capacity. Suggests that the strategy is then to divert vehicles via local roads.
 - Traffic light junction to the Clannell Road entrance is to accommodate this excess growth. No consideration has been given to the rat running which presently takes place along Penvale Road to avoid peak hour congestion at Mereway roundabout.
 - Will harm town centre regeneration.
 - Inadequate on-site parking will cause on-street parking in adjacent residential streets.
 - The Highways Agency have only commented on the Travel Plan and not the Transport Assessment.
- 7.34 A further e-mail to WNDC dated 14th November 2010 stating:
- "As a resident with a family, Tesco is very overpowering in this local area and has in my eyes out grown the Clannell Road site".
- 7.35 A further e-mail to WNDC dated 17th August 2010 stating:
- Concerned about detrimental retail impact upon Northampton town centre.
- 7.36 A letter to WNDC dated 9th August 2010 making the following points:
- Revised entrance will effect the value of adjacent property in Falconers Rise
 - Will make exiting from Falconers Rise more difficult

- Elderly residents will find it difficult to cross to Tesco. (*Note that the revised traffic controlled junction will include a pedestrian phase*).
 - Queuing vehicle will cause pollution.
 - Commercial vehicles will use the entrance from Clannell Road. (*Note that under the current and revised proposals this will not be possible*).
 - Request that the revised entrance is moved further away from Falconer's Rise.
- 7.37 A very similar letter dated 2nd August 2010 to WNDC making the same points – but adding that the current A45 Mereway roundabout is inadequate.
- 7.38 An e-mail to WNDC dated 27th July 2010 making the following points:
- Impact of Tesco traffic within a mainly residential area.
 - Noise and other Intrusion of traffic using the proposed traffic light controlled entrance from Clannel Road.
- 7.39 An e-mail to WNDC dated the 28th July 2010 making the following points:
- Sandhurst Close is seriously congested, creating problems for emergency vehicles etc and inhibiting children's play.
 - Dane's Camp Leisure Centre needs additional car parking capacity.
 - Parking controls are not a solution as parking would be diverted further into Sandhurst Close.
- 7.40 Two additional letters from Councillors Larratt and Gonzalez de Savage dated the 25th September 2010 and 8th March 2010. Fully endorse the earlier observations by the Parish Council (in paragraph immediately below). In addition:
- Suggest a new roundabout junction at the junction of Clannell Road and Sandhurst Close.
 - Concerned at impact of new building on nearby homes and gardens in Sandhurst Close.
 - Concerned at potential noise nuisance from new building plant. (*See condition recommended*).
 - Concerned that some of the proposed new pedestrian cycling links might lead to anti-social behaviours.
 - Continue to support the seeking of Section 106 funds from Tesco to subsidise local projects as advocated by the PC from that earlier application. Repeat their plea that Tesco should also fund the development of an Urban Farm in the locality.
 - Ask that determination of any application be delayed until enactment of the Localism Bill.

7.41 **Wootton and East Hunsbury Parish Council.** See the report on recent discussions with the Parish Council in Section 1 of this report. They did submit a number of reasoned points to WNDP regarding the former application. Although the proposed development has somewhat changed since their comments submitted to WNDP in February 2011, those conclusions then included:

- Suggested a substantial financial contribution towards the off-site improvement to local community facilities. *(Note by Northampton BC officers. Such off-site contributions regarding wider community benefits ceased to be lawful in April 2010).*
- “If better managed through careful planning, design and community engagement, the scheme can deliver a better shopping experience with greater footfall, without negatively impacting on the local area”
- Then go on to make a number of detailed criticisms of the scheme that was then before WNDP and conclude – “For the above reasons, we cannot support the application as tabled. However we would be keen to engage with Tesco over potential revisions which could make the scheme desirable and of benefit to local community as well as the developer”.

8. POLICY CONSIDERATIONS

8.1 The key policy documents relating to the current proposal are:

- PPS4 Planning for Sustainable Economic Growth
- The Northampton Local Plan 1997
- The Pre-Submission Joint Core Strategy January 2011.

8.2 Policy EC3 of PPS4 identifies that when plan making local planning authorities (LPAs) should set out a strategy for the management and growth of centres. EC3.1 (b)(i) sets out that, as part of their strategy, LPAs should define a network (the pattern of provision of centres) and hierarchy of centres (the role and relationship of centres in the network) that is resilient to anticipated future economic changes, to meet the needs of their catchments having made choices about which centres will accommodate any identified need for growth in retail and other town centre uses.

8.3 Policy EC5 concerns site selection for retail and other main town centre uses when plan making. Local planning authorities are required to base their approach on identified need and to identify an appropriate scale of development, ensuring that the scale of sites identified is in keeping within the role and function of the centre within the hierarchy of centres and the catchment served. Sites for growth should be identified through a sequential approach to site selection with appropriate existing centres first,

- then edge-of-centre, followed finally by out-of centre locations (EC5.2). In assessing the impact of proposed locations for development on existing centres LPAs should ensure that proposed sites *in a centre*, which would substantially increase the attraction of that centre and could have an impact on other centres, are assessed for their impact on those other centres (EC5.4 b).
- 8.4 In relation to Development Management, Policy EC10, amongst other things, requires that all planning applications for economic development should be assessed against sustainability objectives, accessibility by a choice of means of transport, design and their impact on the economic and physical regeneration in the area including the impact on deprived areas and social inclusion objectives.
 - 8.5 Policy EC14 sets out the supporting evidence required for planning applications for main town centre uses. In terms of extensions to retail uses that are not in an existing centre and are not in accordance with an up-to-date development plan, Policy EC14.3 requires a sequential assessment (under Policy EC15).
 - 8.6 Policy EC14.4 states that an impact assessment (under Policy EC16) is required for applications for retail and leisure developments over 2,500 sq metres gross floor space, or any other locally set floor space threshold, not in an existing centre and not in accordance with an up-to-date development plan. Policy E14.6 provides that an impact assessment is also required for applications in an existing centre which is not in accordance with the development plan and which would substantially increase the attraction of the centre to an extent that the development could have an impact on other centres.
 - 8.7 Policies EC15 and EC16 set out the criteria for sequential assessment and impact assessments respectively.
 - 8.8 Policy EC17.1 states that applications for development of main town centre uses that are not in an existing centre and not in accordance with an up-to-date development plan should be refused where the applicant has not demonstrated compliance with the requirements of the sequential approach or there is clear evidence that the proposal is likely to lead to significant adverse impacts taking account of the likely cumulative effect of recent permissions, developments under construction and completed developments. Under the provisions of EC17, where no significant adverse impacts have been identified, then planning applications should be determined having regard to the positive and negative impacts of the proposal in terms of EC10.2 and 16.1 and the likely cumulative effects of recent permissions. Judgements should be formed having regard to the

development plan, town centre health checks and any other published local information such as a town centre strategy.

8.9 Annex B of PPS4 defines centres and types of location, namely

- City Centres, which are the highest level of centre
- Town Centres, which are the second level of centre and will usually be the principal centre in a local authority area. Northampton town centre falls into this category.
- District Centres will usually comprise groups of shops often containing at least one supermarket or superstore and a range of non-retail services such as banks, building societies and restaurants, as well as local public facilities such as a library.
- Local centres, which include a range of small shops of a local nature serving a small catchment. They may include a small supermarket, newsagent, sub-post office, pharmacy and the like.

Types of location include town centres, edge of centre, out of centre and out of town. These will be discussed as relevant in the body of the report.

Northampton Borough Local Plan 1997

8.10 The Local Plan was adopted in June 1997. Policies R1 and R2 make reference to 'recognised shopping areas' and refer to Appendix 15 which set out a Schedule of Recognised Shopping Centres and which identified the Town Centre (as defined on the Inset Map) and the District/Local Centres. The Appendix does not specify which of the named 'centres' are District or Local Centres and indeed many are no more than small parades of shops that would not fall within the PPS4 definitions of District or Local Centres. Mereway is included as one of these recognised shopping centres. Appendix 15 does not establish a hierarchy of centres and as such is not compliant with the current policy requirements contained in PPS4, notably Policy EC3.

8.11 In 2007, the Council applied to the Secretary of State to save a number of policies in the Local Plan beyond September 2007, the end date of the Plan. Policies R1 and R2 were not saved, nor was the accompanying text and, therefore, the status of Appendix 15 is questionable. Policy R12 that relates to the extension of shops and other premises in District and Local Centres also has not been saved although Policy R9 that protects the retail functions of District and Local Centres from inappropriate changes of use has been saved.

8.12 In considering whether or not to save policies in a Local Plan beyond September 2007, The Secretary of State had to have regard to whether or not the policies reflect the principles of local development frameworks and

are consistent with current national policy (PPS12). The retail policies in the Local Plan were not saved because they were inconsistent with national guidance at that time as contained within the then PPS6: Planning for Town Centres, subsequently replaced by PPS4 in 2009.

- 8.13 The issue is, therefore, what weight should be attached to the Local Plan in considering the proposal. It is clear that the unsaved policies and their reasoned justification are no longer part of the development plan. However, to the extent that they may be relevant to the issues arising in the determination of a planning application, they are capable of being material considerations, although the weight to be accorded to them will reflect the decision not to save them. Other material considerations such as up-to-date evidence and the policies contained in the emerging development plan will also affect the weight that can or should be attached to unsaved policies. However, it is clear that in so far as it is part of the saved NLP, Mereway is a recognised centre and falls to be considered as such within the provisions of PPS4 by virtue of Appendix 15 of the NLP.

The Pre-Submission Joint Core Strategy – January 2011

- 8.14 The Pre-Submission Joint Core Strategy was approved for publication by the West Northamptonshire Joint Strategic Planning Committee on 31st January 2011. The purpose of the pre-submission document was to allow the public and other stakeholders to make comments on the plan prior to submission to the Secretary of State for approval and subsequent adoption. Representations on the plan at this stage of the plan making process were to be made on the grounds of soundness or legal compliance.
- 8.15 PPS4 requires LPA's to define a network and hierarchy of centres that are resilient to anticipated future economic changes and that meet the needs of their catchment population. The scale of retail, leisure and office development must be appropriate to the role and function of the centre and the catchment it serves.
- 8.16 Emerging Policy S2 establishes the network and hierarchy of centres. Northampton is established as the Regional Town Centre and within the Borough the Plan identifies Weston Favell and Kingsthorpe as district centres together with 4 named local centres and new local centres to be brought forward to serve the new developments in the proposed sustainable urban extensions. There is no identified centre that includes or adjoins Tesco Mereway within Policy S2.
- 8.17 Emerging Policy S9 sets the distribution of retail development and requires an impact assessment for retail development. The emerging plan establishes that Northampton has suffered from a de-centralisation of

retail and other town centre uses which has, over time, adversely affected the vitality and viability of the town centre. This is supported by the evidence base. Accordingly emerging Policy S9 establishes that retail floor space will be accommodated first within town centres and subject to specified criteria, where there is an identified need which cannot be accommodated within the town centre, proposals will be subject to the sequential approach. Proposals for development over 1,000 sq metres gross will have to be subject to an impact assessment in order to demonstrate that they do not have an adverse impact on the town centre. This is critical to rebalance the retail position in Northampton. This policy is supported by the evidence base.

- 8.18 Emerging Policy N10 identifies that whilst Northampton town centre should be the focus for comparison goods retailing, there is also a need to ensure that local convenience retail provision is addressed within the wider urban area. Policy N10 states that no further comparison goods floor space is required outside Northampton town centre other than at an appropriate scale to support the vitality and viability of local centres.
- 8.19 It is also worth noting that the Emergent Joint Core Strategy published for consultation in 2009 did not identify Mereway as a centre.
- 8.20 It should be noted that there have been representations received in respect of the JCS retail policies that go to the soundness of the plan. In view of this only limited weight can be given to these policies at this time pending examination of the Plan.
- 8.21 The draft NPPF puts the presumption in favour of sustainable development at the heart of the planning system. Part of the definition of sustainable development requires that Local Authorities should grant planning permission where the development plan is absent, silent indeterminate or where relevant policies are out of date, unless the adverse impacts of allowing development would significantly and demonstrably outweigh the benefits. Although the draft NPPF can only be given limited weight, it is clear from various ministerial statements, the Coalition Agreement and other announcements that the NPPF will contain a presumption in favour of sustainable development.

9 ANALYSIS

- 9.1 There are therefore four principal issues pertinent to the determination of this application:
- The role and function of Mereway – whether it is a local, district or an out-of-centre destination

- The impact of the proposed extension on Northampton town centre in terms of both convenience and comparison goods
- The impact of emerging and future retailing trends on levels of available expenditure and
- Consideration of the proposals under PPS4 Policy EC10.2 if the proposals pass the tests under EC15.1, the sequential approach, and EC16.1 assessing the impact.

The role and function of Mereway

- 9.2 It is clear that the policy position in respect of Mereway is open to interpretation. It is identified as a district/local centre in Appendix 15 Schedule of Recognised Shopping Centres of the NLP (note the plan does not differentiate between the two).
- 9.3 The applicant, in its submission has made much of the fact that Mereway is a district centre within the definition in PPS4 and that there is, therefore, no need for Tesco to demonstrate that there are no sequentially preferable sites upon which the need could be met or that there would be no unacceptable impacts on the vitality and viability of any other centre within Northampton or elsewhere. (PPS4 Policy EC14).
- 9.4 However, the current thrust of the emerging policy through the JCS is that the Tesco Mereway is a standalone superstore and is not within a definable local or district centre within the terms of PPS4. This is supported when the Tesco Mereway is compared to the district centres identified in the PSWNJCS as the retail and services range and offer is limited compared to Kingsthorpe and Weston Favell and with reference to Annex B of PPS4, it also does not have the characteristics of a local centre. There has been considerable evolution of policy since the publication of the NLP, in that there is now a stronger town centre first approach than is evident in the NLP. This is supported by the emerging NPPF. The PSWNJCS sets out a retail hierarchy more in step with current and emerging national guidance, but this can only be afforded limited weight at this time pending examination of the plan.
- 9.5 How much weight should be given to the NLP compared to the Pre-submission JCS with its up-to-date evidence base is a finely balanced decision. In view of the above, the development plan still consists of the saved policies in the NLP and, notwithstanding its age and changes in national policy since its adoption in 1997, it should be given weight in making development control decisions.
- 9.6 Under adopted policy within the NLP, Mereway is an existing centre by virtue of Appendix 15, a sequential assessment under Policy EC15 of PPS4 is not required.

- 9.7 PPS4 postdates the NLP and therefore the application must be assessed against it as this is the most up to date and adopted national policy guidance. Policy EC14.6 of PPS4 requires assessment of whether or not the proposed retail expansion of Tesco at Mereway would alter its attraction to such an extent that it would have an adverse impact on the vitality and viability of other centres and therefore require a retail impact assessment.

Retail Capacity

- 9.8 In planning Northampton, the Planning Authority has commissioned a range of retail studies of the town including two by CBRE in 2004 and 2006/7, CACI in 2008/9 and by Roger Tym Partnership through the Joint Planning Unit in 2011, namely The West Northamptonshire Retail Capacity Update. WNDC also commissioned a report from AECOM in April 2011 'The Northampton Foodstores Cumulative Impact Study Report'.
- 9.9 All the aforementioned studies conclude that, to varying degrees, there is capacity for additional comparison and convenience retail floorspace to serve Northampton.
- 9.10 PPS4 – The Regional Plan and the emerging Northampton Central Area Action Plan all seek to direct comparison floorspace growth towards the town centre, thus enhancing its vitality and viability in delivering regeneration projects such as the Grosvenor Centre redevelopment. Expansion of retail floorspace that would impact on the town centre and undermine investment proposals would be contrary to national and local policy. Although retail need as a separate planning test in development management is removed in PPS4 when compared to its predecessor PPS6, there remains a requirement for Local Development Frameworks to plan positively by preparing local economic assessments that identify quantitative and qualitative deficiencies in local retail provision. Equally, questions of unmet capacity continue to inform the application of the retained impact test. It is appropriate and reasonable to consider retail capacity in determining this application
- 9.11 Shopping patterns for convenience goods, primarily food and daily shopping are localised and regard should be had to responding to the needs of the individual community catchment areas. In most cases, the most sustainable locations for convenience retail growth will be in centres, following the sequential principles set out in PPS4.
- 9.12 The retail studies of Northampton identify varying figures for convenience retailing capacity (not least due to their different dates of completion), but

all suggest there is immediate capacity for growth in convenience retail floorspace in the near term.

- 9.13 The position with regard to comparison goods is somewhat different. There is certainly capacity within this sector for additional floorspace, but this is not reflected in a particularly healthy town centre. In fact, there has been evidence emerging over a number of years of a decline in the town centre, for example in the NBC 2009 Town Centre Health Check. The town centre is in need of new investment to revitalise its performance; again this has been the case for a number of years. The very significant presence of out of centre comparison retailing around Northampton, and the strength of other centres in the sub region (notably Milton Keynes), have also served to undermine the performance of Northampton town centre.
- 9.14 PPS4, the Regional Plan and emerging CAAP and PSWNJCS encourage the growth of the comparison goods floorspace of Northampton to be the substantial engine behind the regeneration of the town centre and a catalyst for a wider positive economic impact. Studies have consistently shown the leakage of comparison spending by Northampton residents out of centre and in many cases out of town. This is unsustainable and it is evident that this trend has detrimentally affected the town centre's viability and vitality.
- 9.15 Tesco proposes an additional 1,547 square metres of comparison goods sales space in their extended store. The resulting sales area overall would be split 56% to 44% between convenience and comparison goods respectively. It is presently split 66%:34% in the smaller existing store. It is acknowledged that modern large floorplate superstores will have a complementary incidental range of non-food merchandise. The proportion of sales area devoted to comparison goods is typically higher in larger stores.
- 9.16 The retail studies of Northampton show a large quantitative need for comparison goods shopping in the town up to 2026. The majority of comparison goods un-met floor space capacity should be directed to the town centre and in particular the planned Grosvenor Centre extension on the basis of national and local policy. In this respect it should be particularly noted that the emerging NPPF continues to promote a town centre first approach to retail planning. Similarly, there is a need for a qualitative improvement in the comparison retail goods offer in the town, giving a better range of stores and goods, providing unit accommodation of a size and configuration consistent with contemporary retail requirements, and attracting operators to broaden the appeal of the town centre, particularly higher quality shops appealing to the upper end of the market.

Retail Assessment

- 9.17 The concern is the potential impact of the additional comparison goods retail floorspace of the proposed extension on the vitality and viability of, principally, Northampton town centre, although the applicant's retail assessment also indicates that there will also be a limited impact on Weston Favell.
- 9.18 The application is for the enlargement of the store comprising an additional 2,161 sq metres (23,252 sq ft) of shopping floor space, of which 614 sq metres would be for the display and sale of convenience goods (i.e. groceries and the like) and 1,547 sq metres for comparison goods.
- 9.19 Convenience goods are defined in the glossary to "PPS4 - Planning for Town Centres: Practice guidance on need, impact and the sequential approach" as:
- "Convenience goods expenditure - Expenditure (including VAT as applicable) on goods in COICOP categories: Food and non alcoholic beverages, Tobacco, Alcoholic beverages (off-trade), Newspapers and periodicals, non-durable household goods".*
- 9.20 Essentially this definition embraces routine groceries and the like, which generally comprise a household's regular daily and weekly shopping needs. As the name suggests, these are items to which shoppers will seek convenient access. Convenience shopping patterns are typically relatively localised, and whilst customers often exhibit a preference for a particular retailer, the nature of these goods is such that they are not compared between different operators but rather bought in a single visit.
- 9.21 On the other hand comparison goods comprise virtually all other types of retail items sold in shops including (for example) durable goods, furnishings, books, fashion and shoes. These tend to be bought less regularly. Comparison shopping patterns are typically more dispersed, with shoppers prepared to travel to visit a number of shops or even a number of locations so that different types of item and prices can be compared before a purchase is made.

Impact upon Convenience Sales:

- 9.22 The town centre should and must retain an adequate main food shopping function for reasons that include social inclusion and accessibility. To safeguard this position the town centre must continue to provide a diverse range of convenience shopping facilities, including the ability to serve main as well as top up needs. These are presently met by Sainsbury's (1,786 sq metres, within the Grosvenor centre); the new Tesco Metro

store in Abington Street (900 sq metres, which opened in April of this year); Marks and Spencer, and a number of smaller food stores. These are supplemented by Morrison's Victoria Promenade store, which is within easy walking distance for some town centre residents. These stores presently serve the day to day convenience shopping needs of those who work or shop in and around the town centre and, the main shopping needs of some households who live within or close to the town centre. The nurturing of a healthy range of competing town centre convenience stores therefore serves the interests of accessibility by all members of the community and inclusive non-car dependent access to high quality local services. Although the great majority of people within Northampton's retail catchment live outside the town centre, in future its resident population may well increase as a response to aging, to escalating local travel costs and so for easy accessibility to a wide range of high quality walk to facilities. The nurturing of diverse and high quality local convenience shopping within rather than outside the town centre is therefore a key part of wider town centre policy aims.

- 9.23 Convenience retail does not account for a large proportion of the town centre's total turnover. However, for the reasons set out above, it is an important part of the offer in functional terms, and must be sustained.
- 9.24 The applicant has made submissions demonstrating the recent and positive effect of the impact of the opening of the new Tesco Metro in Abington Street in April 2011. Whilst this store has diverted some trade from other town centre operators it has led to a net increase in town centre convenience spending, and has increase the range and choice available there.
- 9.24 The market served by the town centre convenience operators is not completely distinct from that served by Tesco at Mereway. However, the overlap between the two is not great and the convenience impact of the proposal on the town centre would be limited accordingly. Notwithstanding the opening of Tesco Metro in Abington Street which will have taken trade from the key Sainsbury's store, it is considered unlikely that the combined effect with the current proposal and other permissions would be such that Sainsbury's would be threatened. Indeed, this store has demonstrated over an extended period that it is capable of adapting to changing circumstances.
- 9.25 It is unlikely that an additional 614 sq m of convenience goods floorspace at Mereway would materially and adversely affect the town centre's convenience retail offer or would result in major changes in existing shopping patterns. The applicant's Retail Assessment (July 2010) finds that within the Mereway store's catchment area, 6.3% and 4.9% of household convenience goods expenditure is spent at Sainsbury's Sixfields store and Tesco's own Weston Favell store respectively. The

applicant expects that the additional convenience goods floorspace will re-capture some of this spending through improvements to the shopping experience. There will be some trade diversion from the town centre, but this is unlikely to be significant.

- 9.27 On balance therefore it is considered that the adverse impact of 614 sq metres of net additional convenience shopping now proposed at Tesco Mereway on the town centre and Weston Favell would be limited. An increase of this scale in the convenience floorspace at Tesco Mereway would not materially increase the attractiveness of the store in relation to other centres.

Impact upon Comparison Sales

- 9.28 The implications of the proposed additional 1,547 sq metres for display and sale of comparison goods at Mereway need to be assessed separately.
- 9.29 In conducting such an exercise it is necessary to first consider the role and function of the town centre itself. The East Midlands Regional Plan refers to Northampton town centre as a growing regional centre and it is classified as a Principal Urban Area. At this level in the retail hierarchy the town centre provides a predominately comparison role where shoppers will undertake true comparison shopping.
- 9.30 In terms of PPS 4 Policy EC 16.1 it is therefore necessary to assess whether or not the expansion of the comparison goods floorspace at Tesco Mereway from 1,923 sq m to 3,470 sq m is appropriate or alternatively, sufficient to alter the position of the store such that it would have a significant adverse impact on the town centre.
- 9.31 This expansion is certainly large in the context of the existing store; however it is more limited in the context of the very much larger Northampton town centre. That said, the store would remain predominantly a food superstore, with convenience goods accounting for 56% of the extended sales area. Equally, it is generally the case that extended floorspace trades less efficiently than was previously the case in the original parent store, and often less efficiently than entirely new space. Therefore the expansion of an existing superstore would often have less impact than the construction of a new store. This is recognised in the AECOM report that assesses the cumulative impact of various retail proposals on the town centre. It should be noted that an application to extend Sainsbury at Sixfields has recently been approved by WNDC. On the 29th of September a new application for refurbishment of the former Royal Mail site at Barrack Road to serve as a further Tesco store was submitted to WNDC. Subject to a thorough evaluation by planning officers and this Council's retail consultants, any adverse retail impacts of that

proposal are likely to be primarily upon the Kingsthorpe District Centre. At the time of drafting this report, an application for a new Waitrose store alongside the Wyevale Garden Centre on the Newport Pagnell Road some 1500 sq metres to the East of Mereway is also imminent. Officers have not yet evaluated that emerging proposal either but its proposed size is limited to 1394 sq metres and would be largely devoted to sale of convenience goods. The potential impacts of these two proposals, which were both taken into account in the AECOM report, do not therefore alter the reasoning of this report in relation to the enlarged comparison goods offer included in Tesco's Mereway proposal.

- 9.32 The general thrust of national, regional and local policy is to support investment in the town centre and to maintain its role and function in the hierarchy. There is no doubt that the town centre would greatly benefit from more investment and that it has suffered from competition from out of town retailing. This is well documented in the evidence base. The main consideration is therefore whether the expansion of Tesco Mereway would have a materially adverse impact on the strength and vitality of the town centre or, prejudice future investment there including the redevelopment of the Grosvenor Centre.
- 9.33 The applicant has submitted a retail assessment that has been reviewed by the Council's retail consultant. It is considered that taking the Sainsbury and Tesco applications together and assessing their impact the comparison sales of the extensions would be equivalent to about six months growth in all available spending retained in Northampton as a whole (not just the town centre) and approximately one years growth in comparison goods spending in the town centre. Given the timetable for the redevelopment of the Grosvenor Centre post 2014, there should by then be further meaningful growth in available spending notwithstanding the current economic conditions. The applicant has demonstrated that, using the assumptions in the AECOM report, there should be sufficient comparison goods expenditure growth to support an additional 32,955sqm of comparison floorspace at 2016, sufficient to accommodate the Grosvenor Centre expansion.
- 9.34 In qualitative terms however, as the breadth, depth and quantum of comparison goods sold from superstore expands, even if this is largely in more basic items rather than those which are genuinely compared before being selected, stores selling such items within centres can be adversely affected. A number of operators including at the value end of the market have struggled recently with deteriorating sales. There are wider economic factors behind this but it is reasonable to assume that there is some contribution from trade diversion to superstores.
- 9.35 Comparison retail within superstores competes with that in other superstores, i.e. on a like for like basis. It also competes with

conventional provision within centres. However, the nature and scale of this element of the current proposal is not considered such that it would materially harm the trading performance or investment prospects of the town centre.

- 9.36 Equally, whilst the increase in floorspace proposed is locally significant, it is less so in the context of the wider market. It is not considered that it would lead to a material change in the role and function of Mereway as a trading location.
- 9.37 Taking the above into account the balance of impacts on the town centre in terms of PPS4 Policy EC16.1 would be negative. However on balance it is not considered, given all the available evidence and taking into account the objections to the application by Legal and General (see summary at para 7.11) that the Tesco Mereway proposal in relation to any one of the policy criteria in EC16.1 is such that this impact would be sufficiently adverse to warrant a reason for refusal.
- 9.38 Regard has also been had to emerging trends in retailing including the increase in internet sales, the advent of services such as 'click and collect' and foodstore operators moving towards comparison retail only stores. Whilst internet sales are increasing studies show that this expenditure is likely to peak in 2015 then marginally decrease to 2026. 'Click and collect' is becoming increasingly popular, but this form of shopping is still in its infancy and no conclusions can be drawn at this time until it becomes more established as a form of shopping. It is considered very highly unlikely that Tesco would move its foodstore operation at Mereway to a comparison goods only stores, given its current level of successful trading and the company's business model. However the store has an unrestricted A1 retail consent and could move to this form of retailing in theory.
- 9.39 The AECOM report concluded at its paragraph 69 – *“Whichever proposed developments are granted planning permission, we recommend that the permissions be subject to clear and strict conditions to control the size of the development, restrict future increases in floor space, and limit the floor space which may be used for the sale of comparison goods, ...”* Notwithstanding the caution referred to in the previous paragraph, at present the Tesco store at Mereway lies within Use Class A1 of the Use Class Order and, in principal, planning permission would not be required for any internal changes that would enlarge or reduce the proportions of both convenience and comparison goods within its overall floor space. All other things being equal, that would remain the case after the net additional floor space now proposed. However and, subject to a grant of planning permission, the applicants have agreed to accept a restriction that would control that proportionate split within the enlarged store in

future. This suggested restriction would be important in securing the capping of those adverse retail impacts which have been identified.

9.40 It then falls to consider the proposal under PPS4 Policy EC10.2.

Sustainability

9.41 The development entails an enhancement of the present bus waiting area, with extra shelters, seating and paving, as well as introducing additional pedestrian access points linked to existing footways. There will be an improved Real Time Passenger Information (RTPI) display at the bus terminus and prominently displayed in-store. Tesco will continue to operate a number of free to use scheduled bus services numbered T1 to T8 (inc) to and from the local area and destinations as far as Stony Stratford. As a related planning obligation the applicants will fund related public bus services. Officers consider that the measures proposed would, so far as is practicable, include means that would make the development more readily accessible by transport modes other than the private car. As a result and, given the limitations of its location, the development would be more sustainable and would better meet the requirement in Policy EC10.2 of PPS4 for new development to assist in the response to climate change. Similar policy aims are contained within Policies 1 and 3 of the East Midlands Regional Plan, and within the emerging NPPF.

9.42 As a substantial expansion of the pre-existing building, the proposed development will clearly be obliged to comply with higher standards than hitherto relating to energy efficiency and carbon emission contained within the evolving and updated national Building Regulations. Beyond the minimum requirements of the Building Regulations the enlarged store is intended to include a new Combined Heat and Power (CHP) plant and other improvements that are projected to reduce current carbon emissions by some 29%. As a tangible improvement to the existing situation the proposed development clearly has sustainability credentials that would serve the aims of Policy EC10.2 in PPS4.

Highway and Transportation Issues.

9.43 The proposed development has been subject to negotiation with the Highway Authority, including the requirement for the applicant to fund the improvements to junction signalling and other consequent enhancements to the local road network that serves the development in both its existing and enlarged state. Those enhancements now include a pedestrian crossing facility to the north of the Mereway Roundabout and its pedestrian underpass to and from the store.

- 9.44 The proposal also provides additional car parking, an updating of the Tesco store's managed servicing arrangements and access roads. Having removed the current service road that passes along the eastern side of the existing store (closest to homes and gardens in Denston Close), all major servicing of the enlarged store would be via the Mereway roundabout on the A5076. A new service road entrance would be created from Sandhurst Close which would provide access for just the "Tesco.com" fleet of local home delivery vehicles (i.e. MB Sprinter vans and the like) and, the smaller retained service yard to the rear of the small stores and "Chillies" restaurant. That use of that new service road entrance would not be intensive and it is not considered to have any neighbourly implications for the nearest homes at 2 and 4 Sandhurst Road. (An existing road entrance to the adjacent Danes Camp Leisure Centre is very much closer).
- 9.45 Vehicular access to Tesco's Mereway store already suffers some congestion at peak times and simply increasing pro-rata the Tesco store's capacity to receive car-borne shoppers would be inappropriate and contrary to a number of relevant policy aims. The current car parking provision is 1 car space per 16.9 sq metres of store area. As now proposed, this would be reduced marginally to 1 car space per 17.3 sq metres (excluding disabled parking bays). This level of provision would still be well above the maxima of 1 car space per 25 sq metres set out the NCC "Parking" SPG of 2003, but is clearly appropriate in view of the Tesco Store's popularity – and not least, reflecting its parking capacity to support other uses around the Mereway area. (See for example, paragraph 9.49 below). The Mereway store's bus facilities would be substantially improved as a supportable alternative to over reliance on use of the private car for local journeys. Some restraint over on-site car parking will therefore encourage greater use of non-car travel modes – more especially by shoppers who live nearby. In addition, note that electronic in-store Real Time Passenger Information (RTPI) displays will draw constant attention to imminent arrival of bus services and so provide a reminder to all shoppers about the alternative to routine use of cars. Other layout changes will aid pedestrian and cycle movement around the site, improve visual legibility and will enhance pedestrian and cycling links to other facilities around the Mereway store and its residential hinterland.
- 9.46 The proposal is, therefore, in accordance with Policy EC10.2b of PPS4 in that it will improve the accessibility of Tesco Mereway by a choice of means of transport other than the car

Residential Amenity

- 9.47 The proposal should not impact on the amenity of neighbours due noise, as the current service road is moved further away from residential

property. The Council's Environmental Health Officer is satisfied that the proposals are acceptable in terms of noise, light pollution and air-quality, subject to the imposition of conditions as recommended – which see. (See paragraph 9.44 regarding the proposed new service entrance from Sandhurst Road).

- 9.48 The enclosed rear gardens of around six homes in Falconer's Rise might be marginally affected by accelerating and decelerating vehicles using the reconfigured traffic light controlled junction from Clannell Road to the south of the site (see paragraph 3.7 earlier). That revised entrance/exit to the Tesco store would enable the Clannell Road and Falconers Rise junction to be equipped as a box junction – to enable vehicles exiting Falconers Rise to join Clannell Road with minimal interruption. (See Rule 174 of the Highway Code). At peak hours, the ability to safely exit from Falconers Rise may therefore be marginally better than now. The phasing of traffic lights that control that new junction would be demand led. The effect is that during the hours of darkness when few cars or pedestrians are exiting the Tesco store via Clannell Road, those traffic lights would generally remain on green and would not therefore interrupt the smooth flow of night time traffic on Clannell Road. The overall volume of vehicle movements close to homes and gardens in Falconers Road is unlikely to change significantly as a result of these proposals.
- 9.49 These proposals include the developer funding and implementation of new parking restrictions and a new pedestrian crossing at the lower end of Sandhurst Close (i.e. opposite Danes Camp Leisure Centre). That portion of Sandhurst Close has historically been subject to heavy on-street parking congestion due to parents briefly attending the Simon de Senlis Primary School and, major public events at the Danes Camp Leisure Centre. In that light the applicants will also be obliged to install new signs on their frontage to Sandhurst Close drawing attention to the availability of up to three hours of free to use and lawful public parking within the Tesco store's adjacent car park. The possibility of a residents' only parking scheme elsewhere in Sandhurst Close was raised during the discussions on the 23rd of September. This was not however favoured as it would impose permit costs on residents.
- 9.50 The built store extension would be closer to adjacent homes in Sandhurst Close and Denston Close, although due to the orientation of the dwellings, the height of the extension and the intervening planted areas, no appreciable loss of light or outlook should arise. Conditions are recommended to control or prevent any other adverse aspects of the neighbourly relationship and, requiring a Construction Site Management Plan (CSMP) to regulate adverse impacts that have the potential to arise during the construction period.

- 9.51 The proposal is, therefore, in accordance with PPS4 Policy EC10.2 in that the character and quality of the area and the way that it functions would be improved.

Exterior Design, Landscaping and the Public Realm

- 9.52 The exterior design of the development very closely reflects that of the existing store in terms of scale, materials and fenestration and, subject to compliance with conditions recommended below is considered visually appropriate and acceptable. As a major public venue, with large areas of accessible public realm, a high standard of finish is warranted both to exterior materials and finishes and to surfacing materials. The same consideration has prompted the required method statement regarding management of litter and detritus recommended as planning obligation (g) on page 3.
- 9.53 A new scheme of exterior lighting is proposed and a condition is recommended to prevent any unacceptable light trespass or sky glow. There would be some loss of still growing boundary planting to allow new and improved pedestrian links, and better visual links to and from surrounding uses including the Leisure Centre and Library. This loss would be minimal in terms of the overall level of existing landscaping at the site – which if anything has become rather overgrown and under managed since its original planting in circa 1986. There are benefits arising from more sustainable methods of locally accessing the Tesco store and improved links to other community uses. These benefits combined with proposed new planting within and around the car park are considered to out-weigh the loss of small areas of pre-existing planting.
- 9.54 It is considered that Tesco's offer to establish the Mereway Forum and to work with adjacent landowners, the bus operators and other interested parties, including the Parish Council is a significant benefit to the area. This will encourage all operators to improve the functionality of the Centre and improve the character and quality of the area in accordance with PPS4 EC10.2. There may also be a marginal benefit to improving the footfall to the small retail units thus providing a benefit under PPS4 Policy EC10.2 local employment.

10. CONCLUSION

- 10.1 The proposal falls within a centre as currently defined in the NLP and therefore a sequential approach is not required. It would help to meet a need for additional provision in the local market.

- 10.2 It is considered that an additional 614 sqm convenience goods floorspace at Tesco Mereway would not result in a significant trade diversion from the Town Centre. The provision of an additional 1,547sqm net comparison goods floorspace would have a negative impact on the Town Centre. However, it is considered after taking all the available evidence into account that this negative impact is unlikely to be sufficiently adverse to warrant a reason for refusal.
- 10.3 In this particular case, the applicants have reduced their original proposal for a total of 2,164 sq metres (23,285 sq feet) of additional comparison good floor space (July 2010) to the current proposal for a net additional 1,547 sq metres. In negotiation they have also offered to accept a restriction that would prevent future reconfiguration of their Mereway store to provide any greater amount of comparison floor space. Given that at present the entire 5,733 sq metres (net retail area) of the existing store is not subject to any such restriction then, officers regard this proposed restriction as material. The beneficial implications of such an agreement are explained in paragraph 9.39. In addition although some improvements to the general environment around Tesco's Mereway store could well be made without the proposed store extension, other aspects of the proposed development, future compliance with recommended planning conditions and implementation of planning obligations agreed with the applicants are also material in the determination of this application.
- 10.4 The more general impact of the proposal, for example with regard to aspects of sustainability, accessibility and design, would also be positive. On balance, therefore, the application is considered to be acceptable in impact terms. This conclusion is reached having regard to the current application and other committed schemes. The cumulative effects of any future proposals for the further extension of this store or, for any other retail proposals elsewhere would necessarily be assessed in a similar way and would have to be carefully considered on their own merits (see paragraph 9.31).
- 10.5 In addition, it is considered that the applicant has had regard to the provisions of PPS4 Policy EC10.2 in that provision will be made to improve the environment and amenity of Mereway to shoppers and for the benefit of adjoining land uses, which are currently isolated from the supermarket by poor legibility due to the lack of pedestrian access and overgrown and dense landscaping. Regard has also been had to the benefits of improving access to the store by public transport, thus reducing the need to travel by car. The re-orientation of the service access road and yard will also benefit adjoining homes and gardens to the east.

- 10.6 On balance, officers therefore recommend the proposed development, subject to the conditions below and, the planning obligations set out in paragraph 2.1 earlier.

11. CONDITIONS

1. The development hereby permitted shall be commenced within three calendar years from the date of this conditional planning permission. REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 and to ensure that, if the development as hereby permitted is not promptly commenced then, the very limited scope for out-of-centre retail development within the retail catchment of Northampton town centre without unacceptable impacts on retail led regeneration are then re-allocated to other locations which would be of benefit to the regeneration of those other locations and so the social, economic and environmental well-being of alternative town centre and out-of-centre locations, and of Northampton as a whole.

Pre-commencement conditions:

2. No development in compliance with this planning permission shall take place until an Agreement under Section 278 of the Highways Act 1980 has been reached with Northampton County Council as Highway Authority. REASON: To ensure that the road traffic impacts of the proposed development upon local roads and pedestrian routes are adequately mitigated and in accordance with Policy E19 of the Northampton Local Plan.
3. Notwithstanding the matters disclosed on submitted drawings and other documentation, new external materials, external finishes (including mortar and pointing) and all new surfacing materials, hard surfacing and fencing will match, as close as possible, those of the existing building(s) and within the wider application site. The new materials and finishes shall be completed to a high standard. REASON: To safeguard the quality and finished appearance of this important public venue in accordance with Policy E20 of the Northampton Borough Plan.
4. No new development, works of demolition or site clearance in compliance with this planning permission shall commence until a drawn and annotated scheme of hard surfacing, fencing and new planting has been submitted to and approved in writing by Northampton Borough Council following submission of a written application for that purpose. That scheme shall include indications of all pre-existing trees, shrub planting and hard surfacing and details of those to be retained and, any retained trees or shrubs that are to be better cultivated or reduced. New planting should be carried out in accordance with the recommendations of BS3936 and

- BS4428 or BS4043. Any tree work to existing trees or shrubs should be carried out in accordance with BS3998 (all as appropriate, or replacements thereof). REASON: In the interests of amenity at this important public venue and, to improve biodiversity and feeding opportunities for bird species, to secure a satisfactory standard of finished development in accordance with Policy E20 of the Northampton Local Plan and relevant "Key Principle" (vi) and other policy aims in PPS9 – "Biodiversity and Geological Conservation".
5. All new planting, surfacing and new fencing shown to be undertaken in the details approved under condition (4) shall be carried out before the end of the first planting season following occupation of the proposed building works which are the subject of this planning permission. New planting and fencing shall be maintained for a period of not less than five years; such maintenance to include the replacement during the current or next available planting season of new plants that may die, are removed or fail with others of a similar size and species, unless Northampton Borough Council give written consent to any deviation from this condition. REASON: In the interests of amenity at this important public venue and to secure a satisfactory standard of finished development in accordance with Policy E20 of the Northampton Local Plan.
 6. All trees and shrubs which are shown to be retained in the plans hereby permitted or the details to be approved under condition (4) shall be protected by fencing erected and maintained throughout the construction period in accordance with BS 5837: 2005 – "Trees in Relation to Construction", unless Northampton Borough Council give written consent to any deviation from this condition. REASON: To ensure an adequate protection and management of visually important pre-existing trees within and around the site throughout construction works, in compliance with Policies E11 and E20 of the Northampton Local Plan and BS5837.
 7. Notwithstanding the matters shown on submitted drawing number LS18704/3, no new development in compliance with this planning permission shall be commenced until written, drawn and annotated details of all new external lamps and luminaries proposed throughout the application site have been submitted to and approved in writing by Northampton Borough Council following the submission of a planning application for that purpose. REASON: To reduce carbon emissions arising from the proposed development, to ensure that an adequate level of external light is provided throughout the proposed development to support pedestrian and vehicular safety and to reduce crime and the fear of crime, and all without any avoidable light trespass onto adjacent premises and with minimal or no sky glow in accordance with Policy E20 of the Northampton Local Plan.

8. Notwithstanding the matters shown on submitted drawing number F/EXT/1112/SK36.A, prior to the commencement of new development, details of the location, appearance and specification of motorcycle inhibiting bollards on all pedestrian routes into the site shall be submitted to and agreed in writing by Northampton Borough Council following the submission of a written application for that purpose. Those bollards shall be erected in accordance with the agreed details, and provided before the new element of the enlarged retail building is brought into use. REASON: To safeguard the commodious use of pedestrian routes into and away from the site, to deter misuse of those pedestrian routes and to deter crime and the fear of crime, all in accordance with Policy E20 of the Northampton Local Plan.
9. Notwithstanding the matters shown on submitted drawing number F/EXT/1112/SK36A, prior to the commencement of new development, drawn and annotated details shall be submitted to and approved in writing by Northampton Borough Council of the finished construction of the proposed new ramps and enclosures linking the application site to the adjacent library and other nearby community buildings in the south western extremity of the application site, following a written application submitted for that purpose. Those approved details shall be implemented in full and provided before the new element of the enlarged building is brought into use. REASON: To better integrate the enlarged premises as proposed with adjacent community buildings and in accordance with Policies E19 and E20 of the Northampton Local Plan.
10. Notwithstanding the matters disclosed in submitted documents, prior to the commencement of new development, details of the location, orientation and specification of new CCTV cameras around the site along with details of their future recording, monitoring and maintenance arrangements shall be submitted to and agreed in writing by Northampton Borough Council following submission of a written application for that purpose. The cameras and related arrangements shall be erected in accordance with the agreed details, and provided before the development hereby permitted is brought into use. REASON: To deter crime and the fear of crime, to better evidence any crime or anti social behaviours throughout the external environment of the development as hereby permitted and, in accordance with Policies E19 and E20 of the Northampton Local Plan.
11. Notwithstanding the details disclosed on submitted drawings and other documents, no works of site clearance, demolition or on-site preparation in accordance with this planning permission shall be commenced until written, drawn and annotated particulars have been submitted to and approved in writing by Northampton Borough Council following a written application submitted for that purpose of how the proposed works will

comply with a Construction Site Management Plan (CSMP) throughout the duration of the operational works hereby permitted. In particular but not exclusively that CSMP shall address and explain:

- a) The hours and the days of the week during which proposed demolition works and building and engineering works will take place.
- b) Information on the proposed phasing of construction works.
- c) Arrangements for amendment to the site remediation strategy and reporting arrangements hereby approved, in the event that previously unforeseen site contamination is found during the course of works hereby permitted.
- d) The hours during which deliveries will be scheduled to the work area, to mitigate impacts on local traffic conditions and other on-site and off-site management including delivery routing and signage.
- e) Specific measures to be taken throughout the project to avoid or mitigate any nuisance or hazard to nearby homes and gardens (within Sandhurst Close and Denston Close in particular) due to excessive artificial lighting, noise, vibration, smoke, dust or smells.
- f) Arrangements to be made for the protection of trees, boundary planting and ecological habitat throughout construction works (see condition 6 above).
- g) Arrangements to be made to secure work areas from intruders (fencing or hoardings) while leaving safe and commodious routes for pedestrians and those with impaired sight or mobility to circulate and enter or leave retained retail premises while works proceed.
- h) Arrangements to be made for wheel cleaning of vehicles leaving work areas and the routine daily cleansing of local footways, cycleways and roads, to remove mud or detritus.
- i) Arrangements to make good or repair any adjacent or nearby highways, footpaths or footways, hedges, walls, fencing, planted areas or other boundaries at the conclusion of operational works.
- j) The name and contact details of a named individual with responsibility for ensuring compliance with the provisions of the approved CSMP.

REASON: To safeguard the safety, amenity and finished quality of the construction works hereby permitted in accordance with relevant policies of the Northampton Local Plan and lawful obligations under which the works will proceed.

12. Operations that involve the removal or disturbance of vegetation within the application site shall not take place between the months of March to August inclusive, except with the prior written consent of Northampton Borough Council. REASON: to avoid disturbance to nesting birds within the breeding season in implementation of relevant "Key Principle" (vi) and policy aims in PPS9 – "Biodiversity and Geological Conservation".

Conditions Regarding the Development in Use:

13. Having regard to the proximity of nearby homes and gardens, prior to completion of any part of the enlarged building hereby permitted, the applicant shall submit an expert report to Northampton Borough Council explaining how the specification, design and installation of all refrigeration, air-conditioning, waste compaction and other mechanical plant or recycling facilities within or around the enlarged premises hereby permitted will be configured and thereafter maintained to avoid the emission of noise or vibration to levels in excess of the “good” standard set out in Table 5 of British Standard 8233, (BSI; 1999) and “Guidelines for Community Noise” (World Health Organisation; 1999). The projected audible noise impacts upon nearby homes, their living spaces, bedrooms and gardens shall be below measured ambient noise levels unless Northampton Borough Council any deviation from those standards. REASON: To safeguard the neighbourly interests of nearby homes which ought to be protected in the public interest and in compliance with Policy E19 of the Northampton Local Plan.
14. Having regard to the proximity of nearby homes and gardens, the two service yards to the north and south of the enlarged building as hereby permitted shall not be used unless prominent and illuminated signage is installed and maintained within those service yards to advise that vehicle drivers should disable any audible vehicle reversing alarms between the hours of 21:00 and 07:00. REASON: To safeguard the neighbourly interests of nearby homes which ought to be protected in the public interest and in compliance with Policy E19 of the Northampton Local Plan.
15. Having regard to the proximity of nearby homes and gardens in Falconers Road, containers to be used for the collection of consumer recyclables in the designated new location shown on drawing F/EXT/1112/PL20 shall not be emptied or serviced by container operators between the hours of 21:00 and 07:00. One or more prominent notices shall be erected and thereafter maintained to that effect before any recycling containers are set in place for subsequent use by visiting members of the public. The recycling area hereby approved shall be retained in place throughout the operation of the enlarged superstore as hereby permitted and shall not be relocated to any other location within the application site without the prior written approval of Northampton Borough Council. REASON: To safeguard the neighbourly interests of nearby homes which ought to be protected in the public interest and in compliance with Policy E19 of the Northampton Local Plan.
16. Notwithstanding the proposed internal floor uses indicated on submitted drawings; the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) and the Town and Country Planning (Use Classes) Order 1987 (as amended) or, any future

enactments to similar effect, there shall be no further subdivision or amalgamation of the retail units within the extended or altered building(s) hereby permitted, over and above those that are shown on submitted drawings. REASON: To regulate and control the future retail impacts of the enlarged retail building(s) as hereby permitted and, in particular but not exclusively, to safeguard the quality and diversity of the future retail offer within Northampton town centre in a resilient manner as a means to fostering local economic growth and the social, economic and environmental well-being of Northampton's local people. These various policy aims are a reflection of relevant planning policies including those within PPS4 – "Planning for Sustainable Economic Growth".

12. BACKGROUND PAPERS

- Planning Application N/2010/0653 (as submitted to WNDC) and, N/2011/0323 (i.e. this current application).
- "Northampton Foodstores Cumulative Impact Study Report" – AECOM; 14th April 2011.
- "West Northamptonshire Retail Study" – WNJPU; 2009.
- "Northampton Borough Council, Town Centre Health Check" – Roger Tym and Partners; Oct 2009
- "Planning Policy Statement 4: Planning for Sustainable Economic Growth" – CLG; 2009
- "ONS Statistical Bulletin; Retail Sales – June 2011" Office of National Statistics (republished monthly), available on-line from: www.statistics.gov.uk/statbase/product.asp?vlnk=870
- "Draft National Planning Policy Framework" CLG 25th July 2011; available on-line from: www.communities.gov.uk/publications/planningandbuilding/draftframework
- "Planning for Growth" Ministerial Statement – CLG; 23rd March 2011; available on-line from: www.communities.gov.uk/statements/newsroom/planningforgrowth



Name: LZ
 Date: 11th August 2011
 Scale: 1:2500
 Dept: Planning
 Project: Site Location Plan

Title
Tesco Store, Clannell Road

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Agenda Item 10b



PLANNING COMMITTEE: 15th November 2011
DIRECTORATE: Planning and Regeneration
HEAD OF PLANNING: Susan Bridge

N/2011/0504: Demolition of existing school buildings and erection of 14 dwelling houses and associated access and car parking
Former St James Church of England Lower School, Greenwood Road, Northampton

WARD: St James

APPLICANT: Stead Goodman
AGENT: RG+P

REFERRED BY: Cllr. T. Wire DL
REASON: The building is of historical interest and concerns exist regarding access and car parking

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 APPROVAL IN PRINCIPLE subject to the prior completion of a S106 legal agreement and conditions and for the following reason:

The proposal would represent the affective reuse of previously developed land and would not unduly impact upon the amenities of surrounding occupiers. As a result of this, the proposal complies with the requirements of PPS1, PPS3, PPS5, PPS23, PPS25, PPG13 and PPG24 and Local Plan Policies E20, E40 and H6

The S106 agreement shall secure a payment to fund the provision of primary school education within the vicinity in order to meet the future needs of occupiers of the proposed development.

- 1.2 It is also recommended that in the event that the S106 legal agreement is not secured within three calendar months of the date of this Committee meeting, delegated authority be given to the Head of Planning to refuse or finally dispose of the application on account of the necessary mitigation measures not being secured in order to make the proposed development acceptable.

2. THE PROPOSAL

- 2.1 The applicant seeks permission to erect 14 houses within the now disused school site. This composition of house types comprises 12 three bedroom dwellings and two, four bedroom dwellings. The proposed development would include the provision of 16 on-site car parking spaces. Access to the site would be provided via Greenwood Road. As a result of this, the access road from Althorp Road would not be utilised for the proposed development. The dwellings would be of 2.5 stories in height.

3. SITE DESCRIPTION

- 3.1 The application site was previously used as a school and opened in 1866. Construction work on the church located to the south of the site, commenced in 1868. The Church is a Grade II Listed Building, although no such designation can be attached to the school buildings. The educational use of the site ceased approximately four years ago. The surrounding land uses are predominantly residential in nature, although the St James Centre is located to the south of the application site. The site is located within Flood Zones 2 and 3.

4. PLANNING HISTORY

- 4.1 None relevant.

5. PLANNING POLICY

5.1 Development Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The current Development Plan comprises of the East Midlands Regional Plan, the saved policies of the Northamptonshire County Structure Plan and Northampton Local Plan 1997.

5.2 National Policies:

PPS1 – Delivering Sustainable Development
PPS3 – Housing
PPS5 – Planning for the Historic Environment
PPS23 – Planning and Pollution Control
PPS25 – Development and Flood Risk
PPG13 – Transport

PPG17 – Planning for Open Space, Sport and Recreation
PPG24 – Planning and Noise

- 5.3 Northampton Borough Local Plan
E20 – New Development
E40 – Planning and crime and anti-social behaviour
H6 – Residential Development

- 5.4 **Supplementary Planning Guidance**
Northamptonshire County Parking Standards
Planning Out Crime in Northamptonshire

6. CONSULTATIONS / REPRESENTATIONS

- 6.1 **Environment Agency** – It is considered that the development passes the sequential test. The submitted Flood Risk Assessment is compliant with PPS25 and therefore there are no objections subject to conditions requiring that the development is carried out in accordance with the recommendations of the FRA including finished floor levels and drainage systems.
- 6.2 **Development Management (NCC)** – Would request that a financial contribution is secured to provision of primary school education within the vicinity. This is required on the basis that there is already limited capacity in terms of school places, which would be exacerbated by the type of the proposed development. Financial payments are also requested towards the fire and library services.
- 6.3 **Highway Authority (NCC)** – The five tandem parking spaces are not acceptable and should be amended to two clusters of two spaces. This can be achieved by altering the dimensions of the adoptable highway. The spaces adjacent to Plot 4 would need to be increased. The triangle of planting adjacent to Plot 3 would need to be replaced with hard surfacing. The parking adjacent to the site entrance would also need to be reduced. The site access should be converted to have the first 2m as a raised surface from the channel level and the remainder as a level surface. The pedestrian crossing could be at that level, removing the need for the dropped kerbs.
- 6.4 **Northamptonshire Police Crime Prevention Design Advisor** – The boundaries of Plots 8-12 will need to be adequately treated in order to prevent forced entry from the alleyway to the rear. Access gates would need to be fitted with locks. Car parking spaces should be overlooked in order to provide security and a uniform level of lighting should be provided.
- 6.5 **Public Protection (Environmental Health) (NBC)** – There is the potential for amenity to be lost as a result of nearby traffic noise. Therefore a condition requiring an assessment of noise levels is required and, where appropriate, noise mitigation measures

identified. Conditions covering contamination and refuse storage are also recommended.

- 6.6 **Conservation (NBC)** – The site is not curtilage listed and therefore an application for Listed Building Consent is not required. The key conservation issue is therefore the impact of St James Church, a Grade II Listed Building. In respect of this the site layout creates an open vista to the rear of the church. There are concerns regarding the number of dormer windows within the building and it is considered that position of some of the dwellings could be revised to provide a greater sense of enclosure, although it is recognised that this could cause some logistical problems. The house types selected are appropriate for its context.
- 6.7 **Cllr T. Wire DL** – The buildings are of historic interest and some of the site's features could be retained. There are also concerns regarding the access to the site and the level of car parking.
- 6.8 **St James Residents Association** – Objecting to the proposed as the demolition of the school buildings would remove a feature that has played a significant part in the history and culture of the St James area. It is also claimed that the buildings are curtilage listed and therefore should be retained. Demolishing good quality buildings is not environmentally sustainable, particular as parts of St James and Weedon Road have poor air quality.
- 6.9 A second letter has been submitted by the Residents Association, which comments further on the linkages between the school and church. In particular, the church operated within the school buildings prior to the erection of the place of worship. Further links can be demonstrated through the name of the school, that the vicar of St James Church has always been a governor of the school and that the school and church buildings are of a comparable style. The proposed development will put more pressure on local schools. St James also lacks many facilities and a Section 106 Agreement could contribute to the area's needs.
- 6.10 **St James's Church** – The present school buildings provide security to the church and it is important that this security is maintained. It would be preferred that the rear boundary of the site be marked by a 2m brick wall and that street lighting be provided.
- 6.11 **10 Althorp Road** – The garden of the new houses is adjacent to the site boundaries, which does not give room for maintenance to existing garages. Access from Althorp Road is private. Parking within the area is already difficult and the proposed development incorporates limited car parking, particularly when compared to the scale of the dwellings.

7. APPRAISAL

Principle of the development

- 7.1 On account of the site being located within an existing primary residential area, it is considered that the principle of developing this site for residential purposes is acceptable.
- 7.2 The design of the proposed houses makes reference to the prevailing vernacular in terms of the form of buildings, the proposed materials and the use of comparative features, such as door and window detailing. In addition, the linear pattern of the proposed dwellings reflects the surrounding character. By creating a central roadway into the development, a vista would be created in which the rear window of St James's Church would be clearly visible from within the development and Greenwood Road and as a result of this, it is considered that a positive contribution to visual amenity would be secured.
- 7.3 By reason of the separation distances of approximately 20m in instances where rear elevations of the existing dwellings directly face onto rear elevations of the proposed dwellings it is considered that there would be no undue detrimental impact upon the amenities of surrounding properties in terms of securing a satisfactory level of light, outlook and privacy for both the occupiers of proposed and existing dwellings. Although the proposal features a number of dormer windows, it is considered that due to the separation distances between the proposed and existing dwellings, combined with the oblique angles between some of the dwellings, this arrangement would not lead to any significant loss of privacy to surrounding residents. As a result of these considerations, the proposed development complies with the requirements of Local Plan Policies E20 and H6.
- 7.4 It is considered that there would be adequate natural surveillance of the site's car parking spaces offered by the proposed site layout and therefore the scheme is in accordance with the requirements of Local Plan Policy E40 within this regard. It is noted that Northamptonshire Police's Crime Prevention Design Advisor has recommended a number of specifications in relation to items such as gates, doors and windows. Whilst these are not land use planning matters, it is recommended that if the scheme were approved, informative notes covering these matters be included within the decision notice.
- 7.5 In order to secure a satisfactory standard of development and due to the positioning of the site close to the St James centre with reference to the advice of the Council's environmental health service, a condition requiring an assessment of noise levels is necessary in order to ensure that the proposed development complies with the requirements of PPS24 – Planning and Noise. A further condition is

proposed that would require details of potential contamination and remediation to be submitted.

Heritage considerations

7.6 The site is adjacent to the Grade II Listed St James's Church. Representations have been submitted debating whether the school buildings are curtilage listed. In determining if a building holds curtilage listed status the following tests are applicable.

- the historical independence of the building;
- the physical layout of the principal building and other buildings;
- the ownership of the buildings now and at the time of listing;
- whether the structure forms part of the land; and
- the use and function of the buildings and whether a building is ancillary or subordinate to the principal building.

7.7 In terms of the history of the building, the school opened in 1866. Construction work on the church commenced in 1868 and the church site being consecrated in 1871. As a result of this, it would appear that the school was built as a separate entity and not as an ancillary element of the church. The school was constructed as a 'national school', which like many Church of England Schools had a relationship with the church; however, they were not run by the church or controlled by it and as a result of this it would appear that the school exercised operational independence from the adjacent church.

7.8 The original conveyance describes the site as being bounded to the north by St James National School. The conveyances for the school site date from 1865, 1889 and 1900 with that conveyance being held by the Bishop of Peterborough in his corporate capacity as Bishop as opposed to his ecclesiastical role. This is in contrast to the original conveyance for the church site, which dates from 1870 and was held by the Church Commissioners. Therefore, although it would appear that there are links between the two sites, they were owned by two different bodies and this situation has been maintained throughout the lives of the buildings, with the school site now being in the ownership of the applicant.

7.9 A further factor to emphasise the differentiation between the school and the church is that in the main, the school would have derived its funding from various national and Governmental sources with the intent of providing educational facilities. Therefore, the school would not have been reliant on the church for its existence and from this, it can be concluded that the two buildings were not linked to the extent where they could be said to occupy the same curtilage.

7.10 The two sites have clearly defined curtilages, with the site entrances from the church site (onto St James Road) and the school site (onto

Greenwood Road) being of differing styles and types, thereby reinforcing the idea that the buildings are not within the same curtilage. Furthermore, a low wall is in place between the boundaries between the two buildings that appears to date from the time of the school's construction. By reason of this layout, it is considered that the school cannot be considered ancillary to the church or within its curtilage.

- 7.11 For these reasons, it is considered that the school is not curtilage listed and consequently it does not benefit from protection as a heritage asset. Hence, the matter of demolition can be given little weight within the determination of the application. It is therefore considered that refusal of this application on the grounds that the buildings would be lost would be unreasonable and could not be sustained.
- 7.12 Notwithstanding this, it is considered that the buildings do have social interest relating to the development of the St James area and as a result of this, it is considered that should the application be approved, it be subject to a condition that would require details of the school buildings to be recorded in order to aid future understanding of the area's past. By reason of these factors, it is considered that the proposed redevelopment of the site would not be contrary to the requirements of PPS5 – Planning for the Historic Environment.

Flooding

- 7.13 The application site is located within Flood Zones 2 and 3. The applicant has submitted, in support of the application, a Flood Risk Assessment, which has demonstrated that the proposal would not have an undue detrimental impact upon flood risk within the vicinity of the application site and other locations. In order to achieve a satisfactory standard of development, conditions are proposed that would cover the finished floor levels within the development and require that details of foul water drainage are submitted to and approved by the Local Planning Authority.
- 7.14 Further to this, the sequential test as required by PPS25 – Development and Flood Risk has been passed and by reason of the satisfactory flood risk statement being submitted, the fact that the site would represent the reuse of previously developed land and by reason of the site's sustainable location, it is considered that the proposal has also passed the Exceptions Test detailed within PPS25. The Environment Agency has raised no objection. For these factors, it is considered that the proposed development complies with the requirements of PPS25, with regards to ensuring that developments do not increase flood risk.

Highways

- 7.15 The proposed layout includes the provision of 15 car parking spaces. Additional spaces (of which four are shown on the submitted plans) are to be created through the removal of existing car parking restrictions within Greenwood Road. It is considered that this provision is acceptable given the close proximity to the St James Centre, which includes access to public transport and other services and business as well as the closeness of Victoria Park.
- 7.16 Comments have been received regarding the size of the car parking spaces, although it should be recognised that the bulk of the car parking spaces comply with the standards as set out within the County Council's Parking Supplementary Planning Guidance. The sole exception to this is that the tandem spaces that serve Plot 4, which have a depth of 4.85m as opposed requested 5.5m. However, given that these spaces would be in the control and use of the same household and are the same size as the non-tandem spaces, it is considered that this arrangement is acceptable.
- 7.17 The proposal has been amended during the application process to increase the size of the turning head. This amendment ensures that there is sufficient space within the site to allow for large vehicles to turn around without needing to reverse onto Greenwood Road. Furthermore, the site entrances have been amended to increase the level of visibility in the interests of highway safety.
- 7.18 On account of the slightly differing land levels between Greenwood Road and the application site, the access road would need to gradually slope upwards for a distance of 7m. The scheme has been designed so that this change in levels has been set back from the front boundary of the site in order to allow those pedestrians that are crossing the site entrance to have a level surface to cross on and have a reasonable level of visibility of vehicles entering and leaving the development.
- 7.19 It is noted that concerns have been raised by NCC as Highway Authority regarding this arrangement, however, it is considered that pedestrians are more likely to cross the access road at its junction with Greenwood Road as opposed to entering the site and crossing away from junction. As a level surface has been provided and a good level of visibility is available, it need not form a reason for refusing this application.
- 7.20 The proposed layout of pavements is considered satisfactory given the mews style of development that has been proposed, combined with the comparatively low level of traffic and low speeds. The comments received from the Highway Authority regarding the surface treatments adjacent to the car parking space in front of Plot 3 can be reasonably addressed via a condition. For the above reasons, it is

considered that the proposal is compliant with the aims and objectives of PPG13 – Transport.

Planning obligations

- 7.21 The key tests in determining the justification for planning obligations are laid out in Circular 05/05: Planning Obligations as amended by the Community Infrastructure Regulations 2010, which states that planning obligations must be:
- a) Necessary to make the development acceptable in planning terms;
 - b) Directly related to the development; and
 - c) Fairly and reasonably related in scale and kind to the development.
- 7.22 On account of the proposed development being for family housing, it follows that a reasonable number of school age children would reside within the development. It is therefore considered that the requirement of a financial payment towards the provision of education payment is necessary and reasonable and related to the type of the development proposed. Furthermore, the application site is located within an area in which the surrounding primary schools have a limited capacity, which is projected to remain the case for the foreseeable future. It would appear more likely that residents occupying one of the proposed dwellings would prefer for their children to attend one of the local primary schools and therefore due to the shortages of places, a financial payment is directly related to the scale and type of the development and is therefore in accordance with the requirements of Circular 05/05.
- 7.23 Ideally, in instances where no on-site public open space is proposed, a payment towards off-site open space is normally sought. However, the developer has submitted a viability appraisal, which indicates that the scheme would be unviable if all of the proposed Section 106 contributions were to be insisted upon. Having had this appraisal independently assessed, it would appear that it is not possible to secure the full amount of Section 106 payments.
- 7.24 In the circumstances of the case in order to bring forward the redevelopment of the site and given that all of the proposed dwellings feature private gardens, it is considered that the proposed payment towards open space be foregone in this instance, but that the education contribution should be secured.
- 7.25 The County Council has also requested financial contributions towards funding of library and fire services. However, given the scale and type of the development, the fact that it is not clear how such contributions would not be directly related to the proposed development and as described above, such capital costs can no longer be pooled and secured by a Section 106 Agreement, it

considered that any request for a financial contribution to these matters could not be reasonably sustained.

8. CONCLUSION

- 8.1 It is considered that the principle of developing this site for residential purposes is acceptable due to the character of the surrounding area and the neighbouring land uses. Although the proposal would see the loss of the former school buildings, these are not listed and therefore there is no statutory protection of these structures. Furthermore, although the site is of a limited size, it is considered that the proposed dwellings are of a good standard of design and such they would make a positive contribution to visual amenity. Moreover, a satisfactory level of residential amenity would be secured through reasonable separation distances and private amenity space. Through the Section 106 Agreement, sufficient infrastructure would be provided to reasonably meet the needs of the future occupiers of the development.

9. CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

2. Details and/or samples of all proposed external facing materials shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and to ensure that the development will harmonise with its surroundings in accordance with Policy E20 of the Northampton Local Plan.

3. Notwithstanding the details submitted, full details of all surface treatments shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details, implemented prior to the first occupation of the development and retained thereafter.

Reason: In the interests of visual amenity in accordance with the requirements of Policy E20 of the Northampton Local Plan.

4. Full details of the method of the treatment of the external boundaries of the site together with individual plot boundaries shall be submitted to and approved in writing by the Local Planning Authority, implemented prior to the occupation of the buildings hereby permitted and retained thereafter.

Reason: To ensure that the boundaries of the site are properly treated so as to secure a satisfactory standard of development in accordance with Policy E20 of the Northampton Local Plan.

5. No development shall take place until a desk top study in respect of possible contaminants within the site is completed and a site investigation has been designed. The scope and methodology of the desk top study and the site investigation report shall be submitted to and approved in writing by the Local Planning Authority. The site investigation and appropriate risk assessments shall be carried out and the results shall be used to produce a method statement for the necessary remedial works (and a phasing programme), which shall be submitted to and approved in writing by the Local Planning Authority. All remedial works shall be fully implemented in accordance with the approved method statement and phasing programme. Confirmation of the full implementation of the scheme and validation report(s) shall be submitted to the Local Planning Authority within 2 weeks of completion (or within 2 weeks of completion of each respective phase).

Reason: To ensure the effective investigation and remediation of contaminated land sites and in the interests of health and safety and the quality of the environment in accordance with the advice contained in PPS23 Planning and Pollution Control.

6. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Condition 5, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition 5 which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Condition 5.

Reason: To ensure the effective investigation and remediation of contaminated land sites and in the interests of health and safety and the quality of the environment in accordance with the advice contained in PPS23 Planning and Pollution Control.

7. Prior to development commencing the applicant shall assess the Noise Exposure Category(ies) of the site due to its exposure to transportation noise. This must take into account, where appropriate, Roads or Railways that may not be immediately adjacent to the site and the likely growth of traffic over the next 15 years. The applicant shall also submit for approval by the LPA a scheme to protect the site where its noise exposure exceeds NEC A. The scheme shall include a site plan showing the position, type and height of the proposed noise protection measures together with the resultant NEC(s) for the site. The agreed scheme shall be implemented prior to the development coming into use and shall be retained thereafter.

Reason: To protect the enjoyment of future occupiers of their dwellings amenity in accordance with the advice contained in PPG24 Planning and Noise.

8. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a detailed scheme of hard and soft landscaping for the site. The scheme shall include indications of all existing trees and hedgerows on the land and details of any to be retained.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy E20 of the Northampton Local Plan.

9. Notwithstanding the details submitted, a historical recording exercise shall take place prior to the demolition of the existing buildings. The methodology of this shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of securing a record of the site's history in accordance with the requirements of PPS5 – Planning for the Historic Environment.

10. Full details of all external lighting shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction work on site, implemented concurrently with the development and retained thereafter.

Reason: To secure a satisfactory standard of development in accordance with Policy E20 of the Northampton Local Plan.

11. Prior to the commencement of construction works on site, details of the existing and proposed ground levels and finished floor levels of the development in relation to Greenwood Road shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.

Reason: In the interests of residential and visual amenity in accordance with Policy E20 of the Northampton Local Plan.

12. No development shall take place until a desk top study in respect of possible contaminants within the site is completed and a site investigation has been designed. The scope and methodology of the desk top study and the site investigation report shall be submitted to and approved in writing by the Local Planning Authority. The site investigation and appropriate risk assessments shall be carried out and the results shall be used to produce a method statement for the necessary remedial works (and a phasing programme), which shall be submitted to and approved in writing by the Local Planning Authority. All remedial works shall be fully implemented in accordance with the approved method statement and phasing programme. Confirmation of the full implementation of the scheme

and validation report(s) shall be submitted to the Local Planning Authority within 2 weeks of completion (or within 2 weeks of completion of each respective phase).

Reason: To ensure the effective investigation and remediation of contaminated land sites and in the interests of health and safety and the quality of the environment in accordance with the advice contained in PPS23 Planning and Pollution Control.

13. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Condition 12, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition 12 which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Condition 12.

Reason: To ensure the effective investigation and remediation of contaminated land sites and in the interests of health and safety and the quality of the environment in accordance with the advice contained in PPS23 Planning and Pollution Control.

14. Unless otherwise agreed in writing by the Local Planning Authority, the car parking spaces as shown on drawing 7243/010 F shall be implemented prior to the first occupation of the development and retained thereafter.

Reason: In the interests of securing a satisfactory standard of development and to ensure a neutral impact upon highway safety in accordance with the requirements of PPG13 – Transport.

15. The development permitted shall only be carried out in accordance with the approved Flood Risk Assessment prepared by Ironside Farrar Limited, Rev A, reference 3866/SRG, dated July 2011, and the following mitigation measures detailed within the Flood Risk Assessment:

- i) Finished floor levels are set no lower than 60.80m above Ordnance Datum (AOD);
- ii) The maintenance and/or adoption proposals for every element of the surface water drainage system proposed on the site should be considered for the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants and to prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site in accordance with the requirements of PPS25 – Development and Flood Risk

16. No development shall commence until details of a scheme, including phasing, for the provision of mains foul water drainage on and off site has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the approved scheme.

Reason: To prevent flooding, pollution and detriment to public amenity through provision of suitable water infrastructure in accordance with the requirements of PPS25 – Planning and Flood Risk.

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions or other form of enlargement to the residential development hereby permitted or outbuildings, shall take place without the prior written consent of the Local Planning Authority on Plots 5, 6, 9, 10 and 11 as shown on drawing 7243/010 G

Reason: To prevent overdevelopment of the site in accordance with Policy E20 of the Northampton Local Plan.

10. BACKGROUND PAPERS

10.1 N/2011/0504

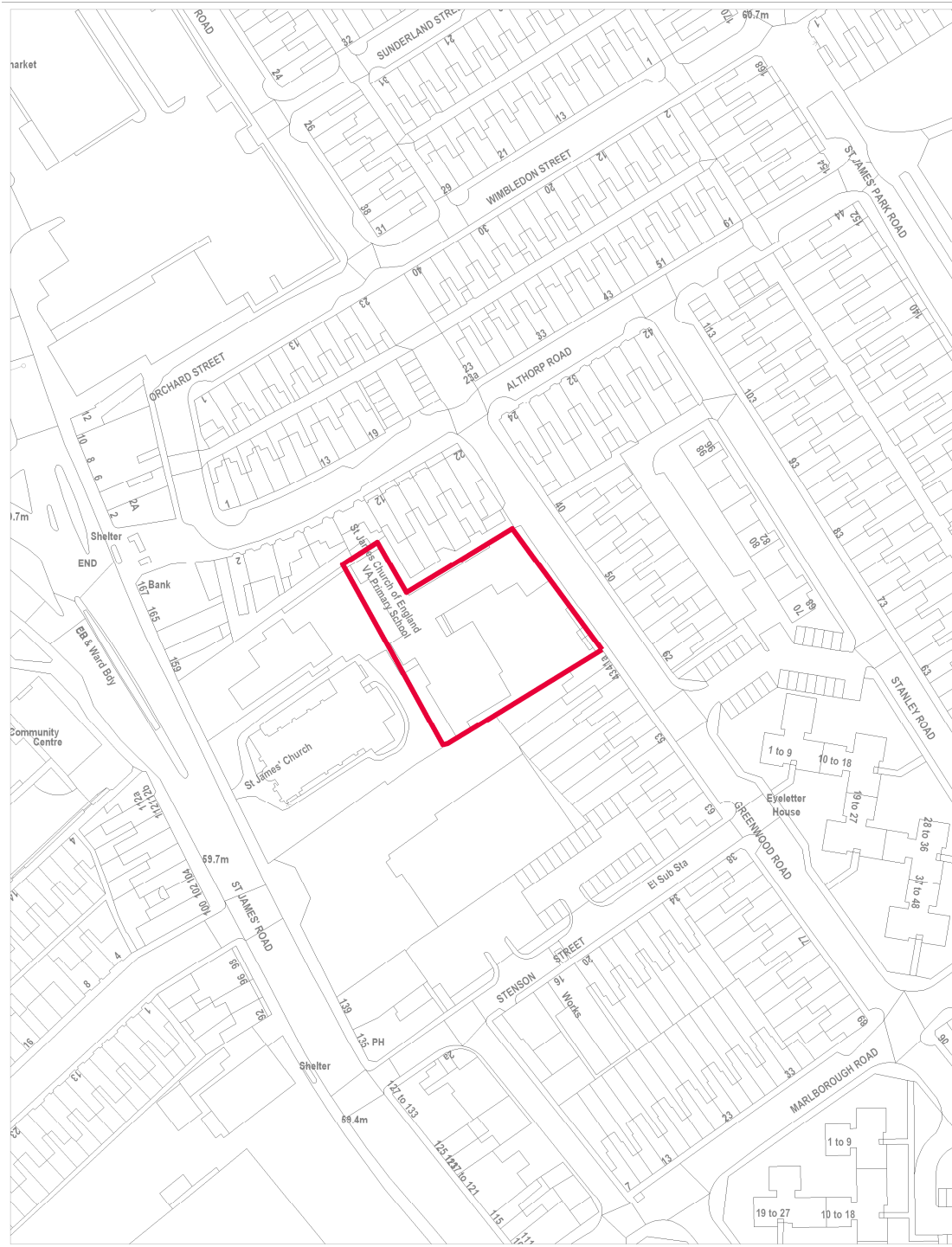
11. LEGAL IMPLICATIONS

11.1 None

12. SUMMARY AND LINKS TO CORPORATE PLAN

12.1 In reaching the attached recommendations regard has been given to securing the objectives, visions and priorities outlined in the Corporate Plan together with those of associated Frameworks and Strategies.

Position:	Name/Signature:	Date:
Author:	Ben Clarke	01/11/11
Development Control Manager Agreed:	Gareth Jones	03/11/11



Name: CH
 Date: 5th October 2011
 Scale: 1:1250
 Dept: Planning
 Project: Site Location Plan

Title

Former St James C of E Lower School

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PLANNING COMMITTEE: 15th November 2011
DIRECTORATE: Planning and Regeneration
HEAD OF PLANNING: Susan Bridge

N/2011/0928: Change of Use of part of ground floor from retail (Use Class A1) to restaurant (Use Class A3) including alterations to shop front and conversion of upper floor into five residential flats (1 two bedroom and 4 one bedroom)
44-54 St Giles Street, Northampton

WARD: Castle

APPLICANT: Mr. C. Menekse
AGENT: Mr. A. Ay; A. Anva Ltd

REFERRED BY: Head of Planning
REASON: Proposal affects a Council owned property

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 **APPROVAL** subject to conditions and for the following reason:

The proposed development would have a neutral impact upon viability and vitality of St Giles Street and the wider town centre; have a neutral impact upon the amenities of the surrounding properties and the character and appearance of the Derngate Conservation Area. The proposal would therefore comply with the requirements of PPS1, PPS4, PPS5, PPS23, PPG24 and Local Plan Policies E20, E26, H7, R5 and R7.

2. THE PROPOSAL

2.1 The applicant seeks permission to convert part of the ground floor of the building to form a restaurant unit. This would therefore result in two separate units being created on the

ground floor, each with independent entrances from St Giles Street. The existing central access would be retained in order to access the upper floor of the building where it is proposed that 1 two bedroom flat and 4 one bedroom flats would be created.

3. SITE DESCRIPTION

- 3.1 The building is located within the Derngate Conservation Area and was constructed during the earlier part of the twentieth century. The building is notable in that it has a good quality shop front and additional architectural detailing around the central window on the first floor. A pediment is a feature of the front elevation, which adds to the character of the building and contributes to a sense of symmetry,
- 3.2 The surrounding buildings are also of a high quality of design and are predominantly used for retail purposes; however, a reasonable number are used for complementary functions, such as a Class A2 (such as 28-30 and 55 St Giles Street) and A3 uses (for instance, 29 St Giles Street). Office and residential accommodation is also a feature of the wider area. Car parking demand within the vicinity is met through a combination of on-street spaces as well as various public and private car parks within the environs of the site.

3. PLANNING HISTORY

- 4.1 N/2011/0594 – Change of use of part of the ground floor from retail shop (Use Class A1) into Restaurant (Use Class A3), installation of extraction flue to rear elevation and change of use of first floor to House in Multiple Occupation (Comprising 10 en suite bedrooms) – Withdrawn.
N/2011/791 – Change of use of part of the ground floor from retail (Use Class A1) into restaurant (Use Class A3) including installation of extraction flue to rear elevation with alterations to shop front conversion of upper floor into six self contained flats – Withdrawn.
- 4.2 Separate to these applications, various applications have been submitted since 1952 for advertisements and alterations to the shop front.

4. PLANNING POLICY

- 5.1 **Development Plan**
Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The current Development Plan comprises of the East Midlands Regional Plan, the saved

policies of the Northamptonshire County Structure Plan and Northampton Local Plan 1997.

5.2 National Policies:

PPS1 – Delivering Sustainable Development

PPS3 – Housing

PPS4 – Planning for Sustainable Economic Growth

PPS5 – Planning for the Historic Environment

PPS23 – Planning and Pollution Control

PPG13 – Transport

PPG24 – Planning and Noise

5.3 Northampton Borough Local Plan

E20 – New Development

E26 – Conservation Areas

H7 – Housing Development Outside Primarily Residential Areas

5.4 Supplementary Planning Guidance

Northamptonshire County Parking Standards SPG 2003

Planning out Crime in Northamptonshire SPG 2004

Shop Front Design Guide SPD 2011

5. CONSULTATIONS/REPRESENTATIONS

6.1 Environmental Health (Public Protection) (NBC) – Precise technical details of the odour abatement scheme or the control of noise from the extraction flue or other equipment, such as chillers. Therefore, objections are raised.

6.2 Conservation (NBC) – The introduction of the extra doors has been undertaken in a manner, which reflects the proportions and symmetry of the façade and the rhythm of the upper floors. As such the proposal is sympathetic to the street and wider conservation area. A condition is recommended covering the details of materials to be used.

6.3 Highway Authority (NCC) – No observations. It should be noted that residents would be eligible for a permit to use long stay multi-storey car parks.

6.4 Town Centre Conservation Areas Advisory Committee – The proposal would remove a large retail unit that would enhance the vicinity. The upper floors could be used for further retail floorspace or ancillary functions, such as storage or administration. The proposed restaurant would result in an over-concentration of non-retail uses. It is also considered that the residential development represents an over development of the site.

6.5 Northamptonshire Police Crime Prevention Design Advisor – It is requested that the recessed rear fire escape be amended

so that door is fitted flush with the building line. Further details of the refuse storage is requested. Additional comments are made regarding further security measures to doors and cycle storage.

6.6 85 Scholars Court and 40-42, 44-54 and 62 St Giles Street.
Comments can be summarised as:

- St Giles Street sets a standard for the rest of the town due to the quality of the retailing outlets and sufficient restaurants.
- The proposal would detrimentally impact upon the balance of existing businesses within St Giles Street. The main reason for visitors using St Giles Street is for shopping purposes and café/restaurant uses are secondary to this.
- The creation of such a development would have an adverse impact upon the character of St Giles Street.
- Businesses may close if the number of people using St Giles Street were to fall
- There a number of smaller units available within the town and therefore subdividing the unit would not desirable, particularly as it would result in the loss of a prestigious retail unit.
- The building could be used for other purposes that could support existing businesses within the street and provide new facilities.
- Consideration should also be given to the car parking situation and refuse storage

7. APPRAISAL

Change of Use of Ground Floor

- 7.1 The application site falls within a secondary retail frontage as identified by the Local Plan. Policy R7 of the Local Plan states that changes of use away from a shop use should only be granted in instances in which the level of retailing would exceed 60% of the total frontage and would not result in three or more adjacent units being used for non-retail purposes. The current provision of retailing within the frontage is 89% of the total and should this application be approved, the level of retailing would be reduced to 68%. Furthermore, the two units on each side are utilised for retail purposes. As a result of this, it is considered that the proposed change of use of the ground floor would not unduly impact upon the viability and vitality of St Giles Street and would accord with Local Plan Policy R7.
- 7.2 Reference should also be made to the policies within the emerging Central Area Action Plan. Although this document identifies that the main role of St Giles Street is to provide retailing facilities; the CAAP identifies that this function could be supplemented by additional complementary Class A3 activities.

As a result of this, it is considered that the proposed change of use of the ground floor is in accordance with the current and emerging local planning policies.

- 7.3 The proposed ground floor uses are identified as being town centre functions within PPS4 and are therefore appropriate for this context, subject to compliance with the aforementioned policies. For these reasons, it is considered that the proposal would not unduly impact upon the viability and vitality of the town centre.
- 7.4 By reason of the proposed restaurant use, an extraction flue has been included on the rear elevation of the building. The positioning and scale of this equipment is such as not to cause any significant adverse impact upon the character and appearance of the Derngate Conservation Area. Furthermore, the positioning of the equipment would prevent any significant loss of light or outlook to the occupiers of surrounding properties, including the proposed first floor flats.
- 7.5 It is noted that concerns have been raised from the Environmental Health section regarding the level of noise that would be generated from the extraction flue on the grounds that a precise technical specification has not been submitted with the application. Whilst this point is noted, it is considered that a condition covering the specification of the flue would accord with the requirements of Circular 11/95 with regards to the phrasing of such conditions. An additional condition is also recommended that would require the submission of an assessment of the sources of noise from the proposed use (for example, chillers). Securing and controlling these matters by condition is consistent with other recent decisions for this type of development. Through the imposition of these two conditions it is considered that the proposed development would comply with the requirements of PPS23 and PPG24.
- 7.6 In order to secure a satisfactory standard of development, a further condition is recommended that would require details of the refuse storage to be submitted to and approved by the Local Planning Authority. With reference to the representations from Northamptonshire Police's Crime Prevention Design Advisor, a condition is recommended regarding details of the fire escape to be submitted. Other comments made in relation to security specifications are essentially site management matters, but will be brought to the attention of the applicant.

Change of Use of Upper Floor

- 7.7 The first floor of the building is proposed to be converted to five separate flats. By reason of the layout of the building, a

satisfactory level of light, outlook and privacy for the future occupiers of the development would be secured. The layout and function of the surrounding properties would also ensure that there is no undue impact upon neighbour amenity as a result of utilising the upper floor for residential purposes. Therefore, it is considered that the proposal complies with the requirements of Policy H7 of the Northampton Local Plan. Satisfactory refuse and cycle storage has also been provided as part of the proposal.

- 7.8 No off-street car parking is proposed as part of the development. Given that the property is sustainably located within the town centre in close proximity to a significant number of businesses and services, including public car parking, it is considered that the non-provision of off-street car provision is acceptable. Furthermore, it should be noted that no objections have been received from the Highway Authority. For these reasons, it is considered that the scheme is compliant with the requirements of PPG13.
- 7.9 It is recognised that the proposed ground floor use has the potential to create noise during the evening periods, when a shop may be expected to be closed; however, due to the site being located within the town centre, in which a number of late night uses are expected, it is considered that the proposed combination of uses would not unduly impact upon residential amenity. Matters concerning the transfer of noise between the ground and first floor are addressed under the relevant Building Regulations. For these reasons, it is considered that the proposal is in accordance with the requirements of PPG24 – Planning and Noise.

New shop front

- 7.10 The building occupies a prominent position within the Derngate Conservation Area and is of a high quality design, which is reflected in many of the surrounding buildings. The replacement shop front would maintain the symmetry that already exists within the building as well as maintain a number of traditional features, including a stallriser and mullions. In order to secure a satisfactory standard of development and to ensure compliance with the SPD Shop Front Design Guide and Local Plan Policies R5 and E26, a condition is proposed that would ensure that the details of the proposed materials are submitted and approved by the Council. As a result of these factors, it is considered that the proposal would have a neutral impact upon the character and appearance of the Conservation Area.

8. CONCLUSION

- 8.1 It is considered that the proposed development would have a neutral impact upon the character and appearance of St Giles Street and the wider Derrigate Conservation Area. Furthermore, the proposed uses would complement the existing commercial activity within the environs of application and would therefore have a neutral impact upon the viability and vitality of the locality.

9. CONDITIONS

- 9.1. 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2. Details and/or samples of all proposed external facing materials shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and to ensure that the development will harmonise with its surroundings in accordance with Policy E20 of the Northampton Local Plan.

3. Details of the provision for the storage of refuse and materials for recycling shall be submitted to and approved in writing by the Local Planning Authority, implemented prior to the premises being used for the permitted purpose and retained thereafter.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy E20 of the Northampton Local Plan.

4. A scheme shall be submitted to and approved in writing by the Local Planning Authority which specifies the sources of noise on the site whether from fixed plant or equipment or noise generated within the building and the provisions to be made for its control and the approved scheme shall be implemented prior to the commencement of the use hereby permitted and retained thereafter.

Reason: To protect the amenities of nearby occupants from noise and vibration amenity in accordance with the advice contained in PPG24 Planning and Noise.

5. Before the development hereby permitted commences, a scheme shall be submitted to and approved in writing by the Local Planning Authority that specifies the provisions to be made for the collection, treatment and dispersal of cooking odours and the maintenance of the abatement plant. The

approved scheme shall be implemented prior to the development coming into use and be retained thereafter.
Reason: In the interests of the amenity of the surrounding locality and to secure a satisfactory standard of development in accordance with the advice contained in PPS23 Planning and Pollution Control.

6. Notwithstanding the details submitted, details of the rear fire escape shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and retained thereafter.
Reason: In the interests of securing a satisfactory standard of development in accordance with the requirements of Local Plan Policy E40.

10. BACKGROUND PAPERS

10.1 N/2011/0594
N/2011/0791

11. LEGAL IMPLICATIONS

11.1 None

12. SUMMARY AND LINKS TO CORPORATE PLAN

12.1 In reaching the attached recommendations regard has been given to securing the objectives, visions and priorities outlined in the Corporate Plan together with those of associated Frameworks and Strategies.

Position:	Name/Signature:	Date:
Author:	Ben Clarke	27/10/11
Development Control Manager Agreed:	Gareth Jones	02/11/11



PLANNING COMMITTEE: 15th November 2011
DIRECTORATE: Planning and Regeneration
HEAD OF PLANNING: Susan Bridge

N/2011/0865: Outline application for a warehouse and distribution development with associated infrastructure and landscaping. All matters reserved except access. (WNDC Consultation)

WARD: Great Houghton

APPLICANT: Roxhill Developments Ltd
AGENT: Savills

REFERRED BY: Head of Planning.
REASON: Development of more than local significance.

DEPARTURE: No

CONSULTATION BY WNDC:

1. RECOMMENDATION

1.1 That the Borough Council:

A) **OBJECTS** to the application in its current form for the reasons:

- Having regard to the details submitted it is apparent that the applicant has aspirations for a large scale form of development that encroaches into designated Greenspace and would conflict with development policies, notably E1, E14 and E6 of the Northampton Local Plan.
- Although there would be economic development benefits to be gained from the proposed development it is unlikely that these would outweigh the apparent Policy conflicts.

B) **REQUESTS** that WNDC work with the applicant and NBC officers to identify an indicative form of the development that would clearly comply with the prevailing policies. The indicative proposals must pay due regard to the requirements of the Development Plan notably Local Plan Policies

E1, E6, E14 and D1 as well as Policy B8. To this end it is recommended that revisions to the proposal be sought to:

- Limit the scale of floor space.
- Secure elevations / built form appropriate to this prominent entrance to the town in accordance with the objectives of Policy E14 of the Northampton Local Plan.
- Secure a reduction in the visual scale of the development generally and specifically by not encroaching into the Greenspace designation and its visual impacts upon adjacent open countryside and, at a greater distance, impacts upon the character and appearance of the Great Houghton Conservation Area.

2. THE PROPOSAL

- 2.1 The proposal is in outline only and with all matters reserved for subsequent permission other than access. Vehicular access is shown to be entirely and only via the pre-existing roundabout road junction on Lilliput Road – connecting as it does with the A45 Bedford Road at the northern apex of the site.

3. SITE DESCRIPTION

- 3.1 This triangular site consists of two parts. Its eastern section is formed by the site of the former Northampton Cattle Market and lairage. Its western part is formed by the apex of the A428 Bedford Road on its northern side and Lilliput Road to its western side. In effect it would create an eastern extension to the Brackmill Park commercial development.

4. PLANNING HISTORY

- 4.1 N/1995/0430 – Auction and sales centre with associated facilities and overnight lorry parking area – permitted 6/09/1995.
N/1998/557 – Extensions and alterations to existing buildings to form additional livestock accommodation and storage – permitted 15/09/1998.
N/1998/0578 – Hard standing for penning of sheep and loading of vehicles – permitted 15/09/1998.
N/2000/0727 – Erection of Storage Building – permitted 11/01/2000.
N/2002/1575 – COU from auction centre to B1 and B8 use – refused 29/01/2003.
N/2004/0359 – Temporary COU from lairage to vehicle storage – refused 24/06/2004.
N/2008/0127 – Certificate of Lawfulness for use of the Cattle Market site as an auction and sales centre – granted 05/06/2008.

5. PLANNING POLICY

5.1 Development Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The current

Development Plan comprises of the East Midlands Regional Plan, the saved policies of the Northamptonshire County Structure Plan and Northampton Local Plan 1997.

5.2 National Policies

PPS1 – Delivering Sustainable Development
PPS4 – Planning for Sustainable Economic Growth
PPS7 - Sustainable Development in Rural Areas
PPS9 - Biodiversity and Geological Conservation
PPG13 – Transport
PPS23 – Planning and Pollution Control
PPG24 – Planning and Noise
PPS25 – Development and Flood Risk

5.3 Northampton Local Plan

E1 – Landscape Impact
E6 – Greenspace
E9 – Locally Important Landscape Area
E14 – Corridors of Travel
E20 – New development
B8 – Northampton Cattle Market
D1 – Bedford Road, Brackmills Development Site

5.4 Other Documents

Northampton – “The Market City” – Economic Regeneration Strategy 2008 – 2026” (Project E15 refers; *“Support the Farmers Consortium’s campaign to re-open the Livestock Market, the Strategy would both support job creation and employment diversity”*).

5.5 Emerging Planning Policy

The government’s “Draft National Planning Policy Framework” (NPPF) is referred to and has informed some parts of this report. The Planning Inspectorate has indicated that the NPPF is capable of being considered as a material planning consideration, although the weight to be given to it will be a matter for the decision maker in each particular case.

6. CONSULTATIONS / REPRESENTATIONS

- 6.1 Although consultation and representations are to be made to WNDC as determining authority, One letter has been received by NBC – *“As a supporter of Northampton Farmers Consortium, work has gone on over the past years to re-open the site as a livestock market, and I understand finance can soon be available to redevelop it. Within your adopted policies the site remains allocated for livestock market use and there is strong demand in the area to make a market viable with further benefits to Northampton Town Regeneration. As an ardent supporter for many years, I ask that your committee resist this application for change of development use”*.

7. APPRAISAL

- 7.1 The northern portion of the site, forming roughly a triangular shape bound to the north by Bedford Road and west by Liliput Road, lies within the Local Plan Policy D1 area. Policy D1 reads:

PLANNING PERMISSION WILL BE GRANTED ON LAND ADJOINING BEDFORD ROAD AND LILIPUT ROAD BRACKMILLS FOR EMPLOYMENT DEVELOPMENT COMPRISING EITHER USES WITHIN CLASS B1 OF THE TOWN AND COUNTRY PLANNING (USE CLASSES) ORDER 1987 OR A COMBINATION OF USES WITHIN CLASSES B1, B2 AND B8 OF THE TOWN AND COUNTRY PLANNING (USE CLASSES) ORDER 1987 AND/OR OTHER AGRICULTURALLY BASED USES APPROPRIATE TO AN ADJOINING CATTLEMARKET, SUBJECT TO:

- A) THE BUILDINGS BEING OF A SCALE AND CHARACTER APPROPRIATE TO A PROMINENT LOCATION ON THE FRINGE OF THE URBAN AREA**
- B) ANY BUILDINGS ALONG THE FRONTAGE TO BEDFORD ROAD BEING OF A QUALITY AND DESIGN WHICH REFLECTS DEVELOPMENT TO THE NORTH OF BEDFORD ROAD**
- C) VEHICULAR ACCESS TO THE SITE BEING SOLELY FROM LILIPUT ROAD, BRACKMILLS**
- D) THE RETENTION OF THE MATURE HEDGEROW ALONG THE FRONTAGE TO BEDFORD ROAD AND PROVISION OF A LANDSCAPED MARGIN IN THE EASTERN CORNER OF THE SITE.**

- 7.2 The southern part of the site, an approximately rectangular area which currently comprises the former cattle market, lies within the Local Plan Policy B8 area. Policy B8 reads:

PLANNING PERMISSION WILL BE GRANTED FOR THE DEVELOPMENT OF A CATTLEMARKET AT LAND OFF LILIPUT ROAD, BRACKMILLS AS DEFINED ON THE PROPOSALS MAP, SUBJECT TO:

- A) BUILDINGS BEING LOCATED WITHIN THE WESTERN PART OF THE SITE ADJOINING THE EXISTING BRACKMILLS EMPLOYMENT AREA WITH THE EASTERN PART OF THE SITE BEING FREE FROM ANY BUILDINGS AND USED SOLELY FOR THE PURPOSES OF LAIRAGE (GRAZING)**
- B) THE PROVISION OF A LANDSCAPED MARGIN INCLUDING SCREEN PLANTING ON THE SOUTHERN AND EASTERN BOUNDARIES OF THE BUILT DEVELOPMENT**
- C) THE RETENTION OF THE EXISTING TREE BELT ON THE WESTERN BOUNDARY OF THE SITE INCLUDING THE RETENTION OF SUFFICIENT LAND TO PROVIDE A POSSIBLE FOOTPATH ACCESS FROM LILIPUT ROAD TO THE FORMER PIDDINGTON RAILWAY LINE**
- D) VEHICULAR ACCESS TO THE SITE BEING FROM LILIPUT ROAD, BRACKMILLS.**

- 7.3 Approximately the eastern half of the Policy B8 area is allocated in the Local Plan as forming part of a larger area of Greenspace (area ref. 4.4), to which Local Plan Policy E6 applies and is referred to as being intended to be free from any buildings and used solely for the purposes of lairage under Policy B8(A) as detailed above. Policy E6 reads:

IN GREENSPACE AREAS PLANNING PERMISSION WILL ONLY BE GRANTED WHERE THE PROPOSED DEVELOPMENT WOULD NOT UNACCEPTABLY PREJUDICE THE FUNCTION OF THE AREAS AS LISTED AND IDENTIFIED IN APPENDIX 2.

The function of this specific area of Greenspace is identified in Local Plan Appendix 2 as being “Sites which form green spaces around development”, and “These areas serve to create space between development and surrounding areas. In many instances strategic areas of open space have been established to screen and reduce the impact of existing business development. In other cases such spaces are the result of land remaining undeveloped and which has now developed an important function of providing a buffer of open space between different land uses. It is important that these are maintained, and areas surrounding proposed development identified and reserved in order to reduce future impact of such development upon surrounding areas.”

- 7.4 The proposal raises three principal issues. These are:
- A. The principle of development at this scale. The proposed development would comprise up to 420,000 sq ft of new buildings within Use Classes B8 (Warehousing) and B2 (General Industry).
 - B. Visual implications of the proposed development. The drawings submitted with this outline application are illustrative and are therefore potentially capable of amendment. They raise three main sub issues:
 - The Bedford Road is a key Corridor of Travel (Local Plan Policies E1 and E14). The elevations illustrated towards that major road in terms of siting, mass, height and general appearance are typical of basic industrial / warehouse-type buildings and are not befitting this visually sensitive entrance to the Borough and approach to the town. These elevations might be better configured as ancillary “office” elements within the larger buildings, so that good quality and articulated elevations are displayed towards the key northern elevations of the site and, notably towards the junction of the A248 and Lilliput Road.
 - A very large elevation to a substantial warehouse type building is shown towards the eastern flank of the site. The built form as shown in the indicative drawings submitted would project significantly into the Greenspace described at paragraph 7.3. The built scale of that eastern elevation is illustrated to be some 20 metres high and some 250 metres in length. Although screened by proposed peripheral landscaping, a building of that scale and in that location would intrude

substantially into the rural character of that part of the proposed “urban edge” which separates the nearby area of Great Houghton village.

- For similar reasons, the scale of that illustrated building would be apparent from within some parts of the Great Houghton Conservation Area and, if not more sensitively handled, has at least the potential to harm the character and appearance of the Conservation Area.

C. This development as shown would absorb in its entirety the land allocated to the former Northampton Cattle Market in Policy B8 of the 1997 Local Plan. The Policy does not specifically “reserve” the land for that use to the exclusion of other uses. It does appear to have been inserted into the 1997 Local Plan in order to facilitate a movement of the cattle market from its former site where Morrison’s Supermarket on Victoria Parade is now, to this new location as then proposed. As described in detail at paragraph 7.2 above, Policy B8 merely states that – “Planning permission will be granted for the development of a cattle market ...”. Planning permission was indeed granted in accordance with Policy B8 and that cattle market persisted in place until circa 2002 when it was closed due to restrictions following the outbreak of foot and mouth disease in that year. Although it reopened briefly upon the lifting of those restrictions, it subsequently closed again and the then owners subsequently sold the site for development. Without reference to that change of ownership and the sale of the land for development, the subsequent Economic Regeneration Strategy 2008 – 2026 states an intention to “*Support the Farmers Consortium’s campaign to re-open the Livestock Market, the Strategy would both support job creation and employment diversity*”.

8. CONCLUSION

- 8.1 Although it may prove possible to develop the application site in accordance with the prevailing development policies and notwithstanding the fact that the submission is for outline planning permission, having regard to the details submitted it is apparent that the applicant has aspirations for a large scale form of development. This indicative type and scale of development would conflict with development policies, notably E1 / E14 and E6.
- 8.2 Although there would be economic development benefits to be gained from the proposed development it is unlikely that these would outweigh the apparent Policy conflicts. Therefore, although not opposed the general principle of the development of the Policy D1 site and that part of the Policy B8 site that lies outside the designated Greenspace for the uses proposed, until the applicant has provided details / evidence of how the site could be developed in accordance with the relevant Policies, officers would recommend that the Borough Council object to the application and encourage the WDC to work with the applicant to identify an indicative form of development that would clearly comply with the prevailing policies. To this end the proposed built form must not encroach into the Greenspace area and the indicative proposals must pay due regard to the requirements of the Development Plan notably Local Plan Policies E1, E6, E14 and D1. Policy B8

is also of value in terms of informing how built development could be successfully brought about within the southern part of the site at this sensitive interface with the open countryside.

8.3 Recognising the local sensitivity of the continuing possibility of a reinstated Northampton Cattle Market, the applicants commissioned an independent report from ADAS about the viability of such a Northampton Market. In essence, that concluded that in the years since the closure of the former market in 2002, the Northampton facility is now provided by the alternative markets in Market Harborough and Thrapston. Furthermore the cattle market in Thrapston is about to be replaced by a new land larger cattle market alongside the A14. The cost of reinstating a Northampton Market is estimated to be some £6 million – regardless of whether it were on its former site or elsewhere in the Northampton area.

8.3 Officers have been in contact with representatives of the Northampton Farmers Consortium who are the main advocates for its use. The key questions put by officers relate the “deliverability” of a restored Cattle Market on this site. The Consortium’s representative replied as follows:

“As regards the question of whether it is viable to develop a new livestock market on the site at Brackmills Point, the Farmers Consortium have not been at all impressed by the ADAS report, which has clearly been commissioned to try and justify the application for shed development and which seeks to demonstrate there is no need for a livestock market at Northampton.

“As regards deliverability, I would once again stress that some 400 farmers have pledged their support to the campaign of the Northampton Farmers Consortium. In addition, the legal action which is about to be commenced, is designed to establish where almost £3 million disappeared, following the disposal of the site and subsequent trading between property companies. Given the estimate of the costs of developing a new livestock market contained within the ADAS report of £2.5 million, clearly, if this legal action were to be successful then a substantial proportion of the capital required to develop a replacement market might be recovered”.

8.4 The figure of £2.5 million mentioned in this reply is the Consortium’s estimate of development costs, net of land costs, which would clearly add to the costs of the project, be it on this site or elsewhere.

8.5 The applicant’s agents were also asked to comment upon the same matters. Their reply included the following:

“Notwithstanding the fact that determination of the outline planning application should not wait for nor be influenced by the pending legal action, for correctness it is stressed that the ADAS Report identifies at Pages 2 and 3 a sum of £2 million to construct a new cattle market (as informed by GVA Grimley) and a cost of £300,000 per acre or £4 million (as informed by Burbage Realty) to purchase the site. Therefore, the market realities are that a

total of £6 million would be required to build a replacement cattle market. There is no indication from the Consortium as to how such monies might be raised or within what timeframe. Needless to say this assumes that Roxhill Developments are willing to dispose of part of their site for a replacement cattle market. However, Roxhill confirm that the site is not for sale and, therefore, the land required by the Consortium is nor available and their proposals are not deliverable”.

- 8.6 In this particular case the Council’s concern to promote a Northampton Cattle Market in the Local Plan of 1997 was clearly satisfied, until its closure in 2002. Policy B8 does not actually call for the site to be reserved for a future reinstated cattle market. If the Northampton Farmers Consortium is able to raise the required funds then such a facility could well be provided on an alternative site. Therefore, although sympathetic to the objective of re-introducing a livestock market to the area, officers consider that there would be no Development Plan Policy conflict in allowing the B8 Policy site to be redeveloped for alternative purposes and a market could potential be developed at another site.

9. BACKGROUND PAPERS

- 9.1 N/2011/0865, 95/0430, 98/557, 98/0578, N/2000/0727, N/2002/1575, N/2004/0359, N/2008/0127.

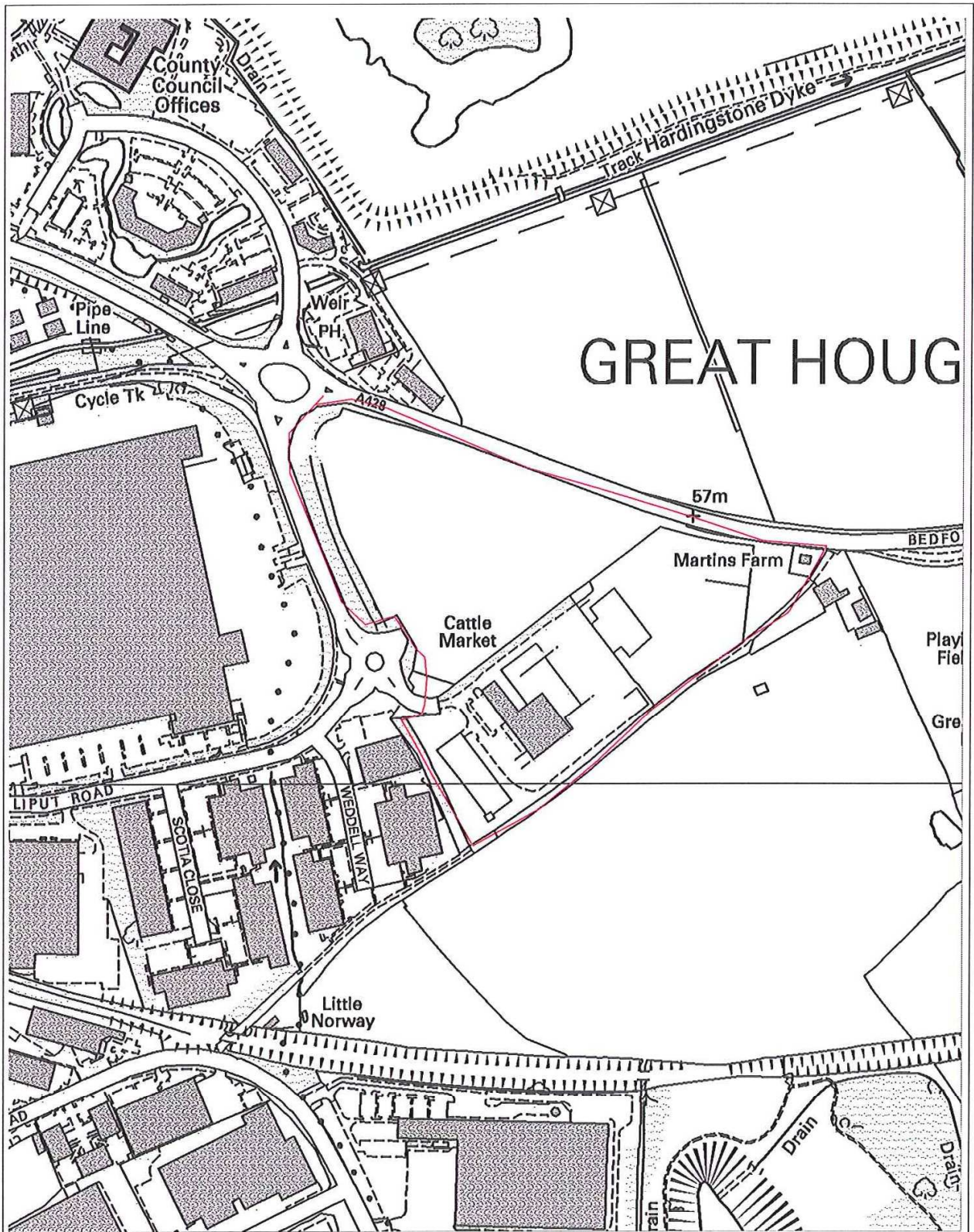
10. LEGAL IMPLICATIONS

- 10.1 None.

11. SUMMARY AND LINKS TO CORPORATE PLAN

- 11.1 In reaching the attached recommendations regard has been given to securing the objectives, visions and priorities outlined in the Corporate Plan together with those of associated Frameworks and Strategies.

Position:	Name/Signature:	Date:
Author:	T Boswell	1/11/2011
Development Control Manager Agreed:	Gareth Jones	3/11/2011



GREAT HOUG



Name: CH
 Date: 4th November 2011
 Scale: NTS
 Dept: Planning
 Project: Site Location Map

Title
Former Cattle Market

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