

NORTHAMPTON BOROUGH COUNCIL

PLANNING COMMITTEE

YOUR ATTENDANCE IS REQUESTED AT A MEETING TO BE HELD AT
THE GREAT HALL, THE GUILDHALL, ST. GILES SQUARE,
NORTHAMPTON, NN1 1DE. ON TUESDAY, 24 JULY 2012 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/2011/0998- DEMOLITION OF FORMER ROYAL MAIL TRANSPORT WORKSHOP AND CHANGE OF USE FORMER ROYAL MAIL SORTING OFFICE WITH ASSOCIATED ALTERATIONS INCLUDING NEW ATRIUM, CAR PARK DECK AND SERVICE RAMP AND YARD TO PROVIDED A FOOD STORE (5,218SQ METRES NOT SALES AREA), CAFE AT FIRST FLOOR LEVEL, WITH PARKING AT BASEMENT AND LOWER GROUND WITH ASSOCIATED LANDSCAPING WORKS AT ROYAL MAIL, 55 BARRACK ROAD C.
PRESTON
X 8618
Report of Head of Planning
(copy herewith)

Ward: Semilong

- (B) N/2011/1160- DEMOLITION OF GARDEN CENTRE CONCESSION BUILDINGS AND ERECTION OF NEW SUPERMARKET; ERECTION OF NEW RETAIL BUILDING AND STORAGE BUILDING TO SERVE GARDEN CENTRE; RECONFIGURATION OF SERVICE AREA AND SERVICE ROAD AND ALTERATIONS TO VEHICLE ACCESS FROM NEWPORT PAGNELL ROAD. ADDITIONAL WORKS TO PARKING, LANDSCAPING AND LIGHTING. (AS AMENDED BY REVISED PLANS RECEIVED 16 JANUARY 2012 AT NORTHAMPTON GARDEN CENTRE, NEWPORT PAGNELL ROAD

B.
CLARKE
X 8916

Report of Head of Planning
(copy herewith)

Ward: Nene Valley

- (C) N/2012/0465- INSTALLATION OF SOLAR POWERED GATES AT ENTRANCE TO DRIVEWAY LEADING TO NO'S 21 TO 23 RAVENSCROFT AT SHARED DRIVEWAY LEADING TO 21 TO 23 RAVENSCROFT

J. MOORE
X 8345

Report of Head of Planning
(copy herewith)

Ward: East Hunsbury

- (D) N/2012/0553- SINGLE STOREY AND FIRST FLOOR DORMER EXTENSIONS AT 379 BILLING ROAD EAST

A.
HOLDEN
X 8466

Report of Head of Planning
(copy herewith)

Ward: Park

- (E) N/2012/0588- CHANGE OF USE TO GARDEN AND ERECTION OF 1.8M FENCE AT 143 CHURCHILL AVENUE

J. MOORE
X 8345

Report of Head of Planning
(copy herewith)

Ward: Eastfield

- (F) N/2012/0638- RETENTION OR REAR CONSERVATORY AT 22 MANORFIELD CLOSE

E.
WILLIAMS
X 7812

Report of Head of Planning
(copy herewith)

Ward: Billing

11. ENFORCEMENT MATTERS

None

12. ITEMS FOR CONSULTATION

(A) N/2012/0122- HYBRID PLANNING APPLICATION
COMPRISING: FULL APPLICATION FOR THE ERECTION
OF A HOME AND GARDEN CENTRE, RETAIL UNITS,
DRIVE THRU RESTAURANTS AND BOAT HOUSE,
TOGETHER WITH PROPOSALS FOR ACCESS
INCLUDING A LOCK. OUTLINE APPLICATION FOR THE
ERECTION OF A HOTEL, CRECHE, LEISURE CLUB AND
MARINA WITH SOME MATTERS RESERVED
(APPEARANCE). PLUS REMOVAL OF SKI SLOPE AND
ASSOCIATED SITE LEVELLING, LANDSCAPING HABITAT
MANAGEMENT AND IMPROVED WORKS, VEHICULAR
ACCESS AND SERVICING PROPOSALS TOGETHER
WITH THE PROVISION OF CAR AND CYCLE PARKING
AND A BUS STOP (EAST NORTHAMPTONSHIRE
CONSULTATION) AT LAND ADJACENT TO SKEW
BRIDGE SKI SLOPE, NORTHAMPTON ROAD, RUSHDEN.

C.
PRESTON
X 8618

Report of Head of Planning
(copy herewith)

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>
A6804

NORTHAMPTON BOROUGH COUNCIL

PLANNING COMMITTEE

Tuesday, 26 June 2012

PRESENT: Councillor Golby (Deputy Chair); Councillors Aziz, N Choudary, Hallam, Hibbert, Lynch, Mason and Oldham

1. APOLOGIES

Apologies for absence were received from Councillors Davies, Flavell, Lane and Meredith.

2. MINUTES

The minutes of the meeting held on 29 May 2012 were agreed and signed by the Deputy-Chair.

3. DEPUTATIONS / PUBLIC ADDRESSES

RESOLVED: That Mrs Johnston be granted leave to address the Committee in respect of application no. N/2011/1184.

That Mr Moody, Dr Rawcliffe and Councillor Stone be granted leave to address the Committee in respect of application no. N/2012/0328.

That Mr Fraser-Wright and Councillor Stone be granted leave to address the Committee in respect of application no. N/2012/0375.

That Councillor Stone be granted leave to address the Committee in respect of application no. N/2012/0438.

4. DECLARATIONS OF INTEREST

Councillor Hibbert declared a Personal Interest in item no. 10K- N/2012/0375 as being known to someone who had previously objected to the application.

Councillor Mason declared a Personal and Prejudicial Interest in item no. 10A-N/2011/1184 as being involved with the Community Centre.

Councillor N. Choudary declared a Personal and Prejudicial Interest in item no. 10A-N/2011/1184 as a close relative owned the taxi business operating from part of the premises.

Councillor Golby declared Personal and Prejudicial Interests in items 10B- N/2011/1262, 10C- N/2011/1263, 10D- N/2011/1264, 10E- N/2011/1265, 10F- N/2011/1266, 10G- N/2011/1267 and 10H- N/2011/1268 as being a County Councillor.

Councillor Hallam declared Personal and Prejudicial Interests in items 10B- N/2011/1262, 10C- N/2011/1263, 10D- N/2011/1264, 10E- N/2011/1265, 10F- N/2011/1266, 10G- N/2011/1267 and 10H- N/2011/1268 as being a County Councillor.

Councillor Lynch declared Personal and Prejudicial Interests in items 10B- N/2011/1262, 10C- N/2011/1263, 10D- N/2011/1264, 10E- N/2011/1265, 10F- N/2011/1266, 10G- N/2011/1267 and 10H- N/2011/1268 as being a County Councillor.

Upon a vote it was agreed that Councillor Hibbert chair the meeting when items 10B to 10H were considered.

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 and noted that the appeal in respect of application N/2011/1288 had been withdrawn; that in respect of application no. N/2009/0536 a Public Inquiry would be held on 18 July 2012 at the Guildhall; and further noted that in respect of application no. N/2011/0928 the Planning Inspector in allowing the appeal had concluded that the use of the premises and the internal layout of it would not adversely affect the character of the area.

RESOLVED: That the report be noted.

7. OTHER REPORTS

(A) LA/2002/2005- SOUTHBRIDGE WEST- DEED OF VARIATION TO SECTION 106 AGREEMENT

The Head of Planning submitted a report in respect of LA/2002/0005 and elaborated thereon.

RESOLVED: That the variation to the Section 106 agreement as set out in the report be agreed.

8. NORTHAMPTONSHIRE COUNTY COUNCIL APPLICATIONS

None.

9. NORTHAMPTON BOROUGH COUNCIL APPLICATIONS

None.

10. ITEMS FOR DETERMINATION

(A) N/2011/1184- VARIATION OF CONDITION 3 TO PLANNING PERMISSION N/2011/0215 TO CHANGE THE OPENING TIMES TO OPEN 24 HOURS AT LINGS LOCAL CENTRE, BILLING BROOK ROAD

Councillors N Choudary and Mason left the meeting in accordance with their earlier declarations of interest given at minute 4 above.

The Head of Planning submitted a report in respect of application no. N/2011/0215, elaborated thereon and in answer to a question commented that if the Committee were minded to approve the application it was suggested that the extension of hours would apply for a 12 month period in the first instance (proposed condition 1) and the applicant would need to apply again if they wanted to make this permanent.

Mrs Johnston, the Secretary of Brookside Hall Community Association, asked that the Committee approve the application without restriction as she understood that the consent could be revoked at any time. She commented that the Community Centre was not licenced and that it was a community facility and that the 24 hour opening was only needed occasionally. In answer to a question Mrs Johnston stated that the Pentecostal Church and the Tabernacle Outreach Church had made requests to have services at 23.00 hours.

In answer to questions the Head of Planning clarified that the application for 24 hour opening only referred to the taxi office and the community centre and not to the other uses on the site; that the reason behind suggesting a temporary consent was so as to be able to assess how use of the Community Centre worked out in practice and that proposed condition 5 prevented the use of public address systems or amplified music beyond the existing hours of operation.

The Committee discussed the application.

Councillor Hibbert proposed and Councillor Hallam seconded "That the application be approved but that condition 1 be amended to allow the temporary use for a six month period."

Upon a vote the motion was carried.

RESOLVED: That the application be approved subject to the conditions set out in the report and as amended in respect of Condition 1 to allow the temporary use for a six month period, as the proposed variation of condition would have a neutral impact upon the amenities of neighbouring properties and would support the

continued use of the property as a community centre. The proposal was therefore in compliance with the requirements of the National Planning Policy Framework.

(Councillors N. Choudary and Mason rejoined the meeting.)

(I) N/2012/0290 ERECTION OF 3NO. 2 BEDROOM DWELLINGS (FRONTING ROSS ROAD) AT 32 PEVERELS WAY

The Head of Planning submitted a report in respect of application number N/2012/0290, elaborated thereon and in answer to questions commented that the works to improve the turning circle would have to be completed before work on the scheme commenced and that the Council would be the enforcement authority if this did not happen.

The Committee discussed the application.

RESOLVED: That the application be approved subject to the conditions set out in the report as the siting, size and design of the development would not adversely affect the character of the area nor adversely affect the amenity of neighbouring properties in accordance with saved policies E19, E20 and H6 of the Northampton Local Plan

(J) N/2012/0328 CHANGE OF USE TO 14 BEDROOM HOUSE IN MULTIPLE OCCUPANCY (AS AMENDED BY REVISED PLAN RECEIVED ON 29/05/2012) AT 9 - 11 HAZELWOOD ROAD

The Head of Planning submitted a report in respect of application no. N/2012/0328 elaborated thereon and referred to the Addendum that set out an objection from the Managing Agents of Derngate Mews and confirmations of the positions of the Chief Fire Officer and Private Sector Housing Officer.

Councillor Stone, as Ward Councillor, thanked the applicants for the revised plans and the efforts they had made to meet the concerns that had been raised at the last meeting however concerns remained that the proposal was too dense; fourteen units was still more than the previous consent for 10; that the rubbish storage and cycle store were inadequate; and inadequate parking provision. In answer to questions Councillor Stone commented that her constituents view was that the existing planning permission for 10 units was already dense and therefore more than ten was too dense.

Mr Moody, the Operations Director for the managing company that would look after the premises, noted that the average rent for similar sized accommodation in Northampton was £70 per week. Given that these premises would be high spec aimed at young professionals, they would be seeking to achieve rent of £100 to £125 per week. He commented that typically 40% of their tenants did not own cars. All tenants would have Harmonious Living Guidelines that were designed to manage out issues with neighbours along with frequent visits from a site supervisor. Mr Moody commented that the previous permission for 10 units would have allowed for couples so the actual number of occupants could have been higher than under this proposal.

He also stated that as Managing Agents their properties in Derby had achieved accreditation for the standard achieved.

Dr Rawcliffe, the applicant, commented that she had taken account of the Committee's previous comments and had reconfigured the internal layout. One room was now nearly three times larger than the legal requirement. All the rooms had en-suites. The current lawful use of the building was as a HIMO with 8 units together with 6 offices which she suggested was a greater use than the proposal. The planning permission for 10 units had now lapsed. Safe cycle and rubbish storage had been provided. Dr Rawcliffe commented that the building had cost nearly £300,000 to purchase and the internal works would cost a further £200,000 which put the scheme on the limit of affordability.

The Head of Planning confirmed that the previous planning permission that had now lapsed had been for 10 units and 18 people and no car parking. This proposal included five allocated car park spaces.

The Committee discussed the application.

RESOLVED: That the application be approved subject to the conditions set out in the report as the proposal would not have an undue detrimental impact on the character of the locality or on residential amenity of the area and would not give rise to highway safety problems. The proposal is therefore compliant with NPPF and Policies E20 and E26 of the Northampton Local Plan.

(K) N/2012/0375 APPLICATION TO VARY CONDITION 3 OF PLANNING PERMISSION N/2011/1134 TO ALLOW PREMISES OPERATION TIMES TO BE BETWEEN 10AM AND 8PM MONDAY TO SUNDAY AT 34 YORK ROAD

The Head of Planning submitted a report in respect of application no. N/2012/0375, elaborated thereon and in response to a question noted that the conditions in respect of the window display would be as for the original consent.

Mr Fraser-Wright, spouse of the applicant, commented that they had been pleased with the business so far but they had had many requests from customers, and had lost some business as a result, for later appointments after normal office hours. In answer to a question Mr Fraser-Wright commented that he would be happy to review the window display/signage.

The Head of Planning commented that the window display met the condition set on the existing consent and that the signage of the window did not need advertisement consent.

The Committee discussed the application.

RESOLVED: That the application be approved subject to the conditions set out in the report as the proposal would not harm the character and appearance of the Boot and Shoe Conservation Area and by reason of its location, would not lead to any adverse impacts on

nearby commercial or residential premises. The proposal therefore complied with saved Policies E20 and E26 of the Northampton Local Plan.

(L) N/2012/0438 CHANGE OF USE FROM LOCAL COMMUNITY ROOM INTO SPA FACILITY (USE CLASS D2) AT RIVERSIDE COMMUNITY CENTRE, 7 CATTLE MARKET ROAD

The Head of Planning submitted a report in respect of application no. N/2012/0438 elaborated thereon and noted that the applicant had commented that the changing area was likely to be sub-divided into cubicles. In answer to questions he commented that the building had been empty for a few months and its use as a Community Room had started in 2001.

Councillor Stone, as Ward Councillor, commented that it was a regret that community facilities would be lost especially in a period of recession. She commented that residents had heard rumours that the spa would be for men only and had worries about the rear exit being used as a main entrance and the opening hours.

In answer to questions the Head of Planning commented that the rear door was a fire exit and the applicant had indicated that he had no intention to use this door as anything other than a fire exit; this could be conditioned. He further commented that the gender of the clientele was not a planning matter but the applicant had implied mixed use and that the hours of opening were conditioned.

The Committee discussed the application.

Councillor Hallam proposed and Councillor Oldham seconded "That the application be approved subject to an additional condition controlling the use of the rear exit as a fire escape."

Upon a vote the motion was carried.

RESOLVED: That the application be approved subject to the conditions set out in the report and an additional condition controlling the use of the rear exit as a fire escape as the proposal would not harm the character and appearance of the area and by reason of its location, would not lead to any adverse impacts on nearby commercial or residential premises. The proposal therefore complied with saved Policies E19 and E20 of the Northampton Local Plan.

Councillors Hallam and Lynch left the remainder of the meeting in accordance with their declarations of interest set out in minute 4 above.

Councillor vacated the Chair and left the remainder of the meeting in accordance with his declaration of interest set out in minute 4 above.

Councillor Hibbert assumed the Chair for the remainder of the meeting in accordance with the Committee's decision set out in minute 4 above.

(B) N/2011/1262 APPLICATION TO EXTEND TIME LIMIT FOR IMPLEMENTATION OF 06/0022/OUTWNN FOR RESIDENTIAL DEVELOPMENT (ALL MATTERS RESERVED EXCEPT ACCESS) AT FORMER ABINGTON VALE MIDDLE SCHOOL, BRIDGEWATER DRIVE

The Head of Planning submitted a report in respect of application no. N/2011/1262 and elaborated thereon.

The Committee discussed the application.

RESOLVED: That the application be approved in principle subject to the following:

(1) Prior finalisation of a S106 agreement to secure:

- Public Open Space
- Play Area and recreation Equipment Contribution
- Affordable Housing at 35%
- Sport and recreation Contribution
- Bus Infrastructure Contribution
- Bus Services Enhancement Contribution
- Community Fund / Faculties Contributions – to pay for a range of community uses
- Employment Co-ordinator Contribution – used to fund a co-ordinator of skills and training relevant to development schemes in Northampton.
- Footpath / Cycleway Contribution
- Design Contribution – this is used to pay the costs of agreeing the final design.
- Monitoring Contribution – this is used to pay the costs of monitoring compliance.
- Strategic Infrastructure Contribution
- Public Open Space Maintenance Sum
- Technical Support Contribution
- CTEMM Plan – Construction Training And Employment Method Management Plan, this seeks to maximise job opportunities for residents of Northampton.
- Public Art Strategy
- Sustainable Urban Drainage Scheme
- Sustainability Strategy.
- Securing community use of neighbouring or alternative facilities

(2) The planning conditions set out in the report and for the following reason. The Local Education Authority had confirmed that the site was surplus to requirement and was located within the settlement area where government and local plan policy support residential development which was appropriate to the character of the area and in this instance did not result in the

loss of needed playing fields. The access and principle were considered to be appropriate in accordance with Policies L2, H7, H17, H32, E11, E12 and E17 of the Northampton Local Plan and the National Planning Policy Framework.

- (3) 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.

(C) N/2011/1263 APPLICATION TO EXTEND TIME LIMIT FOR IMPLEMENTATION OF 06/0029/OUTWNN FOR RESIDENTIAL DEVELOPMENT AND MEANS OF ACCESS AT EMMANUEL CHURCH MIDDLE SCHOOL, BIRDS HILL WALK

The Head of Planning submitted a report in respect of application no. N/2011/1263 and elaborated thereon.

The Committee discussed the application.

RESOLVED: That the application be approved in principle subject to the following:

- (1) Prior finalisation of a S106 agreement to secure:
- Public Open Space
 - Play Area and recreation Equipment Contribution
 - Affordable Housing at 35%
 - Sport and recreation Contribution
 - Bus Infrastructure Contribution
 - Community Fund Contribution – to pay for a range of community uses
 - Employment Co-ordinator Contribution – used to fund a co-ordinator of skills and training relevant to development schemes in Northampton.
 - Footpath / Cycleway Contribution
 - Design Contribution – this is used to pay the costs of agreeing the final design.
 - Monitoring Contribution – this is used to pay the costs of monitoring compliance.
 - Strategic Infrastructure Contribution
 - Public Open Space Maintenance Sum
 - Technical Support Contribution
 - CTEMM Plan – Construction Training And Employment Method Management Plan, this seeks to maximise job opportunities for residents of Northampton.
 - Public Art Strategy

- Sustainable Urban Drainage Scheme
 - Sustainability Strategy.
- (2) The planning conditions set out in the report as the Local Education Authority had confirmed that the site was surplus to requirements and was located within the settlement area where government and local plan policy support residential development which was appropriate to the character of the area and in this instance did not result in the loss of needed playing fields. The access and principle were considered to be appropriate in accordance with Policies L2, H7, H17, H32, E11, E12 and E17 of the Northampton Local Plan and the National Planning Policy Framework.
- (3) That in the event that the S106 legal agreement was 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.

(D) N/2011/1264 APPLICATION TO EXTEND TIME LIMIT FOR IMPLEMENTATION OF 06/0030/OUTWNN FOR RESIDENTIAL DEVELOPMENT AND MEANS OF ACCESS AT BLACKTHORN MIDDLE SCHOOL, BLACKTHORN ROAD

The Head of Planning submitted a report in respect of application no. N/2011/1264, elaborated thereon and referred to the Addendum that set out a request from the County Council that the timescale for completing the Section 106 agreement be three months rather than two and the amendment of condition 23.

The Committee discussed the application.

RESOLVED: That the application be approved in principle as amended subject to the following:

- (1) Completion of a S106 Planning Obligation to secure:
- Public Open Space
 - Contribution to Sport and Recreation activities including Play Areas and recreation equipment contribution
 - On site Affordable Housing at 35%
 - Sport and recreation Contribution
 - Bus Infrastructure Contribution to include the provision of new/replacement bus shelters (design siting and appearance to be agreed) and real time displays in the proximity of the site

- Bus Services Enhancement Contribution
- Community Fund Contribution – to pay for a range of community uses including youth provision, libraries and employment coordination workers.
- Employment Co-ordinator Contribution – used to fund a co-ordinator of skills and training relevant to development schemes in Northampton.
- Footpath / Cycleway Contribution
- Design Contribution – this is used to pay the costs of agreeing the final design and prevent standard highway layout and house types being utilised.
- Strategic Infrastructure Contribution
- Public Open Space Maintenance Sum
- Provision and maintenance of a sustainable urban drainage system and a commuted sum of monies as necessary to ensure adequate funding of the maintenance for a minimum of 30 years or the design life of the development which-ever is the greater.
- Technical Support Contribution
- CTEMM Plan – Construction Training And Employment Method Management Plan, this seeks to maximise job opportunities for residents of Northampton, creation of job opportunities and the provision of skills training, the means of advertising all vacancies (to include subcontractor organisation vacancies jobs).
- Public Art Strategy
- Lighting improvement to the site
- Improvements to car parking in the vicinity of the site.
- Provision and maintenance of a Sustainable Urban Drainage Scheme on site and a commuted sum of monies as necessary to ensure adequate funding or maintenance for a minimum of 30 years or the design life of the development which-ever is the greater.
- Sustainability Strategy including the need to achieve Eco Homes “Excellent” standard.
- Details of a submission consultation strategy with Local residents, residents groups and elected members for a development brief/pre application process to take forward the scheme in terms of future reserved matters application matters.
- Contributions towards closed circuit television cameras
- Monitoring Contribution – this is used to pay the costs of monitoring compliance of s106 Obligation.

(2) The planning conditions set out in the report and as amended in respect of condition 23 as the Local Education Authority had previously confirmed that the site was surplus to requirement and was located within the settlement area where government and local plan policy support residential development which was appropriate to the character of the

area and in this instance did not result in the loss of needed playing fields. The access and principle were considered to be appropriate in accordance with relevant the relevant policies of the Northampton Local Plan and the National Planning Policy Framework.

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

(E) N/2011/1265 APPLICATION TO EXTEND TIME LIMIT FOR IMPLEMENTATION OF 06/0074/OUTWNN FOR RESIDENTIAL DEVELOPMENT ALL MATTERS RESERVED EXCEPT ACCESS AT ECTON BROOK PRIMARY SCHOOL, ECTON BROOK ROAD

The Head of Planning submitted a report in respect of application no. N/2011/1265, elaborated thereon and referred to the Addendum that set out a request from the County Council that the timescale for completing the Section 106 agreement be three months rather than two and the amendment of condition 23.

The Committee discussed the application.

RESOLVED: That the application be approved in principle as amended subject to the following:

- (1) Completion of a S106 Planning Obligation to secure:
- Public Open Space
 - Contribution to Sport and Recreation activities including Play Areas and recreation equipment contribution
 - On site Affordable Housing at 35%
 - Sport and recreation Contribution
 - Bus Infrastructure Contribution to include the provision of new/replacement bus shelters (design siting and appearance to be agreed) and real time displays in the proximity of the site
 - Bus Services Enhancement Contribution
 - Community Fund Contribution – to pay for a range of community uses including youth provision, libraries and employment coordination workers.
 - Employment Co-ordinator Contribution – used to fund a co-ordinator of skills and training relevant to development schemes in Northampton.

- Footpath / Cycleway Contribution
- Design Contribution – this is used to pay the costs of agreeing the final design and prevent standard highway layout and house types being utilised.
- Strategic Infrastructure Contribution
- Public Open Space Maintenance Sum
- Technical Support Contribution
- CTEMM Plan – Construction Training And Employment Method Management Plan, this seeks to maximise job opportunities for residents of Northampton, creation of job opportunities and the provision of skills training, the means of advertising all vacancies (to include subcontractor organisation vacancies jobs).
- Public Art Strategy
- Provision and maintenance of a Sustainable Urban Drainage Scheme on site and a commuted sum of monies as necessary to ensure adequate funding or maintenance for a minimum of 30 years or the design life of the development which-ever is the greater.
- Sustainability Strategy including the need to achieve Eco Homes “Excellent” standard.
- Contributions towards closed circuit television cameras
- Monitoring Contribution – this is used to pay the costs of monitoring compliance of s106 Obligation.

(2) The planning conditions set out in the report and as amended in respect of Condition 23 as the Local Education Authority had previously confirmed that the site was surplus to requirements and was located within the settlement area where government and local plan policy support residential development which was appropriate to the character of the area and in this instance did not result in the loss of needed playing fields. The access and principle were considered to be appropriate in accordance with relevant the relevant policies of the Northampton Local Plan and the National Planning Policy Framework.

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

(F) N/2011/1266 APPLICATION TO EXTEND TIME LIMIT FOR IMPLEMENTATION OF 06/0130/OUTWNN FOR RESIDENTIAL

DEVELOPMENT INCLUDING MEANS OF ACCESS (ALL OTHER MATTERS RESERVED) AT FORMER ST MARYS MIDDLE SCHOOL, GRANGE ROAD

The Head of Planning submitted a report in respect of application no. N/2011/1266 and elaborated thereon.

The Committee discussed the application.

RESOLVED: That the application be approved in principle subject to the following:

- (1) Prior finalisation of a S106 agreement to secure:
 - Public Open Space
 - Play Area and recreation Equipment Contribution
 - Affordable Housing at 35%
 - Sport and recreation Contribution
 - Bus Infrastructure Contribution
 - Bus Services Enhancement Contribution
 - Community Fund Contribution – to pay for a range of community uses
 - Employment Co-ordinator Contribution – used to fund a co-ordinator of skills and training relevant to development schemes in Northampton.
 - Footpath / Cycleway Contribution
 - Design Contribution – this is used to pay the costs of agreeing the final design.
 - Monitoring Contribution – this is used to pay the costs of monitoring compliance.
 - Strategic Infrastructure Contribution
 - Public Open Space Maintenance Sum
 - Technical Support Contribution
 - CTEMM Plan – Construction Training And Employment Method Management Plan, this seeks to maximise job opportunities for residents of Northampton.
 - Public Art Strategy
 - Sustainable Urban Drainage Scheme
 - Sustainability Strategy.
 - Securing community use of neighbouring or alternative facilities.

- (2) The planning conditions set out in the report and for the following reason as the Local Education Authority had confirmed that the site was surplus to requirements and was located within the settlement area where government and local plan policy support residential development which was appropriate to the character of the area and in this instance did not result in the loss of needed playing fields. The access and principle were considered to be appropriate in accordance with Policies L2, H7, H17, H32, E11, E12 and E17 of the

Northampton Local Plan and the National Planning Policy Framework.

- (3) 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.

(G) N/2011/1267 APPLICATION TO EXTEND TIME LIMIT FOR IMPLEMENTATION OF 06/0131/OUTWNN FOR RESIDENTIAL DEVELOPMENT INCLUDING MEANS OF ACCESS (ALL OTHER MATTERS RESERVED) AT FORMER GOLDINGS MIDDLE SCHOOL, CRESTWOOD ROAD

The Head of Planning submitted a report in respect of application no. N/2011/1267, elaborated thereon and referred to the Addendum that set out a request from the County Council that the timescale for completing the Section 106 agreement be three months rather than two and the amendment of condition 23.

The Committee discussed the application.

RESOLVED: That the application be approved in principle as amended subject to the following:

- (1) Completion of a S106 Planning Obligation to secure:
- Public Open Space
 - Contribution to Sport and Recreation activities including Play Areas and recreation equipment contribution
 - On site Affordable Housing at 35%
 - Sport and recreation Contribution
 - Bus Infrastructure Contribution to include the provision of new/replacement bus shelters (design siting and appearance to be agreed) and real time displays in the proximity of the site
 - Bus Services Enhancement Contribution
 - Community Fund Contribution – to pay for a range of community uses including youth provision, libraries and employment coordination workers.
 - Employment Co-ordinator Contribution – used to fund
 - a co-ordinator of skills and training relevant to development schemes in Northampton.
 - Footpath / Cycleway Contribution

- Contribution towards traffic calming of Crestwood Road and safe routes to school.
- Contribution towards upgradings of Lings Wood Nature Reserve
- Contribution towards the re-provision of a sustainable of tennis courts off the site.
- Contribution of towards the rebuild or repair of a community building
- Design Contribution – this is used to pay the costs of agreeing the final design and prevent standard highway layout and house types being utilised.
- Strategic Infrastructure Contribution
- Public Open Space Maintenance Sum
- Provision and maintenance of a sustainable urban drainage system and a commuted sum of monies as necessary to ensure adequate funding of the maintenance for a minimum of 30 years or the design life of the development whichever is the greater.
- Technical Support Contribution
- CTEMM Plan – Construction Training And Employment Method Management Plan, this seeks to maximise job opportunities for residents of Northampton, creation of job opportunities and the provision of skills training, the means of advertising all vacancies (to include subcontractor organisation vacancies jobs).
- Public Art Strategy
- Lighting improvement to the site
- Improvements to car parking in the vicinity of the site.
- Provision and maintenance of a Sustainable Urban Drainage Scheme on site and a commuted sum of monies as necessary to ensure adequate funding or maintenance for a minimum of 30 years or the design life of the development which-ever is the greater.
- Sustainability Strategy including the need to achieve Eco Homes “Excellent” standard.
- Details of a submission consultation strategy with Local residents, residents groups and elected members for a development brief/pre application process to take forward the scheme in terms of future reserved matters application matters.
- Contributions towards closed circuit television cameras
- Monitoring Contribution – this is used to pay the costs of monitoring compliance of s106 Obligation.

(2) The planning conditions set out in the report and as amended as the Local Education Authority had previously confirmed that the site was surplus to requirements and was located within the settlement area where government and local plan policy support residential development which was appropriate to the character of the area and in this

instance did not result in the loss of needed playing fields. The access and principle were considered to be appropriate in accordance with relevant the relevant policies of the Northampton Local Plan and the National Planning Policy Framework.

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

(H) N/2011/1268 APPLICATION TO EXTEND TIME LIMIT FOR IMPLEMENTATION OF 06/0153/OUTWNN FOR RESIDENTIAL DEVELOPMENT INCLUDING MEANS OF ACCESS (ALL OTHER MATTERS RESERVED) (80 HOUSES) AT MILLWAY PRIMARY SCHOOL, MILLWAY

The Head of Planning submitted a report in respect of application no N/2011/1268, elaborated thereon referred to the Addendum that set out a representation from the residents of 26 Hawkstone Close and clarification that the application was not a revision of the original application but was only seeking to increase the time limit for implementation.

The Committee discussed the application.

RESOLVED: That the application be approved in principle subject to the following:

- (1) Prior finalisation of a S106 agreement to secure:
- Public Open Space
 - Play Area and recreation Equipment Contribution
 - Affordable Housing at 35%
 - Sport and recreation Contribution
 - Bus Infrastructure Contribution
 - Bus Services Enhancement Contribution
 - Community Fund Contribution – to pay for a range of community uses
 - Employment Co-ordinator Contribution – used to fund a co-ordinator of skills and training relevant to development schemes in Northampton.
 - Footpath / Cycleway Contribution
 - Design Contribution – this is used to pay the costs of agreeing the final design.
 - Monitoring Contribution – this is used to pay the costs of monitoring compliance.

- Strategic Infrastructure Contribution
 - Public Open Space Maintenance Sum
 - Technical Support Contribution
 - CTEMM Plan – Construction Training And Employment Method Management Plan, this seeks to maximise job opportunities for residents of Northampton.
 - Public Art Strategy
 - Sustainable Urban Drainage Scheme
 - Sustainability Strategy.
 - Securing community use of neighbouring or alternative facilities.
- (2) The planning conditions set out in the report as the Local Education Authority had confirmed that the site was surplus to requirements and was located within the settlement area where government and local plan policy support residential development which was appropriate to the character of the area and in this instance did not result in the loss of needed playing fields. The access and principle were considered to be appropriate in accordance with Policies L2, H7, H17, H32, E11, E12 and E17 of the Northampton Local Plan and the National Planning Policy Framework.
- (3) 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.

11. ENFORCEMENT MATTERS

None.

12. ITEMS FOR CONSULTATION

None.

The meeting concluded at Time Not Specified

NORTHAMPTON BOROUGH COUNCIL

PLANNING COMMITTEE

Tuesday, 10 July 2012

PRESENT: Councillor Flavell (Chair); Councillor Golby (Deputy Chair);
Councillors Aziz, Davies, Hallam, Hibbert, Lane, Lynch, Meredith and
Oldham

1. APOLOGIES

Apologies for absence were received from Councillors Aziz, N. Choudary and Mason.

2. DEPUTATIONS / PUBLIC ADDRESSES

RESOLVED: That Messrs Bricher, Barlow and Saunders and Councillors
Hadland and Strachan be granted leave to address the Committee
in respect of item 4A N/2012/0314 and N/2012/0315.

3. DECLARATIONS OF INTEREST

Councillor Golby declared a Personal interest in item 4(a) N/2012/0314 and
N/2012/0315 as a County Councillor.

Councillor Hallam declared a Personal interest in item 4(a) N/2012/0314 and
N/2012/0315 as a County Councillor.

Councillor Lynch declared a Personal interest in item 4(a) N/2012/0314 and
N/2012/0315 as a County Councillor.

Councillor Meredith declared a Personal interest in item 4(a) N/2012/0314 and
N/2012/0315 as a County Councillor.

Councillor Oldham declared a Personal interest in item 4(a) N/2012/0314 and
N/2012/0315 as a Co-Chair of the Pensioners Forum.

4. NORTHAMPTONSHIRE COUNTY COUNCIL APPLICATIONS

**(A) N/2012/0314 AND N/2012/0315- PROVISION OF A NEW 21- STAND BUS
INTERCHANGE (12NO STANDS ON THE FISHMARKET SITE ACCESSED
VIA SILVER STREET, 2NO STANDS ON BRADSHAW STREET AND 7NO
STANDS ON THE DRAPERY) A TRAVEL INFORMATION CENTRE,
PASSENGER FACILITIES (INCLUDING TOILET, WAITING AREA,
SEATING, RETAIL/CAFE KIOSK) AND STAFF FACILITIES. DEMOLITION
OF THE EXISTING FISHMARKET BUILDING, TOILET BLOCK AND
ANCILLARY BUILDINGS AND PART DEMOLITION OF 5 AND 7 SHEEP
STREET (INCLUDING THE RETENTION OF FRONT FACADES, THE
REINSTATEMENT OF ROOFS, THE REINSTATEMENT OF THE GABLE**

END OF 5 SHEEP STREET AND PROVISION OF A SINGLE RETAIL UNIT) AND THE CLOSURE OF THE SUBWAY UNDER GREYFRIARS TO MAYORHOLD CAR PARK; AND CONSERVATION AREA CONSENT FOR DEMOLITION OF THE EXISTING FISHMARKET BUILDING, TOILET BLOCK AND ANCILLARY BUILDINGS, THE PART DEMOLITION OF NUMBERS 5&7 SHEEP STREET (INCLUDING THE RETENTION OF FRONT FACADES, THE REINSTATEMENT OF ROOFS, THE REINSTATEMENT OF THE GABLE END OF 5 SHEEP STREET) TO ALLOW FOR THE PROVISION OF A NEW 21-STAND BUS INTERCHANGE WITH RETAILING.

The Head of Planning submitted a report in respect of applications N/2012/0314 and N/2012/0315, elaborated thereon and referred to the Addendum that set out further responses from the Town Centre Manager, The Victorian Society, Northamptonshire Police, the Town Centre Conservation Area Advisory Committee, Natural England, NCC Archaeology, Anglian Water, the Environment Agency, and Stagecoach as well as Officer responses where appropriate, an additional condition in respect of a drainage strategy, an update on the Environmental Impact Assessment and a correction to Condition 2 in respect of N/2012/0314. In the light of the comments of the Environment Agency, the Head of Planning proposed that should the Committee be minded to approve N/2012/0314, that recommendation 1.1 set out in the report be amended by both making approval subject to the removal by the Environment Agency of their objection as set out in the Addendum, and also by giving the Head of Planning delegated authority to impose any appropriate conditions to meet the requirements of the Environment Agency.

Mr Bricher stated that he believed that the proposal did not make best use of the area and that not all of the site was to be used: the scheme may work well most of the time but in a cramped town centre environment it would be vulnerable to traffic congestion. He noted that the bus operators had not anticipated much difference in service levels in the short term but queried what the situation might be in five years. The Town was still growing and the bus operators would want to take advantage of this. Mr Bricher noted the intention to use the Drapery and asked where any new routes would go. He stated that the site was more awkward to use as the Council appeared reluctant to use compulsory purchase powers to acquire the whole site: apparently this was not seen as "value for money". However, he believed that by making this investment the Interchange would be able to cope with virtually all circumstances. The architect would be able to make an even better job of the design. He urged that the current plans be withdrawn and use be made of the other properties: Greyfriars had been a headache for 40 years but he did not want this scheme to become a folly.

Mr Barlow, on behalf of Northampton Bus Users Group, stated that they welcomed the concept but had some concerns. Since 1976 all bus services had left from a single point of departure, Greyfriars. Now buses would depart from three different locations. He queried where the bus lay-over facilities would be as bus drivers currently had their mandatory 45 minute break in Northampton. Mr Barlow commented that an estimated 125 buses per hour would be passing through the pelican crossings and stated that the phasing of the lights would be critical to avoid congestion. Connected to this were public safety concerns, in particular for school children crossing Silver Street. He observed that the proposed roundabout at the King Street, Silver Street, Bradshaw Street, College Street junction could cause

stacking of buses within the Interchange. Mr Barlow commented that the development of the Enterprise Zone might lead to new bus routes being created and queried if these could be accommodated within the scheme. He believed that the scheme would be more viable if it used the whole of the site. In answer to a question, Mr Barlow stated that he believed that Warrington had had a similar situation to Northampton and had built their bus interchange in conjunction with a shopping centre and had been able to have all services departing from the one location and the approaches to it were adequate for passengers from any direction.

Mr Saunders, the Architect, stated that the new Interchange had been designed with reference to the CAAP and the proposal had been located on this site following an exhaustive site selection process. He believed that the scheme would provide a modern, welcoming and safe facility promoting the use of public transport. He noted that the stands in the Drapery would be linked to the same real time information technology as would be available in the Interchange itself. He commented that toilets and full baby changing and disabled facilities were provided. Mr Saunders stated that five existing buildings would be demolished and that 3 and 5 Sheep Street would be renovated and brought back into use within the scheme. He believed that the scheme would provide an improved pedestrian environment with the cantilever roof design providing protection from the weather: there were other improvements to the public realm. In answer to questions Mr Saunders stated that in respect of the elderly and the disabled the Interchange would be on one level and fully accessible to all stands; that discussions were continuing as to improvements in the Drapery such as new bus stops and the provision of real time information; that the bus companies had been consulted and he understood that lay-off and drivers rest facilities were to be provided elsewhere and did not form part of the proposal; and that the existing Borough Crest and other original features were to be worked into the scheme.

Councillor Hadland, Cabinet Member for Regeneration, Enterprise and Planning, stated that site selection and deliverability of the proposal were important considerations. The proposal would move the centre of gravity of the Town Centre to give better access to the Market Square, The Drapery and Gold Street: it would also unlock the Grosvenor site for redevelopment. He believed that the proposal would provide modern, well designed facilities that would ultimately make savings for the taxpayer. Councillor Hadland noted that the railway station was to be redesigned and this scheme would complement that one as well.

Councillor Strachan stated that ideally he would have preferred more public consultation but the Town needed to be competitive with its neighbours; sometimes there was a need to rebrand and relaunch and to be able to do this it was necessary to offer improved facilities. In order for the Town Centre to improve its market share commercially, an investment had to be made in its facilities. He believed that the proposal was a good news story that would provide a new modern facility. It may also allow a link to the new railway station which was another good design. Together they would help to bring the Town on a par with its neighbours.

The Head of Planning commented that the capacity and highways aspects of the Bus Interchange had been exhaustively modelled and reminded the Committee that it needed to make a judgement on the application on the basis of what had been submitted. He confirmed Mr Saunders comments concerning the toilets and changing facilities. In answer to questions the Head of Planning commented that:

- There would be two, possibly three drop-off spaces in Sheep Street along with two disabled spaces and two taxi spaces;
- At present national coach services would be provided elsewhere but the proposed Interchange may be capable of handling them;
- The capacity of the scheme conformed to the projections up to 2026 included in the Bus Development Plan and had been tested against all the relevant development plans for that timespan;
- The scheme could be further developed if other land became available in the future;
- In terms of the surface finishes in the Drapery and elsewhere samples of materials would have to be approved;
- It may be feasible that short stay parking could be provided where the disused bicycle racks were located but that this area was not within the site boundary;
- The bus operators had raised no objections to the proposal and Stagecoach in particular has engaged in the development process as evidenced by its submissions in the Addendum;
- The technical issue with the Environment Agency was for the applicant to resolve;
- If the Committee were to refuse the application the emerging CAAP would still have weight in the context of any resulting appeal; and
- The bus stops in the Drapery would have the same real time information as that provided in the Bus Interchange.

The Committee discussed the applications.

- RESOLVED:**
1. That the Planning Application be approved subject to the removal of the Environment Agency objection and delegation to the Head of Planning to impose any necessary conditions as a result of this; the application of the conditions set out in the report and in the Addendum as the proposals would deliver sustainable development and substantial public benefit in compliance with the guidance contained within the National Planning Policy Framework (2012) and the Submission Central Area Action Plan (2012).
 2. That the Conservation Area Application be approved subject to referral to the Secretary of State and the conditions as set out in the report and amended in the Addendum as the demolition works would release the site for redevelopment facilitating the delivery of sustainable development and substantial public benefit in compliance with the guidance contained within the National Planning Policy Framework (2012) and the emerging Central Area Action Plan (2012).

The meeting concluded at 19.52 hours.

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



List of Appeals and Determinations – 24th July 2012			
Written Reps Procedure			
Application	Del/PC	Description	Decision
N/2011/1159 APP/V2825/H/12/2170081	DEL	48 sheet hoarding – retrospective at Lidl Supermarket, Octagon Way	DISMISSED
N/2011/1076 APP/V2825/A/12/2168847	DEL	First floor front extension and clear glazed window at 1st floor level in side elevation of original house at 17 Codlin Close (As amended by revised plans received 5th December 2011).	AWAITED
N/2011/1002 APP/V2825/A/11/2166759	DEL	Erection of new dwelling at 1A Arnold Road. Re-submission of application N/2011/0554	AWAITED
N/2011/1128 APP/V2825/D/12/2173219	COM	Single storey rear extension (retrospective) - resubmission of application N/2011/0495 at 94 Greenwood Road	AWAITED
N/2011/1071 APP/V2825/A/12/2176757	DEL	Demolition of boiler house and construction of single storey extension at Church Of St Mary The Virgin, High Street, Great Houghton	AWAITED
N/2011/1201 APP/V2825/A/12/2176731	DEL	Erection of two 1 no. bed dwellings at 141 Adnitt Road	AWAITED
N/2012/0318 APP/V2825/A/12/2177724	DEL	Change of use of pavement area to outside seating area at 5 Mercers Row	AWAITED
Public Inquiry			
N/2009/0536 (WN/0002/FP) FPS/M9570/5/2	COM	Application to permanently divert public footpath at the former British Timken Works, Duston.	AWAITED
Local Hearing			
N/2011/1288 APP/V2825/X/12/2170155	DEL	Lawful development certificate for an existing use of property occupied by 3-6 unrelated people at 1 Humber Close	WITHDRAWN

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 24th July 2012

7. OTHER REPORTS
NONE
8. NORTHAMPTONSHIRE COUNTY COUNCIL APPLICATIONS
NONE
9. NORTHAMPTON BOROUGH COUNCIL APPLICATIONS
NONE
10. ITEMS FOR DETERMINATION
<p>ITEM 10A N/2011/0998</p> <p>Demolition of former Royal Mall transport workshop and change of use of the former Royal Mall sorting office with associated alterations including a new atrium, car park deck and service ramp and yard to provide a food store (5,218 sq metres net sales area) café at first floor level, with parking at basement and lower ground with associated landscaping works) at Royal Mall, 55 Barrack Road</p>
<p>Further Correspondence from the Applicant</p> <p>Two further letters have been received from the applicants, one relating to a change in circumstance since the agenda was published and the other making comment on the content of the committee report.</p> <p>Announcement from Tesco</p> <p>In a letter submitted on behalf of Royal Mall (the applicants), the agents for the application, GL Hearn, have confirmed that Tesco have withdrawn from the scheme. Previously, Tesco had stated that they had signed a contract with Royal Mall to occupy the store if planning permission is granted.</p> <p>Royal Mall have confirmed that they wish to continue with the planning application and are confident that a suitable occupier will be found. Whilst Tesco is identified within the submission documents and the committee report, GL Hearn stress that the planning application is seeking permission for an A1 foodstore which could be occupied by any foodstore operator. In terms of the reference to Tesco within the committee report (paragraphs 2.1, 2.2, 7.24, 7.26, 7.37, 7.50 and 8.2), GL Hearn make the following points (as summarised by case officer):</p> <ul style="list-style-type: none"> ▪ Whilst regard to Tesco's anticipated turnover was used as a basis for calculating retail impact, the Retail Impact Assessment was undertaken on the basis of a generic, large-scale, foodstore format. It is considered that much of the assessment is equally applicable to any main foodstore operator. Therefore, the conclusion reached that the store would not have a significant adverse impact on the vitality and viability of existing centres would be the same, with or without, a named operator. ▪ The regeneration benefits put forward in connection with the application

highlighted that approximately 350 jobs would be created based on similar sized Tesco stores. GL Hearn estimate that this would be the same for other operators, based on their experience.

- The commitment to securing on-site construction training through the s.106 agreement remains
- The percentage split between convenience and comparison goods put forward in condition 2 is typical of any main foodstore operator.

Therefore, GL Hearn conclude that the assessment undertaken in the committee report remains valid.

Officer Response

Officers are satisfied that the assessment that has been undertaken in relation to the application could be applied to any of the major foodstore operators and that the consideration of retail impact and regeneration benefits is soundly based. The turnover and trading patterns of Tesco are comparable to any of the major retailers and the predicted impacts within the retail assessment undertaken by NBC have not therefore been under-estimated. Whilst reference is made to Tesco within the report, the potential end occupier was not the determining factor in providing the recommendation to members.

Therefore, officers are satisfied that the conclusions of the report remain valid, as are the proposed conditions and s.106 heads of terms. Clearly, any specific reference to Tesco within the committee report should now be understood in the context that the end occupier could be any major foodstore operator.

Comments on the Committee Report

In a further letter, GL Hearn raise specific issues relating to the committee report itself. The specific points are:

- Paragraph 2.6 refers to staircases giving access from the basement car park to the store. This should refer to traveller access.
- In relation to paragraph 6.19 it is questioned whether L&G have made an attempt to demonstrate that a foodstore of this size could be accommodated in the Grosvenor Centre.
- The applicants note the assessment in relation to the status of Policy B14 (paragraphs 7.6 and 7.7) vis-à-vis the NPPF. Regardless of the status of B14, they express the view that it does not prohibit non-business use and that the application would comply with the policy due to the regeneration benefits associated with the scheme.
- Paragraph 7.15 refers to a gross convenience goods floorspace capacity of 10,052sqm up to 2026. This is in fact the net floorspace capacity. The gross figure is 15,465sqm. Request that this is clarified for members.
- In relation to the sequential site assessment, GL Hearn note that the PPS4 Practice Guide test is whether sites are available 'within a reasonable period of time' rather than 'at present' as stated at paragraph 7.17. The report should make this clear.
- Paragraph 7.42 notes that the town centre linkage improvements would be secured through a s.106 agreement. In fact, this would be secured via condition 14 and is not therefore part of the s.106.
- With regard to conditions 4 and 5, the applicant contends that the operating restrictions set out for Sundays should not apply to bank holidays and that bank holidays should be afforded the same status as Monday to Saturday

trading.

Officer Response

- The point reference to the use of travellers, as opposed to staircases, is noted.
- Officers clarify that a plan was produced on behalf of L&G indicating how a foodstore could be incorporated into the Grosvenor Centre. However, officers were not satisfied that this was a workable solution, as discussed in paragraph 7.19.
- In relation to Policy B14, officers maintain that this has been superseded by the NPPF and, as such, it is not considered necessary to assess whether the development complies with this policy.
- Members are advised to note that the correct gross floorspace capacity for the West Northamptonshire area up to 2026 is 15,465sqm and not 10,052sqm as stated in paragraph 7.15.
- Officers accept that the sequential test requires alternative sites to be available 'within a reasonable period of time'. Officers remain satisfied that there are no sequentially preferable sites and that the application has adequately dealt with this issue.
- The pedestrian and cycle enhancements noted at paragraph 7.42 would be secured by condition (14) and not through the s.106 agreement.

Officers maintain that the restrictions in conditions 4 and 5 applying to Bank Holiday opening hours should remain as set out in the report. The condition is required to protect adjacent residential amenity and officers maintain that these public holidays are akin to Sundays in that residents have a rightful expectation of greater protection from noise within the early hours of the morning and late evening.

ITEM 10B N/2011/1160

Demolition of Garden Centre concession buildings and erection of new supermarket; erection of new retail building and storage building to serve Garden Centre; re-configuration of service area and new service vehicle road and alterations to vehicle access from Newport Pagnell Road. Additional works to parking, landscaping and lighting. (As amended by revised plans received 16th January 2012) at Northampton Garden Centre, Newport Pagnell Road

Representations have been received from **Cllr. Larratt**, as the County Councillor for the Nene Valley Division, who supports the application, in addition to NBC Colleagues, the local Parish Councils and local residents. There have been few objections. The developer has spent time progressing their proposal, overcoming Environment Agency objections and engaging with the community. The Garden Centre is a popular local centre and is a community hub. Other supermarkets are not accessible by public transport, which is not an issue within this site. There is no guarantee that the developer could secure a site within the Sustainable Urban Extension. If members consider that they cannot support the granting of planning permission, it is requested that the application be deferred until the next Committee meeting for further consideration.

Representations have also been received from **Andrea Leadsom MP** supporting the application as the proposal would provide 150 full and part time jobs, which will be of benefit to the area and that it is understood that the proposal has the support of the local community.

A further 12 letters have been received in support of the proposal and commenting that the proposal is welcome and would increase choice within the area and provide jobs.

ITEM 10C
N/2012/0465

Installation of solar powered gates at entrance to driveway leading to No's 21 to 23 Ravenscroft at Shared Driveway Leading to 21 to 23 Ravenscroft

Additional representations have been received from 8, 19 Ravenscroft, 24 Ravenscroft on the following grounds of objection

- Would set an undesirable precedent for other properties in Hunsbury
- Contrary to open plan nature of the estate
- Proposal is in direct conflict with the original intentions of the estate and planning permission
- Would lead to increased congestion in the estate
- Gates would open across dining room window of 24 Ravenscroft obstructing view
- Query over land ownership of strip of land adjacent to 24 Ravenscroft

These issues are largely dealt with in the officers report on the agenda. In respect of the dining room window of the neighbouring property, it can be confirmed that this would not be obscured by the proposed gates.

ITEM 10D
N/2012/0553

Single storey and first floor rear dormer extensions at 379 Billing Road East

Amended plans received which reduce the height of the rear facing windows on the dormer, to address the inhibiting impact on the neighbour.

ITEM 10E
N/2011/0588

Change of use of land to garden and erection of 1.8m fence at 143 Churchill Avenue

NOTHING TO ADD

ITEM 10F
N/2012/0638

Retention of rear conservatory at 22 Manorfield Close

NOTHING TO ADD

11. ENFORCEMENT MATTERS

NONE

12. ITEMS FOR CONSULTATION

ITEM 12A N/2012/0122

Hybrid Planning Application comprising: Full application for the erection of a home and garden centre, retail units, drive thru restaurant, gatehouse, lakeside visitor centre, restaurants and bout house, together with proposals for access including a lock. Outline application for the erection of a hotel, crèche, leisure club and marina with some matters reserved (appearance). Plus removal of a ski slope and associated site levelling, landscaping, habitat management and improved works, vehicular access and servicing proposals together with the provision of car and cycle parking and a bus stop (East Northamptonshire Consultation) at Land adj to Skew Bridge Ski Slope, Northampton Road, Rushden

NOTHING TO ADD



NORTHAMPTON
BOROUGH COUNCIL
Planning Committee

PLANNING COMMITTEE: 24th July 2012
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Susan Bridge

N/2011/1160: Demolition of garden centre concession buildings and erection of new supermarket; erection of new retail building and storage building to serve garden centre; re-configuration of service area and new service vehicle road and alterations to access from Newport Pagnell Road. Additional works to parking, landscaping and lighting Northampton Garden Centre, Newport Pagnell Road, Northampton

WARD: Nene Valley

APPLICANT: Waitrose Ltd and Northampton Garden Centre

AGENT: Mr. A. Nicholls; Alyn Nicholls and Associates

REFERRED BY: Head of Planning
REASON: Major application

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. PURPOSE OF REPORT

1.1 This report is supplementary towards the report that features within the committee agenda (item 10b) and responds to correspondence that has been received by the Council subsequent to the publication of the agenda.

2. RECOMMENDATION

2.1 It is recommended that the application be **APPROVED IN PRINCIPLE** for the following reason and subject to the attached conditions:

The proposed development could not be reasonably located within an established centre, would not unduly impact upon the viability and vitality of the hierarchy of centres and would have a neutral impact upon general amenity and highway safety. The proposal is therefore in accordance with the National Planning Policy Framework, Policy 22 of the East Midlands Regional Plan and Policies E19, E20 and E40 of the Northampton Local Plan.

2.2 This recommendation is subject to the prior finalisation of a Section 106 Legal Agreement to secure the following:

- A financial payment to fund enhancements to bus routes within the vicinity of the site in order to mitigate the general lack of accessibility to the application site.

2.3 It is also recommended that in the event of the Section 106 Legal Agreement not being completed within three calendar months of this Committee meeting, delegated authority be given to the Head of Planning to refuse or finally dispose of the application (at her discretion) for the reason that the necessary mitigation measures have not been secured in order to make the proposal acceptable in line with the requirements of Northampton Local Plan Policies E19 and the National Planning Policy Framework.

3. PLANNING POLICY

3.1 In addition to the planning policy commentary as included within Section 5 of the main committee report, Policy N6 Northampton South of Brackmills Sustainable Urban Extension of the emerging Joint Core Strategy states that, in addition, to other matters, *'a local centre to include local retail facilities of an appropriate scale (including a small convenience store), health care, services and community facilities'* shall be provided.

4. ADDITIONAL REPRESENTATIONS

4.1 Homes and Communities Agency (HCA) – The HCA has been preparing and consulting on an outline planning application for the Land South of Brackmills SUE (as referred to within Policy N6 of the emerging Joint Core Strategy). The emerging Master Plan is in keeping with the allocation within Policy N6. It is considered that a store of the type proposed within this planning application would become a key element of the planned centre, which would ensure its viability and vitality and serve the residents of the planned development and the surrounding communities. The HCA is keen to engage with retail operators so as to address retail matters within the outline planning application.

4.2 A number of letters have been received from the developer and its agents. In particular, Counsel's opinion has been received which identifies that the Policies N6, N10 and S9 Distribution of Retail

Development are the subject of extant objections by Waitrose (in addition to a number of other parties) and that these objections are robust and supported by independent expert evidence. The objectors have not had an opportunity for their objections to be heard by an independent Inspector and the applicant considers that the changes to the JCS as approved for consultation on the 16th July do not adequately address the Waitrose objections. Extant objections will need to be considered by the Inspector and it is therefore not possible at this stage to conclude how the objections would be viewed by the Inspector. Therefore due to the uncertainty surrounding the relevant policies in the emerging Joint Core Strategy, the applicants contend that the material weight to be given to these policies is limited. Consequently, the legal opinion submitted concludes that it would be inappropriate for the Council to refuse the application for the reasons set out within the Committee report.

- 4.3 Further correspondence from the applicant comments upon Policy N6 of the Joint Core Strategy, which seeks limit the size of the store within the Sustainable Urban Extension to a 'small convenience store'. The proposed Waitrose is of a much larger scale. As such, the site could not be sequentially preferable as the development would not be in accordance with policy. Furthermore, the parking requirement of the proposed store would not be readily accommodated within a local centre. There are concerns regarding the timescales for the delivery of such a local centre and that this should include other facilities simultaneously. It is also considered that as building works would be progressing around a store within this location, it would not be an attractive shopping environment. It is also not clear as to how a supermarket would operate in conjunction with other local centre facilities.

5. APPRAISAL

- 5.1 Officers have considered the representations received from applicants and sought advice from the legal department on the matters raised, specifically, the weight that can be afforded to emerging policies within the Joint Core Strategy in the light of the extant representations to the plan and in the context of the Changes. On reflection of these matters, it is considered that insufficient weight can be given to the Joint Core Strategy in its current form to justify refusal of this application for the reason set out in the Committee report. This reason is predicated on the fact that the proposed local centre should have been considered as part of the sequential assessment. Given the current status of the JCS, it is considered that this gives too much weight to those policies and therefore this reason would be difficult to substantiate, particularly as there are outstanding objections from retailers (including the applicant) which need to be fully examined through the plan making process.

6. CONCLUSION

- 6.1 On the grounds that the proposed development could not be reasonably located within or on the edge of an existing centre and would not unduly harm the viability and vitality of the hierarchy of centres within Northampton, whilst being of a good standard of development, it is considered that the proposal is acceptable subject to suitable mitigation being secured via a Section 106 Agreement (covering enhancements of public transport) and conditions.

7. 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. Before development commences details and/or samples of all proposed external 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. 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.

4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner, and which shall be maintained for a period of five years; such maintenance to include the replacement in the current or nearest planting season whichever is the sooner or shrubs that may die are removed or become seriously damaged or diseased with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

5. Full details of the method of the treatment of the external boundaries, including the rear service area, of the site together shall be

submitted to and approved in writing by the Local Planning Authority prior to the commencement of development, implemented prior to the buildings hereby permitted being first bought into use 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.

6. Notwithstanding the details submitted, full details of CCTV covering the applications site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Development shall be carried out in accordance with the approved details, shall be fully implemented prior to the buildings hereby permitted being first bought into use and retained thereafter.

Reason: In the interests of securing a satisfactory standard of development in line with the requirements of Policy E40 of the Northampton Local Plan.

7. Notwithstanding the details submitted, full details of the appearance of the trolley bays shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Development shall be carried out in accordance with the approved details and retained thereafter.

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

8. 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 the National Planning Policy Framework.

8. No development shall take place until a scheme for the improvement to bus shelters within Newport Pagnell Road has been 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 development hereby permitted being first

bought into use and retained thereafter.

Reason: In the interests of promoting sustainable means of travel to the development in accordance with the requirements of the National Planning Policy Framework.

9. Unless otherwise agreed in writing by the Local Planning Authority, the highway works within Newport Pagnell Road (as shown on drawing 174/40/PO2 E) shall be fully implemented prior to the development hereby permitted being first bought into use

Reason: In the interests of securing a satisfactory standard of development in terms of highway safety in accordance with the requirements of the National Planning Policy Framework.

10. Unless otherwise agreed in writing by the Local Planning Authority, the car parking and site access roads as shown on drawing 174/40/PO2 E shall be fully implemented prior to the development hereby permitted being first bought into use and retained thereafter.

Reason: In the interests of securing a satisfactory standard of development in accordance with the requirements of Local Plan Policy E20.

11. Unless otherwise agreed in writing by the Local Planning Authority, the site's lighting shall be installed in accordance with the details contained within the External Lighting Report Revision B, dated the 15th November 2011 and carried out by Building Service Solutions Ltd.

Reason: In the interests of securing a satisfactory standard of development in terms of neighbour amenity in accordance with the requirements of the National Planning Policy Framework.

12. Unless otherwise agreed in writing by the Local Planning Authority, the development hereby permitted shall be carried out in accordance with the details contained within the noise assessment reference JM/EC10524-006 carried out by the Environmental Equipment Corporation Ltd prior to the development hereby permitted being first bought into use and retained thereafter.

Reason: In the interests of securing a satisfactory standard of development in terms of neighbour amenity in accordance with the requirements of the National Planning Policy Framework.

13. Unless otherwise agreed in writing by the Local Planning Authority, the development hereby permitted shall be implemented and operate in accordance with the details contained within the submitted Travel Plan (reference: TR291022/CB/DW/040, Issue 2 and dated the 1st November 2011.

Reason: In the interests of securing a sustainable development in accordance with the requirements of the National Planning Policy Framework.

14. Unless otherwise agreed in writing by the Local Planning Authority, the development shall be implemented in accordance with the

recommendation of the submitted Arboricultural Impact Assessment, Revision A, dated October 2010 and compiled by Ground Control Ltd.
Reason: In the interests of securing a satisfactory standard of development in accordance with the requirements of Local Plan Policy E11.

15. Unless otherwise agreed by the Local Planning Authority, the development shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) Fairhurst Ref D//D83623/01 Rev 5 dated May 2012 and the following mitigation measures detailed within the FRA:

- On site drainage to be provided to manage the 0.5% (1 in 200) plus climate change storm. Soakaways and Infiltration tanks to be installed to provide attenuation for both proposed (Waltrose) and existing (Wyevale) developments as shown on Drawing 83623/2001 Rev C.
- Overland flood routes as shown on Drawing 83623/sk0010 Revision A to be left free of obstructions.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the FRA.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

16. Unless otherwise agreed in writing by the Local Planning Authority, the development hereby permitted shall only be open to customers between the hours of 8:30 and 21:00 on any one day on Mondays-Fridays, 8:30 and 20:00 on Saturdays and 10:00 and 16:00 on Sundays, Bank Holidays and Public Holidays.

Reason: In the interests of securing a satisfactory standard of development in terms of neighbour amenity in accordance with the requirements of the National Planning Policy Framework.

17. Unless otherwise agreed in writing by the Local Planning Authority, all deliveries shall take place between 6:00 and 23:00 on any one day.

Reason: In the interests of securing a satisfactory standard of development in terms of neighbour amenity in accordance with the requirements of the National Planning Policy Framework.

18. Unless otherwise agreed in writing by the Local Planning Authority, the net level of retail floor space within the supermarket shall not exceed 1,355m². The amount of this floor space that can be used for the sale of comparison goods shall not exceed 203m³. For the avoidance of doubt, comparison goods includes, but shall not be limited to clothing, shoes and other footwear, DIY products, furniture and furnishings, carpets and other floor coverings, household textiles, major household appliances (whether electrical or not), small electric household appliances, tools and miscellaneous accessories, glassware, tableware, household utensils, non-prescription medical goods and other pharmaceutical products, therapeutic appliances and

equipment, perfumes, bicycles, recording media, games, toys, hobbies and craft materials, tools and equipment, sport and camping equipment, musical instruments, plants and flowers, pets and pet related products, books and stationery, greetings cards, audio-visual photographic and information processing equipments, appliances for personal care, jewellery, watches and clocks, petrol, tobacco and tobacco products and financial services.

Reason: In the interests of maintaining the viability and vitality of the hierarchy of centres in accordance with the requirements of the National Planning Policy Framework.

19. Unless otherwise agreed in writing by the Local Planning Authority, the retail supermarket shall not be divided to form more than one retail unit.

Reason: In the interests of maintaining the viability and vitality of the town and district centres in accordance with the requirements of the National Planning Policy Framework.

20. Unless otherwise agreed in writing by the Local Planning Authority, the new warehouse as shown on Plan 174/40/PO2 E shall be used for storage purposes only and shall not be used for retailing.

Reason: In the interests of maintaining the viability and vitality of the town and district centres in accordance with the requirements of the National Planning Policy Framework.

21. Unless otherwise agreed in writing by the Local Planning Authority, the new garden centre concession building as shown on Plan 174/40/P02 E shall be used shall be used for the display and sale of garden goods and services only and for no other use within Class A1 of the Town and Country Planning (Use Classes) Order 1987 (as amended)

Reason: In the interests of maintaining the viability and vitality of the town and district centres in accordance with the requirements of the National Planning Policy Framework.

8. LEGAL IMPLICATIONS

8.1 None

9. SUMMARY AND LINKS TO CORPORATE PLAN

9.1 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.



Chris Preston
Northampton Borough Council
The Guildhall
St. Giles Square
Northampton
NN1 1DE

Our reference JGB/0962152/O15078658.1/TD

Your reference

24 July 2012

Dear Mr Preston

N/2011/0998: Former Sorting Office, Barrack Road

We act for ASDA Stores Ltd and write with regards to the above planning application, which will be heard by the Planning Committee on the 24/07/12.

As you are aware, ASDA is keen to invest in Northampton and expand their representation in the town.

We have carefully reviewed the committee report and accept the Council's conclusions in respect of convenience floorspace capacity and that there are no sequential sites. However, it is clear the proposals will not provide increased choice and competition within Northampton's convenience shopping market.

Tesco are already well-represented in the town and their existing foodstores, as confirmed in the applicant's own Retail Impact Assessment, are trading well in excess of company averages. The introduction of a further Tesco foodstore will only increase this over dominance and provide no qualitative benefits.

We trust our position will be considered during determination of the application and that identified convenience floorspace capacity will be directed to proposals delivering greater qualitative benefits to Northampton, including increased choice and competition.

Yours sincerely


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A list of the partners and their professional qualifications is available for inspection at our offices. Authorized and regulated by the Solicitors Regulation Authority, SRA number 58640



PLANNING COMMITTEE: 24th July 2012
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Susan Bridge

N/2011/0998: Demolition of former Royal Mail transport workshop and change of use of the former Royal Mail sorting office with associated alterations including a new atrium, car park deck and service ramp and yard to provide foodstore (5,218 sq m net sales area) / café at first floor level, with parking at basement, lower ground and ground levels with associated landscaping works at The Former Sorting Office, Barrack Road

WARD: Semilong

APPLICANT: Royal Mail Estates Limited
AGENT: GL Hearn

REFERRED BY: Head of Planning
REASON: As the application must be referred to the Secretary of State under the provisions of The Town and Country Planning (Consultation) Direction 2009 in accordance with the Council's scheme of delegation.

DEPARTURE: Yes

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 APPROVAL IN PRINCIPLE, subject to:

- a) A Section 106 Legal Agreement to secure:
- Financial payment dedicated towards NCC's Kingsthorpe Corridor Improvement Scheme;
 - Financial payment for town centre public realm enhancements, focused on Sheep Street / Regents Square;
 - Agreement to a construction training programme to provide on-

- site training for local construction trainees; and
 - The submission and implementation of a work place travel plan to encourage non-car modes of travel;
 - A payment towards air quality management.
- b) The referral of the application to the Secretary of State under the provisions of The Town and Country Planning (Consultation) Direction 2009 to consider if he wishes to call-in the matter for his determination;
- c) The attached conditions and for the reason:

The proposed superstore would respond to an identified need for further retail floorspace within Northampton and bring significant regeneration and job creation benefits through the re-use of the existing building. It is considered that there are no sequentially preferable sites that are available, viable and suitable for the proposed development and the implementation of the scheme would not result in any significant adverse impact upon the town centre or district / local centres within the area. In addition, the proposed scheme would enhance the setting of the adjacent Barrack Road Conservation Area through the sustainable, sensitive refurbishment and alteration of the existing building.

There are no other constraints to development that cannot be adequately mitigated through the use of conditions or obligations under s.106 of the Town and Country Planning Act. Consequently, it is considered that the proposal is compliant with the advice contained within the National Planning Policy Framework; the saved policies of the Northampton Local Plan; emerging policies in the submission version of the Northampton Central Area Action Plan; and MKSM Sub-Regional Strategy Northamptonshire Policy 2/ MKSM Sub Regional Strategy Northamptonshire Policy 3, contained within the East Midlands Regional Plan (RSS8).

2. THE PROPOSAL

- 2.1 This is a full application for the conversion and alteration of the existing building to create a foodstore with a net sales area of 5,218 square metres. The applicant and owner of the site – Royal Mail Estates Limited – have submitted the proposal and Tesco have confirmed that they would occupy the store should planning permission be granted. In fact, a letter from Tesco submitted with the application states that, ‘Royal Mail and Tesco recently completed an agreement that will be binding on Tesco to take this supermarket opportunity should a satisfactory planning permission be granted’.
- 2.2 With regard to retail floorspace, a 65% to 35% split is proposed between the net sales area of convenience (primarily food sales) and comparison (non food) goods.

- 2.3 Due to the internal layout, the building would convert relatively easily into a superstore format, and the main alterations are required to facilitate better vehicular access arrangements, particularly for delivery vehicles, and to improve the external appearance of the building along the Barrack Road frontage, with the aim of providing a more welcoming entrance.

Internal Arrangements

- 2.4 The internal space within Royal Mail Sorting Office was laid out over five levels, including a basement car park, a lower ground level service yard (a double storey internal space at the rear section of the building), ground floor offices on the site frontage, the main sorting area at first floor level, with offices and staff accommodation on the second floor. An area of plant servicing the building is located on the flat roof above.
- 2.5 In terms of the proposals, the basement and lower basement would be utilised for staff and customer car parking, the first floor sorting hall would become the foodstore sales area, with a café and entrance lobby to the front and a storage area and delivery yard to the rear. The second floor would be maintained as office accommodation, with staff facilities included, and the plant area to serve the building would be located on the roof. The remaining sections of roofspace would be utilised to form a 'green roof'.
- 2.6 The only vehicular access would be from the existing entry point on Barrack Road, adjacent to Leicester Terrace. Customers entering the site by car would therefore park within the basement car park and access the store via staircases located within the building. No car parking is proposed on the site frontage and the entrance from Barrack Road would therefore primarily serve as a pedestrian access.

External Alterations

- 2.7 In order to service the foodstore at first floor level, a new delivery ramp is proposed on the northern elevation of the building facing Semilong Road. This would be a substantial feature wrapping around the northern and western side of the building. The proposal is to enclose this ramp with an acoustic barrier, clad on the external façade with timber panelling. The ramp would rise up to a level service yard at the rear, with loading areas and vehicle turning arrangements. Therefore, in terms of vehicular access arrangements, customer traffic would enter from Barrack Road and then turn left into the lower ground floor car park, delivery vehicles would also enter from Barrack Road but would continue straight ahead, past the customer entrance, and onto the service ramp.
- 2.8 In order to provide additional car parking space, an extension to the lower ground floor area is proposed by adding a decked car parking

area which would extend outwards from the rear of the building towards Castle Primary School. This car park would be enclosed with a new boundary fence. A total of 413 car parking spaces would be provided.

- 2.9 At the frontage of the site a new glass atrium is proposed to provide an improved entrance feature. This would cover the full height of the building and extend beyond the existing parapet wall which surrounds the flat roof. New glazing would be installed within existing openings and a new first floor window overlooking the vehicular entrance is proposed. The existing brickwork at ground and first floor level would be rendered with a view to softening the external appearance of the structure.
- 2.10 Outside of the main pedestrian entrance, a scheme of hard and soft landscaping is proposed for the open space adjacent to Barrack Road. No car parking is proposed for this space.

Off-Site Highway and Public Realm Works

- 2.11 The applicants, following consultation with the County Highway Authority, are proposing to install a new signal control at the junction between Barrack Road and the site entrance. This would provide dedicated filter lanes into the site from Barrack Road (from a northerly and southerly direction) and a new pedestrian crossing point running roughly between the site entrance and Leicester Street on the opposite side of Barrack Road.
- 2.12 In addition, a 'Connections Study' has been submitted with the application assessing the opportunities for enhanced pedestrian and cycle linkages between the site and the town centre. The study identifies the key desire lines and crossing points for non-car based traffic and suggests a number of interventions to improve the legibility and ease of access along these routes. Initial safety audits have been carried out to examine the feasibility of improving the identified crossing points. These off-site improvements would be implemented by the developer should planning permission be granted. Further discussion on this point is found within the main body of the report.
- 2.13 As discussed in the main report, should the scheme be approved, officers recommend that s.106 payments are secured for off-site highway works in connection with the County Highway Authority's *Kingsthorpe Corridor Improvement Scheme* and also for public realm and streetscape improvements along the route of Sheep Street/ Regents Square, linking the site to the town centre.

3. SITE DESCRIPTION

- 3.1 The former Royal Mail sorting office at Barrack Road is a well known local building due to its distinctive, uncompromising, design and prominence on the main thoroughfare leading from the town centre to

Kingsthorpe in the north. Vehicular access to the site is from the A508 Barrack Road. The site as a whole covers 1.55ha and, away from the Barrack Road frontage, is surrounded by Semilong Road to the north, the Northampton Bangladeshi Association building to the west, Castle Primary School to the south and west and Gibraltar Barracks to the south, which is occupied by the Territorial Army.

- 3.2 The surrounding area is characterised by a broad mix of building types and uses. North of the site is primarily residential with Georgian/ early Victorian terraced properties fronting Barrack Road and 1960's/ 70's Council built flats directly opposite the site off Semilong Road. Further to the north, the dense Victorian terraced properties of Semilong predominate. On the opposite side of Barrack Road to the east is a local shopping parade with a mix of retail, food and drink outlets interspersed with occasional dwelling units. To the south and west, community/ institutional uses surround the site, including the primary school, Bangladeshi Association facility and the Gibraltar Barracks.
- 3.3 The site sits just outside the southern boundary of the Barrack Road Conservation Area and, the terrace of residential properties immediately to the north (Leicester Terrace) is Grade II listed.
- 3.4 The structure was purpose built as the new sorting office for the area in the late 1970's and remained in use until a fire in 2003. Since this time, the majority of the site has been vacant, the external boundaries have been securely fenced and windows in the main structure have been boarded over. The property is still within the ownership of Royal Mail Group Ltd.
- 3.5 Internally, the building occupies a substantial footprint of over 20,000 sq m (GIA) split over a number of floors. The ground and lower ground floors were used for loading and servicing of vehicles, the first floor incorporated the sorting office and office/ staff accommodation is laid out over three mezzanine floors to the front of the building. The vehicular access into the building and to the open area at the rear of the site comes from a single point along Barrack Road, via an access ramp running parallel with the pedestrianised section of Semilong Road to the north. Fencing and a part enclosed acoustic screen separate this access from the footpath/ highway beyond.

4. PLANNING HISTORY

- 4.1 The main applications of relevance to this report are those listed below. The site has been subject to numerous minor applications in connection with the former sorting office but, for brevity, these are not listed here:
 - 70/0229 – Outline application for the erection of a new head post office, sorting office and parcel office. **Approved with conditions 22/09/70.**
 - 73/1062 – Full application for the erection of a head post office.

Approved subject to conditions 28/11/73.

- 10/0165/FULWNN – Full application for the change of use and alteration of the Royal Mail Sorting Office to form a foodstore, with café at first floor level, parking within the basement/ lower ground floor and associated landscaping works. **Application withdrawn.**

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:

The National Planning Policy Framework (NPPF)

*Note: Previous national guidance relating to retail and economic development was contained within PPS4. This has now been superseded by the NPPF. However, the Practice Guide that accompanied PPS4 has not been revoked by the Government. Whilst this document does not constitute formal policy, the guidance within it remains pertinent to this application. In particular, the definitions provided in terms of what constitutes 'convenience' and 'comparison' goods sales is still referred to in the context of this report.

5.3 Northampton Borough Local Plan

E20 – New Development (Design)

E26 – Conservation Areas

E19 – Implementing Development

B14 – Development for Non Business Use in Business Areas

T12 – Development Requiring Servicing

5.4 Northampton Central Area Action Plan (CAAP)

On 23rd April, Full Council approved the CAAP for submission to the Secretary of State. The document has now been submitted and the examination in public is set for September 2012. Given the advanced stage in preparation of the CAAP, it is therefore considered that the relevant policies can be given substantial material weight in the decision making process. The following policies are considered to be of relevance to the application:

Policy 1 – Promoting design excellence

Policy 3 – Public realm

Policy 4 – Green infrastructure

Policy 5 – Flood Risk and drainage

Policy 6 – Inner Ring Road

Policy 9 – Pedestrian and cycling movement framework

Policy 10 – Parking

Policy 11 – Town Centre Boundary
Policy 12 – Definition of Primary Shopping Area
Policy 14 – Meeting retail capacity
Policy 15 – Office and business use
Policy 34 – Former Royal Mail Sorting Office
Policy 36 – Infrastructure Delivery

6. CONSULTATIONS / REPRESENTATIONS

Consultation Responses

- 6.1 **Natural England:** Based upon the information provided Natural England raises no objection to the proposal being carried out according to the terms and conditions of the application and submitted plans.
- 6.2 **Northants Bat Group:** Agree with the findings of the ecology report submitted with the application. Recommend that bat boxes are installed on the buildings, preferably built in bat boxes on gable ends, near the apex, as these are less likely to be removed by future occupants.
- 6.3 **NCC Transport and Highways:** Refers to consultation response on the previous (withdrawn application) in terms of the background to the scheme and summary of discussions between the developer and highway authority. The Local Highway Authority does not object to the proposals subject to the following:
- The site access signalised junction to be implemented via a s.278 agreement prior to commencement (as shown on plan number 176191/OS/002 rev D – shown at figure 4.1 of the Transport Assessment dated September 2011)
 - Details of the internal traffic control system to be submitted to and agreed by the LPA prior to commencement
 - Upgrading of 2 bus shelters on Barrack Road and real time information boards to be provided prior to occupation
 - Completion of pedestrian and cycle linkages to the town centre (in line with details to be submitted and agreed – based upon the Strategic Design Appraisal – Off Site Pedestrian and Cycle Linkage Enhancement Options Assessment)
 - A payment secured through s.106 of £450,000 for Kingsthorpe Corridor Improvements.
- 6.4 Following the initial round of consultation, the Local Planning Authority (at that time WNDP) received an objection to the scheme from Legal & General. As part of that objection a detailed critique of the Transport Assessment was submitted, prepared by WSP (Transport Consultants). This raised questions regarding the capacity of the local road network and the operation of the new signal junction (see summary of these comments under 'Representations'). In response to these comments, the Highway Authority was re-consulted. Their position was that the Highway Authority took a view over the operation of the access junction

on the basis that the financial payment towards the Kingsthorpe Corridor Improvements would provide additional capacity elsewhere to off-set the delays at the proposed junction. Therefore, they maintained their original position.

- 6.5 **Highways Agency:** Note that the proposed development is not anticipated to have a material impact on the closest strategic route (the A45). Therefore they raised no objections.
- 6.6 **NCC Planning:** Request a contribution of £7,566.10 towards the fire and rescue service.
- 6.7 **Anglian Water:** Note that the foul and waste water sewerage and drainage system have the capacity to deal with discharge from the development. Consider that the proposals for surface water discharge are unacceptable. If the LPA is minded to approve the development Anglian Water recommend that a condition requiring the submission and completion of a surface water drainage strategy is attached. Also request advisory notes are attached with regard to trade effluent, oil interceptors in car parking areas and discharge of cooking fats on any catering establishments.
- 6.8 **Environment Agency:** No objection subject to conditions covering the following issues:
- A strategy for dealing with mains foul water drainage
 - A strategy for dealing with surface water drainage
 - Conditions relating to the assessment of and, where necessary, the remediation of contaminated land
 - Condition preventing any surface water infiltration, except where agreed in writing by the Local Planning Authority
 - Requirement for surface water drainage from parking areas to be passed through petrol interceptors prior to discharge into any surface water sewer.
- 6.9 **Conservation Officer (NBC):** Supports the application in principle and considers that the scheme will enhance a key gateway into the town by bringing the building back into use. Recommends that the off-site highway works are a vital component in enhancing the environment for pedestrians. Recommends the works should minimise clutter and pedestrian barriers.
- 6.10 Removal of the previously proposed parking area on the street frontage is welcomed. Recommends that the external space and frontage needs to be given a purpose/ a greater level of activity if it is to work well. Encourages the architect to find a different cladding solution to the new access ramp, possibly a living wall to soften the impact of this element.
- 6.11 **Arboricultural Officer (NBC):** There are 7 existing trees along the site frontage (5 semi-mature limes, 1 semi-mature horse chestnut and

1 semi-mature sycamore). The Design and Access Statement recommends the retention of the Horse Chestnut, removal of the other trees and the planting of 7 new native varieties. Recommends that this is acceptable subject to conditions regarding the type and size of species and specialist planting systems to overcome compaction issues.

- 6.12 **Environmental Health Officer (NBC):** Raised concerns relating to noise and air quality. Further information was submitted in relation to these issues. In terms of Air Quality, the EHO has responded as follows with the following points:
- Reasonably happy with the predictions on air quality. The Barrack Road Air Quality Management Area is due to be revoked on the basis of recent evaluation. There will be some impact upon the Harbrough Road and Campbell Square AQMA's and a payment of £3,500 is sought towards the development of an air quality management plan.
 - Is considering further information in respect of noise, particularly delivery noise and details of the proposed acoustic barrier adjacent to the access ramp and loading area. Further comments will be reported to committee.

Representations / Responses

- 6.13 Individual letters of consultation were sent out to over 400 local addresses, site notices were posted in the vicinity of the site and a press notice was issued. In response, objections have been received from 12 local residents, with letters of support from 2 local residents. Comments have also been received from 2 local councillors and community groups including the Bangladeshi Association, the Semilong Community Forum, The Barrack Road Conservation Group and Alliston Gardens Youth and Community Centre. In addition, comments have been received from the Head of Castle Primary School and planning consultants Drivers Jonas, on behalf of Legal & General.
- 6.14 **Objections from local residents:** The key points of objection raised were as follows:
- Increased traffic and congestion
 - Concern that the traffic congestion on Barrack Road will lead to further rat running through Semilong as a cut through to St. Andrew's Road
 - Concern that there is only one access to and from the site – this used to cause problems when Royal Mail used the building.
 - 24 hour opening is completely unsuitable for this area
 - Other less intrusive/ intensive uses should be considered and the site would be suitable for secure computer back up facilities
 - It would have a negative impact upon local shops and the market and town centre
 - There are sufficient supermarkets already existing to serve the needs of the area

- The car park of 400 spaces will be totally inadequate for the proposed use. Car parking is already inadequate in this area and visitors to the doctor's surgery already have difficulty in parking.
- Concerned about the positioning of traffic lights outside residential property (1 Leicester Terrace). This will cause excessive noise and disturbance and potential ill health due to traffic pollution. This would contravene the Children Act 1989 and 2004.
- Concerned that delivery traffic will cause excessive noise and that vehicles could misjudge the entrance and hit the adjacent property (1 Leicester Terrace).
- Many children walk past the site to get to the primary school and there is potential a safety issue in terms of lorries and vehicles turning.
- The area already has an anti-social behaviour problem with alcoholics and binge drinkers – cheap alcohol provided by a supermarket will no doubt make this worse.
- Property values will be adversely affected.
- The modern design of the building does not complement adjacent listed buildings or Conservation Areas.
- The large amount of glass overlooking 1 Leicester Terrace would result in a loss of privacy and would contravene the Human Rights Act.
- Concern that supermarket lorries will cause damage to property (3 Elysium Terrace).
- The proximity of the store to the local primary school will result in damage to children's health due to excessive traffic pollution, linked to increased asthma. Also, increased noise will cause disturbance to education.
- The claims of 400 jobs are exaggerated as many of these would be part time.
- Royal Mail have a moral obligation to keep the building clean and tidy rather than leaving it in its present condition so that people are grateful for anything to be built there.
- Claims put forward within the application that there is a high level of community support are untrue.

6.15 **Letters of Support:** The two letters of support expressed the view that the building is an eyesore and has been left vacant for too long. They considered that the use would bring life into the area, reduce anti-social behaviour and be a local asset.

6.16 **Alliston Gardens Youth and Community Centre:** Semilong is overdue for a facelift and the new store would bring much needed improvements to the area. Would like to see s.106 funding to improve the area around Alliston Gardens and Adelaide Street with better landscaping and lighting. Improvements could also be made to the signage to the community centre and the building itself. In general, the Community Centre supports the proposals.

- 6.17 **Northampton Bangladeshi Association:** Concerned that Mill Road will become blocked with parked cars from people who do not wish to drive to the Barrack Road entrance. Therefore suggest that improved parking arrangements are made on Mill Road.
- 6.18 **Barrack Road Conservation Group:** Recommend that every effort should be made to safeguard the Conservation Area and urge the LPA to refuse the application and come up with an alternative use that genuinely creates no extra traffic. Raise objections on grounds of traffic volume, congestion, impact upon local shops, impact upon the Conservation Area and local residents. Suggest alternative uses as a disaster recovery facility, a render farm, an automated assembly plant with few staff or an arts centre.
- 6.19 **Drivers Jonas Deloitte/ WSP:** Objected to the application, in letters dated 4th November 2011, 9th May 2012 and 17th May 2012, on behalf of Legal & General (Northampton Shopping Centre Partnership). The key points of objection are:
- Impact on planned investment in the Grosvenor Centre.
 - Impact upon the vitality and viability of nearby centres (suggest that this has been under-estimated by the applicants).
 - Lack of a town centre health check to accompany the application.
 - Suggest that the applicants have not been sufficiently flexible in the application of the sequential test.
 - Cumulative impact – suggest that the cumulative impact of this store, in addition to other recent approvals will be detrimental and would not accord with the AECOM report (Northampton Foodstores Cumulative Impact Study Report, April 2011) prepared for WNDC.
 - Lack of compliance with local policies which seek to focus retail development within the primary shopping area.
 - Highway capacity. Suggest that the junction arrangement will lead to delays and congestion on a key route to the town centre, thereby impacting on those travelling to the Grosvenor Centre.
 - Note the advanced discussions regarding the proposed redevelopment of the Grosvenor Centre and stress that the development has now reached a critical stage in its progression. State that L&G have been in discussions with a major foodstore operator regarding an anchor store for the future extension of the Grosvenor Centre.
 - L&G continues to have real concerns regarding the cumulative impact of out of centre development, specifically referring to the Tesco Mereway extension and Certificate of Lawfulness applications at Sixfields and Nene Valley Retail Park.
 - Suggest that the Barrack Road proposal and the proposed Waitrose at Newport Pagnell Road should be considered by the same committee so that the cumulative impact can be properly assessed.

The most recent letter from Drivers Jonas Deloitte (DJD) was submitted along with an indicative layout plan for the Grosvenor Centre redevelopment (dated 23rd February 2012). The plan indicates how a major supermarket could be incorporated into the scheme. DJD suggest that this does form a sequentially preferable and deliverable site. DJD also refer to the likely impact on town centre vitality and viability (referring to analysis undertaken for WNDC by AECOM) and consider that the cumulative impact would be significant (referring to the AECOM report suggesting that the Sainsbury's store would be left operating at 60% of its benchmark level).

In conclusion DJD note that the Grosvenor Centre extension is available for a large scale superstore and that such a store would form an important part of the mix of the redevelopment. They argue that approval of Barrack Road will undermine investor confidence at a time when L&G are discussing the tenant mix with future occupiers. They conclude that the Barrack Road proposal would fail to meet the sequential and impact tests within the NPPF and should therefore be refused.

- 6.20 **Semilong Community Forum:** Raised the following concerns:
- Impact upon local business/community e.g. Post Office, pharmacy, Co-op store.
 - Extra traffic and noise, especially if there is 24 opening.
 - Rubbish dropped by shoppers/ trolleys taken and abandoned on streets
 - Local youths gathering at the store causing nuisance.
 - If the scheme is approved, the Forum would like to see:
 - Investment in local roads and footpaths so that people can get to the store more easily
 - A policy to ensure stray trolleys don't leave the store
 - Extra lighting and security
 - Investment in the two local community centres.
- 6.21 **Castle Primary School:** The Head of Castle Primary School has raised a number of concerns:
- Increased traffic will make it difficult and dangerous for children to cross the road
 - Increased noise will impact upon the youngest children as their play area and new classroom block will be a matter of feet from the road
 - The car park to the rear will be less than 20 feet from the perimeter fence causing concerns over noise and pollution from engine emissions. Suggests that this will have knock on consequences for health and well-being.
- 6.22 **Cllr Aziz and Cllr Begum.** Duplicate copies of a letter have been received, signed by Cllr Aziz and Cllr Begum. They object to the application for the following reasons:
- Northampton is already saturated with supermarkets and it is

doubtful that there is room for another large supermarket in this part of town.

- Tesco and Sainsbury's have a large share of the market in Northampton. The impact of another store on the small businesses in the area would be detrimental. Many small businesses are struggling to make a profit in current economic circumstances.
- The new store may create jobs but jobs would be lost elsewhere as a result.
- The road infrastructure needs to be improved to avoid congestion. Buckton Fields development has just been given permission, in addition to another supermarket this would increase traffic congestion.
- Concern about safety for people crossing roads to get to the school and the mosque.

7. APPRAISAL

7.1 Clearly, a development of this scale requires the assessment of a complex range of issues, some of which are of a conflicting nature. The relative weight given to the numerous material considerations is therefore a matter of careful judgement. In assessing this proposal officers have given very careful consideration to the scheme over a number of years – prior to the current application, a previous (almost identical scheme) had been submitted to WNDC in 2010 with WNDC and NBC officers working closely throughout. The primary factors for consideration with respect of the scheme are set out below:

- Compliance with the Development Plan and emerging Central Area Action Plan (CAAP)
- Consideration of the likely retail impacts of the scheme on established centres within the town, with reference to local and national planning policy.
- Assessment of the economic benefits associated with the proposals.
- Traffic and transportation issues, including the appropriateness of the proposed junction arrangements, impact on congestion, impact upon pedestrians and cyclists, car parking requirements and consideration of improvements to link the site and the town centre.
- Consideration of the impact on neighbouring amenity, including an assessment of noise, air quality, anti-social behaviour. This should also take account of the likely impact upon Castle Primary School.
- Design and impact upon adjacent Conservation Areas and Listed Buildings.
- A summary of other issues including flood risk/ drainage, ecology and wildlife, and sustainability standards.

PLANNING POLICY CONSIDERATIONS

- 7.2 In terms of local policy, the Development Plan for the area currently comprises the East Midlands Regional Plan (RSS8) and the saved policies of the Northampton Local Plan. At the time of writing, RSS8 still forms part of the Development Plan and, whilst the Government has made clear its intention to revoke this through legislation in the Localism Bill, the RSS is still a relevant material consideration when determining planning applications. In terms the Local Plan, its age is of relevance in assessing how much weight to attach to any 'saved' policies. Annex 1 of the NPPF stresses that weight should be afforded to saved policies in plans adopted prior to 2004 'according to their degree of consistency with this framework'. In other words, little weight can now be given to saved policies of the Local Plan which do not comply with the aims of the NPPF. Conversely, the NPPF stresses that weight can be given to emerging plans i.e. the Central Area Action Plan (CAAP) based upon their stage of preparation, the extent to which there are any unresolved objections to relevant policies and the degree of consistency with the NPPF. The CAAP has now reached submission stage and, therefore, substantial weight can be given to policies, specifically those policies which do not have any unresolved objections.
- 7.3 In this instance, the relevant policies within RSS8 are considered to be Policy 22, Policy MKSM SRS Northamptonshire 2 (Northampton Implementation Area) and Policy MKSM SRS Northamptonshire 3 (Northampton Central Area). These policies are of a general nature and, in terms of guidance on retail proposals, are broadly consistent with the aims of the National Planning Policy Framework. Policy MKSM SRS Northamptonshire 2 identifies Northampton as the Principal Urban Area for the sub-region and Policy MKSM SRS Northamptonshire 3 identifies Northampton's Central Area as a key destination for office, retail and leisure proposals. The application site falls within the Central Area Action Plan boundary but falls outside the defined 'Town Centre Boundary'. Given the general nature of the relevant RSS8 Policies, the proposal is broadly consistent with the aims of the Regional Plan.
- 7.4 With regard to local context, the 'saved' policies of the Northampton Local Plan (1993-2006) continue to form part of the Development Plan and will continue to do so until they are replaced by relevant policies within the West Northamptonshire Joint Core Strategy (WNJCS) or CAAP. As discussed above, the CAAP has now reached submission stage and, accordingly, significant weight can be given to relevant policies within it.
- 7.5 The majority of policies relating to new retail provision in the Local Plan were not saved and, due to its age, the Local Plan has largely been superseded in this regard by national policy in the form of the NPPF. However, Appendix 15 of the Local Plan provides a schedule of 66

recognised shopping centres but does not distinguish between any of these in terms of scale or hierarchy. Whilst the saved retail policies are not directly applicable to new superstores and store extensions of the scale considered here, the content of the Local Plan in the form of the proposals map is still relevant to decision making in terms of the adopted definition of the Town Centre and identification of other centres within the Town.

- 7.6 The Local Plan identifies the site as an existing business area and therefore saved Policy B14 continues to apply. B14 states that development outside the business use classes (B1, B2 and B8) within existing business areas will not be permitted unless such development would lead to be of significant benefit to the local community and would lead to substantial employment opportunities. However, in considering Policy B14, officers are mindful of changes in national policy brought in through the NPPF. Paragraph 22 of the NPPF states that; *planning policies should avoid the long term protection of land for employment uses where there is no reasonable prospect of a site being used for that purpose....Where there is no reasonable prospect of a site being used for employment purposes applications for alternative uses should be treated on their merits having regard to market signals and the need for different land uses to support sustainable local communities.*
- 7.7 As the most recent national policy guidance, the NPPF essentially supersedes Policy B14. Accordingly, officers are of the opinion that limited weight should be given to that Policy in this instance. The merits of the scheme should be considered 'in the round' and refusal of employment generating non-business use classes based purely on Policy B14 would be difficult to substantiate at appeal, given the thrust of the NPPF in this regard.
- 7.8 Therefore, given the age of the Local Plan, and the changes in national policy within the NPPF, the site specific saved policies do not provide a clear indication of how the proposal should be assessed. In these circumstances, it is considered that the submission version of the Northampton CAAP is more pertinent, given its advanced stage. Policy 34 of the CAAP is a site specific policy relating to the former sorting office. This states that the site will be:
- Redeveloped or converted for business (B1) or residential use. Applications for other uses will be considered in accordance with other policies within the Development Plan
 - Conform to the design principles outlined in Promoting Design Excellence and Green Infrastructure
 - Provide improvements to pedestrian crossing along Barrack Road and enhance links to the town centre and Racecourse
 - Create a positive frontage along Barrack Road and incorporate opportunities to enhance the exterior of the building
 - Incorporate vehicular access arrangements that are sympathetic in their design to the adjacent Barrack Road Conservation Area.

- 7.9 Put simply, the policy identifies the site as an appropriate location for either B1 (Office) or residential use. Unlike Policy B14 of the Local Plan (referred to above) the policy does not specifically prohibit other uses but stresses that they should conform to other policies within the Development Plan. With regard to retail development, the other relevant policies within the CAAP are Policy 11 – *Town Centre Boundary*, which defines the town centre boundary; Policy 12 – *Definition of Primary Shopping Area*; and Policy 14 – *Meeting Retail Capacity* which identifies the level of retail floorspace to be provided over the plan period and allocates development sites to accommodate this need.
- 7.10 The Barrack Road site is approximately 300 metres to the north of the town centre boundary as defined by the CAAP and is 500 metres from the ‘Primary Shopping Area’. In terms of capacity, the CAAP identifies a need for 45,000m² net additional comparison goods floorspace and 4500m² net additional convenience goods floorspace over the plan period. Three key sites are identified to provide this growth – the Grosvenor Centre expansion (expected to accommodate 24,000m² net additional floorspace between 2016-2021); Abington Street East (6,000m² net floorspace between 2021-2026) and The Drapery/ College Street (11,000m² net floorspace between 2021-2026). The CAAP does not identify a specific site for a convenience foodstore but acknowledges that the identified need will come forward prior to 2021.
- 7.11 In terms of Policy 34 of the CAAP, the site has been vacant since a fire at the premises in 2003. Since 2009, the site has been placed on the market by Royal Mail, via property agents Messrs Austin Evans, including approaches to major housing developers. Royal Mail has confirmed that it did select a developer to take forward the site but negotiations failed on grounds of viability. In its view, the likelihood of a residential or office development coming forward in the foreseeable future is remote. Given the nature of the building itself, its location and the current property market, officers accept that it would be difficult to bring forward a comprehensive redevelopment of the site based upon residential or office use. Therefore, in line with Policy 34, officers are of the opinion that a retail scheme will be acceptable, providing that there would not be a significantly adverse impact upon the vitality and viability on established centres and that no suitable, sequentially preferable, sites are available and viable within or on the edge of relevant defined centres. If these tests are met, the proposed use should not prejudice the delivery aims of the CAAP with regard to retail development.

RETAIL IMPACT

- 7.12 In assessing retail impact, regard should be paid to the National Planning Policy Framework. This provides the criteria against which retail impact should be assessed. The NPPF requires applicants for out of centre retail development to submit an impact assessment

covering the following:

- The impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.

7.13 In addition, applicants are required to undertake a sequential assessment of alternative sites either within, or on the edge of established centres. Where an application fails to satisfy the sequential test, or would have a *significant adverse impact* on one or more of the factors referred to above, the NPPF states that it should be refused.

7.14 The applicants submitted a retail assessment with the application, updated from earlier work prepared for the previous application in 2010. This has subsequently been supplemented with a 'Retail Response', dated April 2012, submitted following the completion of on-street survey work in Kingsthorpe District Centre. NBC has retained Planning Prospects to provide specialist retail advice and WNDC, the previous planning authority utilised AECOM for the same purpose. AECOM were also commissioned by WNDC to undertake a cumulative impact assessment of the various retail proposals and commitments before it back in 2011. In July 2012, the West Northamptonshire Joint Planning Unit (WNJPU) has published the *West Northamptonshire Retail Capacity - 2012 Update*, providing part of the evidence base for the Core Strategy. This document reviews previous assessments of future retail needs within West Northamptonshire based on current analysis looking at factors such as population growth, expenditure forecasts, retail trading patterns and recent retail commitments i.e. recently approved schemes.

7.15 Following on, the study provides a broad assessment of the amount of retail floorspace needed to serve the needs of Northampton in the period up to 2026. It identifies a need for 57,900m² of comparison goods floorspace (gross) and 10,052m² convenience goods floorspace (gross) up to 2026. The majority of this need falls within Northampton, with an anticipated need of 54,100m² gross comparison floorspace and 12,000m² convenience floorspace. On the basis of the current background study, NBC appointed Planning Prospects to undertake a review of the current retail applications, including Barrack Road, Waitrose at Newport Pagnell Road and the M&S Foodstore at Sixfields. This included a review of the individual assessments of each store and a cumulative assessment of the implications of decision making in relation to all three. Further comments on the conclusions of this report are given below.

Sequential Site Assessment

- 7.16 Following discussion with officers, the following sites were examined by the applicant in their submission:
- The St James' Road Bus Depot
 - The Chronicle and Echo site
 - Greyfriars / Grosvenor Centre
 - Land between College Street and Horsemarket
 - Land north of Abington Street
- 7.17 Three of the sites were those put forward for retail development within the emerging CAAP and the remaining two (St. James' Bus Depot and the Chronicle & Echo site) were examined due to their potential availability and proximity to established centres. Officers have sought further clarification on these sites throughout the application process and agree with the conclusions of the applicants that none of them can be considered to be suitable, viable and available at the present time for the proposed development, allowing for a reasonable degree of flexibility. The CAAP recognises that the major development opportunities within the Primary Shopping Area are likely to be brought forward in the longer term, with only the Grosvenor Centre redevelopment expected prior to 2021. Therefore, the Abington Street and College Street proposals are not considered to be available at the present time.
- 7.18 With regard to the Grosvenor Centre expansion, Drivers Jonas Deloitte has submitted representations on behalf of L&G, along with an indicative plan outlining where a superstore could be accommodated within the development. DJD made strong representations to the effect that the Grosvenor Centre redevelopment (branded as NA:1) forms a sequentially preferable site that is available, suitable and deliverable. They contend that the redevelopment has the flexibility to accommodate a foodstore of the size proposed at Barrack Road. It must be noted that the representations from L&G were made prior to their recent announcements regarding the review of the scale and format of the Grosvenor Centre redevelopment.
- 7.19 Officers have reviewed the information submitted by DJD, including the indicative plan and advice has been sought from the retail consultant acting for NBC in assessing current applications. On the basis of the timescale submitted prior to L&G's recent announcement, the indication was that a scheme for the Grosvenor Centre could be open by 2018. This is clearly six years away and it is not clear if the timescale (or the nature of the Grosvenor Centre redevelopment) will be impacted upon in view of L&G's current review process. Therefore, officers are not satisfied that an available alternative to the Barrack Road scheme exists at the present time within the Grosvenor Centre redevelopment. It is also noted that the West Northamptonshire Retail Capacity – 2012 Update identifies a short term need for further convenience floorspace up to 2016 (4500m² gross). The Grosvenor Centre will not therefore be

available to address this short term need.

- 7.20 Furthermore, it is considered that the sketch presented to date does not adequately demonstrate that a major superstore of the size put forward at Barrack Road could be assimilated into the Grosvenor Centre scheme. The indicative sketch implies a three storey solution with a sales area, further mezzanine sales area and storage above that. It is not clear how accessibility for vehicles and car parking would be achieved. On the basis of the information seen to date, NBC's retail consultant suggests that the layout and functionality of the store 'sounds heavily compromised'. In his view, a solution could be achieved for a smaller supermarket on a single level, performing a top-up shopping role but not, on the evidence presented a superstore of the scale of Barrack Road.
- 7.21 On the basis of the information put forward in relation to the Grosvenor Centre officers conclude that it can be discounted as a sequentially preferable site for the purposes of determining the Barrack Road application.
- 7.22 The Chronicle & Echo building is presently on the market and is closer to the primary shopping area than the application site. However, officers conclude that it would not be an appropriate site for large scale retail development. In particular, issues of access from The Mounts would be problematic and, the nature of the site changes significantly in the rear section away from The Mounts where it is surrounded by residential property. This presents a constraint for a development of this scale in terms of design, outlook and amenity. Finally, the St. James' Bus Depot, located on the edge of the local centre at St. James is currently operational. Detailed analysis of this site was also undertaken by Sainsbury's in relation to the extension to the Sixfields store and this highlighted a number of design constraints for large scale development. On the basis of this, officers conclude that the site is likely to be unsuitable for a use of this scale and nature.
- 7.23 Therefore, it is considered that the applicants have adequately demonstrated that there are currently no sequentially preferable sites for major foodstore development to meet the demand for additional convenience floorspace identified within the CAAP. Whilst there may be no sequentially preferable sites, the location of the store and its relationship with the town centre is unlikely to foster significant numbers of linked trips in its current arrangement. Consequently, improved linkages to the town centre have been negotiated, along with public realm improvements to enhance the town centre environment with a view to off-setting the impact of the development and encouraging movement from the site to the town centre. Further discussion on these issues is discussed in relation to s.106 payments later in this report.

Impact upon the Vitality and Viability of Existing Centres

- 7.24 The question of retail impact has been a key concern in the consideration of this application and the previous withdrawn scheme. The NPPF is clear in stating that applications should be refused where there would be a 'significant adverse' impact upon existing centres. With any proposal of this scale there will clearly be an impact upon shopping patterns within the locality and the aim of the retail impact assessment submitted with the application is to predict, with as much accuracy as possible, the impact on these trade patterns. This involves a complex set of assumptions regarding the available level of retail expenditure within the store's catchment area, the performance and trading capacity of the store itself, the relative performance of competing stores and centres, the likely trade draw from other centres, future changes in trading patterns (such as internet shopping) and the cumulative impact of existing retail commitments such as the extensions to Tesco's Mereway and Sainsbury's Sixfields stores.
- 7.25 Any one of these fields is sensitive to the assumptions inputted into the forecasting model and retail forecasting has developed into a specialised area. However, Members should note that the forecasting predictions simply provide an indication of the likely impact of developments and should not be read as an exact science. Perhaps unsurprisingly therefore, the predictions of the various retail consultants involved has varied to some extent. The main focus of the assumptions has been in terms of impact on Kingsthorpe District Centre and Northampton Town Centre. The impact upon smaller shops in the locality, such as the Co-op in Semilong has been considered but, in reality, the forecasting models used are aimed at predicting general trading patterns and are not overly sensitive to micro-level predictions on individual small independent retailers. A level of judgement is therefore required in relation to these assumptions.
- 7.26 In terms of the town centre, the primary concern has focussed on the impact on convenience goods sales, particularly the Sainsbury's store which is the largest convenience goods unit within the town centre. In terms of comparison goods, the advice received is that the scale of floorspace dedicated to this within the Barrack Road store (35% of net sales area) would not be of a level that would significantly impact on overall town centre trade patterns. The applicants have predicted that the cumulative impact upon the Sainsbury's store, taking account of current commitments, would result in a trade diversion of 22%, leaving the store trading at 87% of the company average level expected for such a store. In assessing the proposals for WNDC, AECOM were somewhat more pessimistic about the likely level of impact, suggesting that the cumulative impact would be 26%, leaving the store trading at just 61% of company average. These figures have been quoted by Drivers Jonas Deloitte who conclude that the impact upon the Sainsbury's store would be significantly adverse and thus impact upon

the vitality and viability of the town centre as a whole.

- 7.27 The AECOM cumulative impact study was undertaken on the basis of previous retail capacity analysis prepared for the West Northamptonshire Joint Planning Unit by Roger Tym & Partners – The West Northamptonshire Retail Study. As noted above, this background analysis has recently been reviewed to reflect current assumptions in relation to population growth, expenditure forecasts etc to provide updated guidance on future needs for additional floorspace in West Northamptonshire. The West Northamptonshire Retail Study Update 2012 also reflects recent commitments from other new stores and store extensions. On the basis of this recent evidence base, NBC commissioned Planning Prospects to review the Barrack Road scheme and to provide a cumulative analysis of the potential impact of each of the retail schemes currently submitted for determination (including Waitrose at Newport Pagnell Road and the proposed M&S food store at Sixfields).
- 7.28 The cumulative impact on convenience sales in the town centre as a whole of existing commitments, plus the current planning applications is anticipated to be 16.1%. Planning Prospects advise that the highest impact would be on Sainsbury's store within the Grosvenor Centre. The report suggests that the overall impact on Sainsbury's of Tesco, Barrack Road, plus existing commitments would be 37.8%. This would be 40.1% if considered in combination with Waitrose and M&S (should those stores be approved). However, approximately half of this impact is associated with the town centre Tesco Metro store i.e. some of the expected impact has already been absorbed. The individual (solus) impact of the Barrack Road proposal on Sainsbury's town centre store is anticipated to be 16.4%.
- 7.29 The figures presented above set out the expected impact on the town centre and specifically the Sainsbury's store. Whilst retail impact assessment is not a precise art, this does give an indication that there will be a relatively high level of impact on the turnover of the existing Sainsbury's town centre store. In planning policy terms, the NPPF states that applications should be refused where the scheme would have a *significant adverse impact*. Whilst the impact is noted to be high, Planning Prospects advise that the cumulative impact has not yet reached a tipping point where one would expect the Sainsbury's store to close. In addition, reference is made to the letter received from Sainsbury's in relation to the application (the letter is addressed to Legal and General and was submitted by Drivers Jonas Deloitte as part of its representations on this planning application). Sainsbury itself has not objected to the Barrack Road scheme. The letter states, 'Whilst we are in the process of developing a food store at Weedon Road, we are also committed to ensuring that food retailing remains an essential ingredient of shopping in Northampton Town Centre. In this regard, we are continuing our discussions with Legal and General regarding a larger store within the redeveloped Grosvenor Centre'. The letter does

not state that these discussions are dependent upon the outcome of the Barrack Road scheme.

- 7.30 Taking all of this in the round, although there would be some impact upon the town centre from the development, it is not considered that this would be 'significantly adverse' so as to warrant refusal, in line with the NPPF. This judgement is, however, finely balanced.
- 7.31 Officers have also examined the impact of the scheme on Kingsthorpe District Centre, including the Waitrose and Asda stores and other local shops and services. Again, assumptions vary on the impact upon the two foodstores. GL Hearn predicts a cumulative impact of 20% on Waitrose and 22% on Asda, AECOM suggested that this would be 15.1% and 28.4% respectively. Again Planning Prospects pick up on the general trend suggesting that the impact is expected to be roughly between a fifth and a quarter of retail sales from these supermarkets. Given the performance of these stores, it is not expected that this would lead to the closure of either unit.
- 7.32 Aside from direct impact on these stores, officers also had concerns relating to the knock on impact on shops and services in the rest of the centre. Therefore, further evidence was sought regarding the link between the two supermarkets and the other shops and services. On street surveys were subsequently conducted by the applicants to gain an understanding of the way in which the centre operates and the level of linked trips between the supermarkets and other facilities in the centre. The findings of this survey give a useful insight into the centre and the key points are as follows:
- 70% of people interviewed on the high street said that the main purpose of their visit was to shop in either Asda or Waitrose, with the remaining 30% there for another reason.
 - Walking was the most used method of transport to get to the centre (43%) with car second most (40%).
 - 30% of all respondents were shopping in Asda or Waitrose but not visiting any other shops whilst 40% were combining a trip with Asda or Waitrose as their main purpose with another activity.
 - Of that 40% about half (20%) were visiting other shops and half (20%) were visiting other services.
 - Only a third of the 20% of people combining trips to Waitrose or Asda with trips to other shops had visited by car.
- 7.33 It is those visiting the centre by car and linking trips with other shopping activity who are considered to be the most likely to divert trips to the new Barrack Road store. Those who have visited on foot, or those not using the centre for grocery shopping are less likely to move their custom across to a new store at Barrack Road. Put another way, for every 100 people on the high street about 70 were using local shops and services. Those 70 people are representative of the high street businesses' customer base. Of those 70, about 1 in 10 is the group

most likely to move across to a new store to the detriment of the high street. When the centre is analysed in this way, the impact of a new store at Barrack Road is not necessarily as significant as may be expected. People visit the centre for a multitude of reasons and many people walk from within the local catchment. In addition, the centre is currently performing well and is in a healthy condition. Taking all of this together, it is considered on balance that Kingsthorpe can withstand the likely impact of this proposed new store and that the overall impact will not be 'significantly adverse'.

- 7.34 As discussed above, the impact upon small shops in the locality is not necessarily accurately reflected within the forecasting models used. There would clearly be some impact upon these stores, and this would not be immaterial. However, the Barrack Road store would offer a different type of service to the small scale local convenience shop and, to some extent, would cater for a different section of the market. The primary pedestrian access is from Barrack Road, requiring customers from Semilong to walk to this frontage and progress up stairs/escalators to the sales area. In this sense, the format and layout is primarily intended to cater for main food shopping and would be less attractive to customers requiring top-up items like milk, newspapers etc.

Cumulative Impact

- 7.35 In addition to the Barrack Road proposals, NBC is currently considering two other proposals for convenience goods stores – Waitrose at Newport Pagnell Road and M&S at Sixfields. Both of these sites are in out of centre locations, without potential to foster links with any recognised centre. The scale and range of the Barrack Road store is clearly of a different nature than the other two proposals which are primarily small scale foodstores without any significant comparison goods sales. The location of each proposal is also relatively dispersed across different areas of the town. In conclusion, Planning Prospects advise that the cumulative retail impact of all three stores would be marginal, but acceptable and not significantly adverse. However, any further capacity within the town for convenience goods sales beyond the current proposals is expected to be limited, should each of the schemes be approved.

REGENERATION BENEFITS

- 7.36 The NPPF places a strong emphasis on sustainable economic growth with a presumption in favour of sustainable development. The definition of sustainable development within the document is a combination of economic, social and environmental factors. In view of the analysis of retail impact set out above, the economic arguments in favour of the development are compelling. The building has remained vacant for a significant time and the opportunities for re-use, creating a substantial number of jobs within the local area, bringing with it the

refurbishment and enhancement of the site itself.

- 7.37 Tesco have reviewed the number of jobs provided in sites of a similar scale around the country and suggest that the combined number of full and part-time jobs would be 367. They have provided figures for their existing stores within Northampton including Weston Favell (498), Abington Street (65) and Mereway (currently 361, expected to rise by 50 to 411 post extension). The number of full time posts has not been confirmed. In terms of job type, they anticipate that 8% would be managerial, 6% team leaders and 86% general store staff. In addition, Tesco have stated that the store would be designated as one of their 'regeneration partnerships' within which 40% of jobs are set aside for the long term unemployed (those who have been unemployed for 6 months or more). The recruitment would take place through Job Centre Plus who would select potential candidates.
- 7.38 Clearly, the potential economic benefits for the local area are significant. Until recent boundary changes, the site was located in Castle Ward, having now changed to Semilong Ward. NBC's Strategic Community Regeneration Needs Assessment (2010) identified Castle Ward as a priority area for addressing crime and disorder, poor living environment, poor health and unemployment. Based on the Government's 2007 Indices of Multiple Deprivation, the site lies within an 'output area' which ranks amongst the worst 5% in the country in terms of employment and health and disability. Given this context, the economic arguments in favour of the scheme are additionally compelling and are a strong material consideration in favour of the scheme.

TRAFFIC AND HIGHWAY IMPACTS

- 7.39 In its consultation response NCC as Highway Authority has raised no objections to the proposed development, subject to a financial payment to deliver off-site highway improvements directed to their Kingsthorpe Corridor Scheme; the installation of a new traffic controlled junction at the entrance to the site; a commitment to enhance pedestrian and cycle links to the town centre; and the upgrading of two bus shelters on Barrack Road.
- 7.40 Concerns have been expressed by residents and other interested parties that the access arrangements will be inadequate and will add to congestion along the A508. The Highway Authority is satisfied that the financial payment agreed will help to alleviate problems elsewhere on the Kingsthorpe Corridor such that there will be no overall detriment. In terms of the new signalised junction, they have confirmed that the timings would be heavily weighted towards traffic moving along the Barrack Road, as opposed to vehicles leaving the store.
- 7.41 Internally, the level of car parking is considered to be adequate and the Transport Assessment has conducted a tracking exercise to show how

the car park access arrangements would be utilised at peak times. NCC has requested details of any traffic controls operating internally to ensure that conflict between delivery vehicles and customer traffic is avoided.

- 7.42 In terms of the pedestrian / cycle environment, the applicants have identified 8 key areas of intervention for improvement surrounding the site and between the site and the town centre. These include the crossing point at Barrack Road opposite the entrance to the racecourse; the access lane in-between the sorting office and Leicester Terrace (connecting to Semilong); the crossing point along Barrack Road at the entrance to the site; the new junction into the site; the crossing over the vehicular entrance to Gibraltar Barracks; the forecourt on the public highway in front of the Lorne Road shopping parade; the pedestrian crossing over Barrack Road to the south of Lorne Road; and the crossing between Barrack Road, Grafton Street and Regents Square. The scheme identifies potential enhancements to these key areas within the public highway. The necessary works would be completed by the applicants and secured through the completion of a s.106 agreement. It is considered that the enhancement of the pedestrian environment has the potential to increase linked trips from the site to the town centre, in addition to improving the environment generally for those walking from Semilong into town, regardless of whether they use the new store.
- 7.43 Equally, the history of the site and the fall back position of the established use needs to be considered. The former Sorting Hall operated on a 24 hour basis, with three eight hour shifts and vehicular traffic entering and leaving throughout the day. Whilst the site has been vacant for a number of years, in planning terms there remains an established use within Class B8 – Storage and Distribution.
- 7.44 In view of the considerations and interventions outlined above, officers are satisfied that any highway impact will be adequately mitigated.

IMPACT UPON RESIDENTIAL AMENITY

- 7.45 The main concerns expressed from residents living in the immediate area of the site relate to the potential for increased noise and disturbance resulting from the operation of the supermarket. This includes customer vehicles, delivery vehicles and also worries relating to noise and anti-social behaviour from customers using the site late at night. It is noted that the applicants have requested 24 hour opening and members will need to consider the implications throughout the course of the day. In addition, objections have been received from residents at the property immediately adjacent to the entrance to the site – 1 Leicester Terrace – on grounds of overlooking and loss of privacy linked to new elements of glazing in the northern elevation of the building.

Noise Impact

- 7.46 The impact of traffic noise is likely to be more noticeable towards the rear of the site where ambient noise levels are currently lower, as opposed to the Barrack Road frontage which has higher existing background noise due to the level of background traffic. In an attempt to address these issues, the proposal includes an acoustic screen enclosing the new access ramp to the first floor along the northern elevation. Nevertheless, the main access into the site is in close proximity to residential properties to the north. The issue of noise impact therefore requires careful consideration.
- 7.47 The Environmental Health Officer has requested further details of the acoustic screen and an additional noise assessment in relation to delivery traffic and this has now been received. The applicants have suggested that a condition regarding details of the acoustic screen be attached to any approval. Further comments from the EHO will be presented to committee via the Addendum report. In terms of customer traffic, the peak periods of custom are expected to be during daytime hours and at weekends. The level of customer traffic late in the evening would be significantly less. In addition, customers travelling to the site by car will have to access the store from the underground car park and would therefore be enclosed within the building, thereby reducing noise emissions to external areas.
- 7.48 If 24-hour opening were permitted, it is likely that the impact of customers visiting on foot would be more noticeable, with residents expressing concerns over anti-social behaviour and congregations of people lingering outside the frontage of the store. These concerns are understandable but Members must also be mindful of the context of the site and its planning history. The former sorting office was operated as a 24-hour operation and involved significant numbers of vehicles entering and leaving the site. Whilst Royal Mail is highly unlikely to re-occupy the building, the site does have an established use within Class B8 (warehouse and distribution), with limited restriction over times of operation. An alternative use within that use class has the potential for significant levels of vehicular traffic, particularly HGV's.
- 7.49 Officers are of the opinion that the use in itself is acceptable and that the normal operation of a superstore would not impact unduly on neighbouring amenity. The key concerns relate to the management of the site, particularly in relation to delivery vehicles and potential anti-social behaviour late at night. These areas can be controlled by condition. In terms of deliveries, a delivery management plan is recommended which requires the applicant to submit and agree an on-going delivery regime for the store. This would allow the Council to control the number of delivery vehicles coming to and from the site at quieter periods of the day. Such a plan would need to be submitted in full consultation with the Environmental Health Officer.

7.50 The potential impact of noise stemming from anti-social behaviour is more difficult to quantify and control through the planning regime. In reality, this could only be managed by controlling the opening hours of the store. Tesco have confirmed that they would have on-site security and site managers working throughout the day to address any issues arising on their site. However, this is a private management issue not linked to any planning consent. In view of this, officers consider that an open ended 24 hour opening consent would be inappropriate and would not give the authority any method of control should problems of anti-social behaviour arise. It is therefore recommended that the standard opening hours are restricted to prevent opening between 2300hrs and 0700hrs. However, in order to examine the impact of a 24 hour operation, particularly in relation to anti-social behaviour, it is recommended that a temporary extension of the standard opening hours is granted for a 6 month period, after which opening times would revert back to those set out above, unless a further consent has been granted. This will allow a full examination of the operation which allows the authority to retain control should problems arise.

Overlooking / Loss of Privacy

7.51 Specific objections have been received from 1 Leicester Terrace in terms of loss of privacy due to overlooking from new windows within the store and the new glazed atrium at the site entrance. Although the atrium would be fully glazed, the staircase within it is set back within the building by 8 metres. The overall distance between the staircase and the rear of 1 Leicester Terrace is therefore over 25 metres. This is considered sufficient to prevent any undue loss of privacy. Similarly, the new window above the entrance to the car park is over 25 metres from the rear façade of 1 Leicester Terrace. This window is within the store and is intended to give light into the building and added surveillance to the entrance into the car park. This will have benefits in terms of security and is not expected to result in significant overlooking to neighbouring dwellings.

Impact upon Castle Primary School

7.52 The Head Teacher of the school has raised concerns over noise and disturbance from traffic using the site, with particular reference to the car park deck which is in close proximity to the school boundary. These comments also related to vehicle emissions and potential health impacts. In terms of noise, the car park would be enclosed with new boundary fencing and this should mitigate any impact from within the car park. In addition, the majority of customers are likely to park underneath the main building, close to the entrance to the store. The car park deck to the rear is only expected to be fully utilised at peak shopping hours, for example on weekends or the period between the end of school and early evening. During the daytime of the normal school week, it is not anticipated that the store would result in any significant noise impact for the school. The Environmental Health

Officer has been consulted regarding Air Quality and is satisfied that the anticipated emission levels are acceptable.

IMPACT ON ADJACENT LISTED BUILDINGS & CONSERVATION AREAS

- 7.53 In response to the application, NBC's Conservation Officer is satisfied that the proposals and alterations to the building represent a sensitive approach that will make a positive contribution to the southern approach to the Barrack Road Conservation Area. The Officer also requested further details, by condition, relating to the cladding of the access ramp/ acoustic screen and that consideration be given to the Conservation Area when designing any interventions within the highway in terms with the links to the town centre. These matters are covered in the recommended conditions set out below.
- 7.54 The uncompromising style of the building contrasts starkly with the row of early 19th century townhouses of Leicester Terrace which is grade II listed. In its present condition, the building detracts from the setting of these buildings and the surrounding area/ setting to adjacent Conservation Areas. The modern, almost box like, additions proposed in the form of the atrium and access ramp are considered to be an appropriate approach, given the style of the existing building. Therefore, the overall benefits of bringing the building into use and the design approach taken is appropriate to the setting of adjacent listed buildings and conservation areas. Furthermore, the public realm enhancements to the front of the site, removing unsightly security fencing, will significantly enhance the setting of the building itself.

OTHER MATTERS

- 7.55 As a result of consultation responses from Anglian Water and the Environment Agency, specific conditions are set out within this report that will address matters relating to drainage/ flood risk. Further details are required in relation to surface water drainage and the authorities concerned are satisfied that this can be controlled by condition.
- 7.56 Members should also note the sustainable credentials of the proposed conversion, and the associated benefits of reusing the building. A preliminary assessment conducted and submitted with the application has indicated that the converted building would achieve a BREEAM rating of 'Very Good'. The substantial thermal mass of the concrete structure provides an energy efficient shell and the application proposes additions such as a green roof. It is recommended that the achievement of the BREEAM standard is secured by condition, in line with the aims of the NPPF.

SECTION 106 HEADS OF TERMS

- 7.57 Discussions with the applicants have centred on measures that will be directly required to mitigate the impact of the development. The

following Heads of Terms will provide the basis for the legal agreement and are considered to be in compliance with Regulation 122 of the Community Infrastructure Regulations:

- Financial payment for highways works as part of the Kingsthorpe Corridor Improvement Scheme
- Financial payment for town centre public realm enhancements, focused on Sheep Street/ Regents Square
- Agreement to a construction training programme to provide on-site training for local construction trainees.
- The submission of a work place travel plan to encourage non-car modes of travel
- A financial payment for air quality management.

8. CONCLUSION

8.1 To conclude, the recommendation put before members is the result of extremely careful and deliberate consideration of a complex array of material considerations. The judgement put forward is a finely balanced one. Whilst there are expected to be some impacts on existing retail centres as a result of the scheme, on balance these are not considered to be sufficiently detrimental to warrant the refusal of the application. In addition, the mitigation measures secured through conditions and/or s.106 agreement will provide an enhanced route from the site to the town centre, enhancements to the public realm within the town centre and improvements to the wider highway network.

8.2 The regeneration benefits associated with the scheme are substantial and compelling, including the commitment to training and employment of people from the local area (also secured through a s.106). The reuse of the existing building is also an important benefit. When assessed in the round, officers are of the opinion that the material benefits of approving the scheme would outweigh any residual impacts and, consequently, it is recommended that the application is approved for the reason set out at the head of this report.

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 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- (2) The Class A1 retail superstore, as hereby permitted to be extended, shall not exceed 7,905m² gross internal area. The net retail sales area of the store shall not exceed 5,218m² (for this purpose, the net retail sales area is defined by the Competition Commission in Appendix A of the PPS4 practice guidance 'Planning for Town Centres', published by the Department for Communities and Local Government in December

2009).

Not more than 35% of the net retail sales area in the store shall be used for the sale of comparison goods (as defined in Appendix A of the PPS4 practice guidance 'Planning for Town Centres', published by the Department for Communities and Local Government in December 2009).

Reason: To ensure that the size of the store is controlled and that the scale of comparison goods is restricted to acceptable levels in the interests of protecting the vitality and viability of Northampton Town Centre and District Centres, in accordance with the National Planning Policy Framework.

- (3) Notwithstanding 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 of the retail units hereby permitted, over and above any areas shown on the approved drawings.

Reason: To regulate and control the future retail impacts of the store in the interests of protecting the vitality and viability of existing retail centres within the town, in accordance with the retail policies contained within the National Planning Policy Framework.

- (4) The foodstore hereby approved shall only be open to customers between the hours of 0700 and 2300 Monday to Saturday and for not more than six hours between the period of 1000 and 1800 on Sundays and Bank Holidays.

Reason: In the interests of the amenity of surrounding residential properties in accordance with the National Planning Policy Framework.

- (5) Notwithstanding the requirements of condition (4) above, for a temporary period that shall expire upon completion of six calendar months from the day the store first opens for business, the foodstore shall only be open to customers 24 hours a day (Monday to Saturday) and for not more than six hours between the hours of 1000 and 1800 on Sundays and Bank Holidays. Thereafter, the opening hours shall be as specified in condition (4).

Reason: To allow a full assessment of the opening hours proposed within the application in the interests of residential amenity in accordance with the National Planning Policy Framework.

- (6) Prior to the store first opening for business, a Delivery Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Management Plan shall include details of the following:

- a. The numbers of deliveries to the site and the type and size of delivery vehicles
- b. The hours at which those deliveries will be made
- c. Provisions to be made for handling of goods and materials being delivered to the store and measures for the control of vehicle noise, including reversing sirens.
- d. Details of measures to restrict deliveries between the hours of 2300 and 0700hrs to those essential for the operational needs of the store.

Thereafter, the deliveries to the store shall only be carried out in accordance with the details as agreed, unless consent for any variation is first given in writing by the Local Planning Authority

Reason: To protect the amenities of adjacent residents from potential sources of noise in accordance with the National Planning Policy Framework.

- (7) 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 the following:

- Indications of all existing trees on site and details of any to be retained
- Details of hard and soft landscaping for the area of public space to the front of the store, as identified on plan number 1259/PL 1111 (rev. B), including proposed materials, planting schedules and details of any signage, seating areas or structures within that space
- Details of the 'Green Roof' to be planted, including species mix.
- Details of trees to be planted, which should be at least heavy standard size, protected with permanent tree guards.
- Details of the method planting for proposed trees, which should be specialist planting pit design.
- Details of hard surfacing materials for the site access, including any pedestrian crossings.

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

- (8) Any areas of hard landscaping, signage, seating areas or other structures store first opening for business. All areas of planting agreed in accordance with condition 7 shall be planted within the first planting season following the occupation of the store and shall be maintained for a period of not less than 5 five years. Such maintenance shall include the replacement in the current or nearest planting season whichever is the sooner of shrubs that die, are removed or become

seriously damaged or diseased agreed in accordance with condition 5 shall be implemented in full prior to the with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

- (9) No development shall commence until details of the means of enclosure proposed to all external boundaries, including the proposed external cladding of the acoustic barrier surrounding the delivery access ramp and loading bay, has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the means of enclosure shall be completed, in accordance with the approved details, prior to the occupation of the development.

Reason: To ensure compliance with the details of the application, in the interests of amenity in accordance with Policy E20 of the Northampton Local plan the National Planning Policy Framework.

- (10) The development hereby approved shall not be brought into use until the internal and off-site highway works have been completed in accordance with the details shown on the approved plans numbered 1259/PL 1110 (Rev. B), 1210 (Rev. B), 1211 (Rev. B), 1212 (Rev. B) and the preliminary site access junction 176191/OS/002 rev. D submitted at figure 4.1 of the Transport Assessment. Full details of the design specification for the highway works, including finished surface materials, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any work relating to the internal layout or external access arrangements.

Reason: To ensure a satisfactory standard of development in the interests of highway safety in accordance the National Planning Policy Framework.

- (11) The car parking areas shown on drawing numbers 1259/PL 1210 (Rev. B) and 1259/PL 1210 (Rev. B) shall be completed and available for use prior to the store opening for business. Thereafter, the car parking areas indicated on the approved plans shall remain in use whilst ever the use subsists.

Reason: To ensure that the store is served by adequate levels of car parking in the interests of good highway planning in accordance the National Planning Policy Framework.

- (12) Notwithstanding any indication on the approved plans, no development shall commence until details of the internal traffic control system for the site has been submitted to and agreed in writing by the Local Planning Authority. The details submitted shall specify the vehicular priority

between the flow of customer traffic exiting the car park and delivery vehicles utilising the delivery access ramp, outlining measures to prevent conflict between these traffic flows.

Reason: To prevent conflict between customer vehicles and delivery traffic in the interests of highway safety in accordance the National Planning Policy Framework.

- (13) Prior to the commencement of work on the development, details of a scheme to upgrade the 2 bus shelters on Barrack Road shall be submitted to and approved in writing by the Local Planning Authority. The upgrade shall include new bus shelters, incorporating real time passenger information boards. Thereafter, the approved scheme shall be implemented prior to the occupation of the store.

Reason: To encourage non-car based forms of travel, in the interests of sustainability, in accordance with the National Planning Policy Framework in accordance the National Planning Policy Framework.

- (14) Prior to the commencement of work on the development a detailed scheme to enhance off-site pedestrian and cycle linkages between the site and Northampton town centre shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be based on the *Strategic Urban Design Appraisal Connections Study (Project No. 1001, Rev.7, dated December 2011)* prepared by +Plus Urban Design Ltd. In particular, the scheme shall include details of the following:

- Fully detailed design drawings setting out the proposed improvements to the pedestrian/ cycle crossings and areas of public realm identified within the 'Proposed Areas of Intervention' (as numbered 1 to 8b on page 21 of the Connections Study).
- Highway design specification, including engineering, drainage and construction details.
- Details of all hard surfacing materials.
- Details of any soft landscaping.
- Details specifying the location and design of any pedestrian barriers lighting columns or other street furniture.

Thereafter, the approved scheme shall be implemented in full prior to the store first opening for business, unless any variation to this time limit is first given in writing by the Local Planning Authority.

Reason: To enhance pedestrian and cycle links between the site and the town centre in the interests of sustainable travel patterns and to increase linked trips between those using the store and other facilities within the town centre, in accordance with the National Planning Policy Framework.

- (15) Prior to the commencement of work on the development, full details of the acoustic barrier enclosing the delivery ramp and loading bay area shall be submitted to and approved in writing by the Local Planning Authority. The details shall include construction details for the proposed barrier and a full noise assessment detailing the level of noise attenuation from noise associated with delivery traffic. Thereafter, the approved details shall be implemented in full prior to the store first opening for business, unless any variation to this time limit is first given in writing by the Local Planning Authority.

Reason: In the interests of neighbouring residential amenity in accordance with the National Planning Policy Framework.

- (16) No development shall commence until 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 building 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 National Planning Policy Framework.

- (17) Development shall not begin until a scheme for the provision, implementation, ownership and maintenance of the surface water drainage for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented before the development is occupied. The scheme shall include:

- Percolation tests should be undertaken and soakaways designed and constructed in accordance with BRE Digest 365 (or CIRIA Report 156) to the satisfaction of the Local Planning Authority
- Details of surface water storage areas
- An assessment of overland flood flows using FD2320/TR2 'Flood Risk Assessment Guidance for New development Phase 2'. Overland floodwater should be routed away from vulnerable areas.

Reason: To prevent increased risk of flooding, to improve and protect water quality, improve habitat and amenity and ensure future maintenance in accordance the National Planning Policy Framework.

- (18) No infiltration of surface water is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant or unacceptable risk to surface waters .

Reason: To prevent any surface water infiltration into the ground that would increase the potential risk to groundwater in accordance with the National Planning Policy Framework.

- (19) Prior to the commencement of development approved by this planning permission, a scheme to deal with the risk associated with contamination at the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
1. A preliminary risk assessment identifying previous uses, potential contaminants associated with those uses, a conceptual model of the site indicating sources, pathways and receptors, and the potential for unacceptable risks arising from contamination at the site.
 2. A site investigation report based on (1) to provide a detailed assessment of the risk to all receptors that may be affected
 3. Based on the site investigation report, provide a detailed remediation strategy giving full details of remediation measures required and how they are to be undertaken
 4. A verification plan providing details of the data that will be collected to demonstrate that the works required under the remediation strategy are complete and identifying any requirements for long term monitoring and maintenance of pollutant linkages and arrangements for any contingency action.

Thereafter, the scheme shall be implemented in accordance with the approved details.

Reason: To ensure that the recommendations made in the Phase 1 Geoenvironmental Assessment Report, dated September 2011 (prepared by URS Corporation Ltd) are undertaken, to ensure that any contamination at the site is adequately mitigated, in the interests of the environment and pollution prevention in accordance the National Planning Policy Framework.

- (20) If, during development, contamination not previously found on the site is encountered then no further development (unless authorised in writing by the Local Planning Authority) shall be carried out until the developer has submitted to, and obtained written approval from, the Local Planning Authority a remediation strategy detailing how this unsuspected contamination will be dealt with. Thereafter, the remediation strategy shall be implemented as approved prior to the completion of the development.

Reason: To ensure any previously unidentified contamination is dealt with appropriately in accordance with the National Planning Policy Framework.

- (21) In accordance with the Preliminary BREEAM Retail 2008 Assessment report (dated September 2011), the development shall achieve a formal BREEAM rating of 'Very Good'.

Reason: To ensure that the development is carried out to a satisfactory standard, in the interests of sustainable development, in accordance with the principles of the National Planning Policy Framework.

- (22) Prior to the commencement of development 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 approved details.

Reason : To ensure that the building is in accordance with surrounding properties and delivers sufficiently high-quality design in accordance with the Northampton Local Plan Policy E20 and the National Planning Policy Framework.

- (23) Prior to the commencement of the development, a scheme for the installation of nesting bird boxes and bat roost boxes on the building shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the boxes shall be installed prior to the store first opening for business.

Reason: In order to mitigate for the loss of vegetation on site and enhance the ecological credentials of the scheme, in line with the National Planning Policy Statement.

- (24) The development hereby permitted shall be carried out in accordance with the drawing numbers listed above on page 1 of this decision letter.

Reason: For the avoidance of doubt and to secure the satisfactory implementation of the scheme in accordance with the National Planning Policy Framework.

10. BACKGROUND PAPERS

10. 70/0229, 73/106, 10/0165/FULWNN and N/2011/0998.

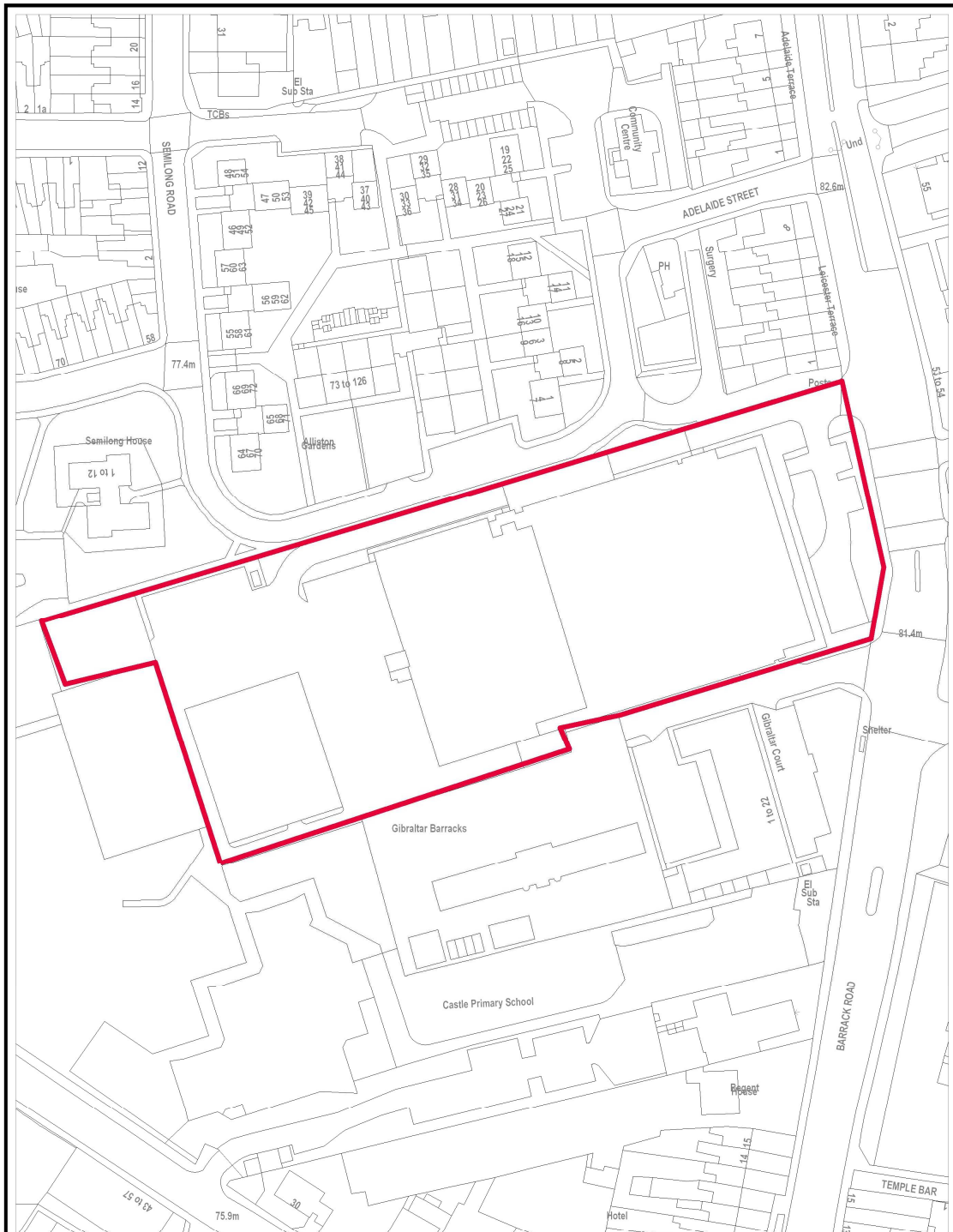
11. LEGAL IMPLICATIONS

- 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:	Chris Preston	12/07/2012
Development Control Manager Agreed:	Gareth Jones	12/07/2012



Name: SW
 Date: 17th May 2012
 Scale: 1:1250
 Dept: Planning
 Project: Site Location Plan

Title
Former Royal Mail, Barrack Road

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PLANNING COMMITTEE: 24th July 2012
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Susan Bridge

N/2011/1160: Demolition of garden centre concession buildings and erection of new supermarket; erection of new retail building and storage building to serve garden centre; re-configuration of service area and new service vehicle road and alterations to access from Newport Pagnell Road. Additional works to parking, landscaping and lighting Northampton Garden Centre, Newport Pagnell Road, Northampton

WARD: Nene Valley

APPLICANT: Waitrose Ltd and Northampton Garden Centre
AGENT: Mr. A. Nicholls; Alyn Nicholls and Associates

REFERRED BY: Head of Planning
REASON: Major application

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 REFUSAL for the following reason:

By reason of its out of centre location, it is considered that the development does not accord with the provisions of the sequential assessment as prescribed within the National Planning Policy Framework and Policies N6, N10 and S9 of the emerging West Northamptonshire Joint Core Strategy, Policies 11 and 12 of the submission Northampton Central Area Action Plan. Furthermore, the proposed use at this location would constitute an unsustainable form of development by reason of its poor accessibility and connectivity with the wider area as required by the National Planning Policy Framework.

2. THE PROPOSAL

- 2.1 The applicant seeks planning permission to erect a supermarket within the curtilage of the existing garden centre. The building would have a maximum height of approximately 8m and would have an internal floor space 1,992m² of which 1,355m² would be for retailing. Of the retail floorspace 85% would be for the sale of convenience goods (for instance, foodstuffs) with the remaining 15% (203m²) used for the sale of comparison goods. Permission is also sought for a new garden centre concession building (approximately 186m² floor space) that would be displaced by the proposed supermarket. Also included within the application is a warehouse (with a floorspace of approximately 226m²) that would serve the existing garden centre.
- 2.2 The application includes the provision of 429 car parking spaces, which would also serve the existing garden centre in addition to the proposed supermarket. The vehicular access to the site for customers would be via a new single wider entrance / exit into the site replacing the current separate entrances and exits from Newport Pagnell Road. A new service road is proposed to be constructed adjacent to the western boundary of the site from Newport Pagnell Road turning to the rear (southern) boundary before proceeding along the southern boundary to the rear of the proposed store.

3. SITE DESCRIPTION

- 3.1 The application site principally consists of a large garden centre building that currently trades as Northampton Garden Centre, although it was formerly a branch of Wyevale. The Garden Centre building is located towards the south western section of the site. The remainder of the site is made up of the garden centre car park (with a variety of surfaces) and concession buildings. Newport Pagnell Road is situated adjacent to the northern boundary, with a school located beyond that. Residential areas lie beyond the eastern boundary. Various leisure and office uses are located to the west of the site. London Road runs to the south of the site, with residential accommodation beyond.
- 3.2 The site is accessed via Newport Pagnell Road, from which all vehicles (customer and service) enter the site. Entrances from this road also serve as the pedestrian entrances to the development. There are no pedestrian linkages between the application site and the residential developments to the east or the other business / leisure uses to the west.

4. PLANNING HISTORY

- 4.1 N/2011/0387 – New entrance foyer extension to side, front extension to close existing entrance, erection of bedding canopy/walkway to side/rear, demolition and replacement of rear canopy, erection of cold store, replacement aquatics building and restaurant extension – Approved.

- 4.2 Various other applications have been submitted in relation to the established use at the site since 1973.

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:

National Planning Policy Framework and specifically the following paragraphs:

- Paragraph 17 sets out the core principles of planning including the promotion of sustainable developments; seeking to achieve high quality buildings, a good standard of amenity and that planning be a plan led system that provides a practical framework for the determination of planning applications.
- Paragraph 23 of the National Planning Policy Framework states that retailing is a main town centre use and such centres should be the primary location for retailing.
- Paragraph 24 requires that a sequential test be applied to applications for town centre uses.
- Further to this point, Paragraph 27 directs refusal of applications that have failed to comply with the requirements of the sequential test.

Previous national guidance relating to retail and economic development was contained within PPS4 – Planning for Sustainable Economic Growth, which has now been superseded by the National Planning Policy Framework. However, the accompanying PPS4 Practice Guide remains a material, for although it does not constitute formal policy, the guidance within it remains pertinent to this application. In particular, the definitions provided in terms of what constitutes ‘convenience’ and ‘comparison’ goods sales is still referred to in the context of this report

5.3 The East Midlands Regional Plan (March 2009)

Policy 3 – Distribution of new Development

Policy 11 – Development in the Southern Sub-area

Policy 19 - Regional Priorities for Regeneration

Policy 22- Regional Priorities for Town Centres and Retail Development

Policy MKSM SRS Northamptonshire 3 - Northampton Central Area

5.4 Northampton Borough Local Plan

E11 – Trees and Hedgerows

E19 – Implementing Development
E20 – New Development
E40 – Planning and Crime

5.5 Supplementary Planning Guidance

Parking
Planning out Crime

5.6 Emerging Planning Policies

On 23rd April 2012, Full Council approved the Central Area Action Plan (CAAP) for submission to the Secretary of State. The document has now been submitted and the examination in public is set for September 2012. Given the advanced stage in preparation of the CAAP, it is therefore considered that the relevant policies can be given substantial material weight in the decision making process.

5.7 The CAAP establishes a number of policies that are pertinent to the determination of this application. In particular, Policy 11 requires that developments for main town centre uses (such as retailing) be subject to a sequential assessment when over 1000m² of gross floor space is proposed. Policy 12 defines the town centre as being the main focus for shopping within Northampton. In addition, Policy 14 established a need to deliver 45,000m² of net comparison goods retail floor space and 3,000m² of net convenience goods retailing within the town centre in the period leading up to 2026.

5.8 Following the receipt of consultation responses, the pre-submission West Northamptonshire Joint Core Strategy establishes a number of policies that are material to the determination of this application. Of specific relevance is Policy N6, which seeks to establish a Sustainable Urban Extension in the area to the south of Brackmills and east of Wootton and Hardingstone, which would include the provision of approximately 1000 dwellings and establish a local centre, which would include retail outlets of an appropriate scale in conjunction with other community facilities. Furthermore, this policy requires the development of an integrated transport system focussing on the provision of sustainable means of transports, including walking and cycling networks. The pre-submission Joint Core Strategy also identifies that this location does not have any heritage constraints, is not located within any strategic flood plain and is of medium sensitivity in terms of biodiversity.

5.9 Policy N10 of the pre-submission Joint Core Strategy requires that provision be made for the delivery of convenience retailing within the local centres of the proposed Sustainable Urban Extensions.

5.10 Changes to the Joint Core Strategy are to be considered by the West Northamptonshire Joint Strategic Planning Committee for the purposes of consultation on 16 July. The current Local Development Scheme anticipates that the JCS will be submitted to the Secretary of State in December 2012.

6. CONSULTATIONS / REPRESENTATIONS

- 6.1 **Arboricultural Officer** – The details within the Arboricultural assessment are agreed and tree protection measures should be secured by condition.
- 6.2 **Environment Agency** – Having reviewed the revised Flood Risk Assessment, it is possible to withdraw their objections to the proposed development, subject to a condition in the event of the proposed development being approved requiring that the development is carried out in accordance with the submitted details and the mitigation measures detailed therein.
- 6.3 **Environmental Health** – Would recommend that if the application be approved, conditions be applied that would require the submission of controls of noise from lorries, deliveries (it is recommended that these take place between 6am and 11pm) and more detailed investigation into contamination. The submitted lighting and air quality assessments are satisfactory.
- 6.4 **Highways Agency** – No objections.
- 6.5 **Highway Authority (NCC)** – The revised layout is acceptable and a condition is proposed that would require the agreement of all highways works prior to the commencement of development. The level of car parking shown (92%) is above the desirable maximum occupancy of 85%. This should not adversely affect the highway in this instance, but should be considered by the Planning Authority. The operation of the site entrance should not hinder the operation of Newport Pagnell Road. It is requested that if the application be approved, it be subject to the securing of improvements of bus routes and bus stops that serve the site.
- 6.6 **Northamptonshire Police Crime Prevention Design Advisor** – The installation of a sliding gate to the service yard is a positive, but more details should be secured relating to its height and materials. Further details of the CCTV system should be agreed.
- 6.7 **Urban Designer (NBC)** – It is considered that the design and layout of the development could be improved upon in order to create a stronger design and more distinctive sense of place.
- 6.8 **Wootton and East Hunsbury Parish Council** – Support the application, particularly given the growth that is forecast within the area as this will place pressure on existing faculties. The Garden Centre is a well used local facility, of which trips could be extended to include visiting the proposed store. The store should not have any detrimental impact upon existing centres. The proposed building is in keeping with its surroundings. Consideration should be given to reducing the speed

limit in Newport Pagnell Road, securing the site and installing separate entrances and exits to the application site.

6.9 Various representations have been received from the representatives of **Legal and General** (Northampton Shopping Centre Partnership) objecting to the proposal as the development would represent the creation of 'out of centre' retailing that is in conflict with national and local planning policies. This proposal, combined with other recently consented schemes would draw trade away from the town centre. A more robust retail impact assessment should be submitted. The Grosvenor Centre extension would provide new retail floorspace for such proposals. It is encouraged that this application be considered simultaneously with other retail developments.

6.10 **563 Representations in favour** of the proposed development have been received. Comments can be summarised as:

- The proposal would increase customer choice, be convenient and meet local needs
- The store will enhance the area and provide a leisure facility, when combined with the garden centre
- The proposal would provide more employment opportunities although it has been requested that jobs go to local people
- The development would have a neutral impact upon traffic
- The location of the development will mean people will be able to walk to the store
- Although supportive of the proposal, there are concerns regarding the impacts upon highways and comments are made on reducing the speed limit within Newport Pagnell Road and it is requested that these points are addressed
- Positive comments in respect of the products stocked by the applicant
- Trips to similar retailers are currently made to out of town locations
- Requesting the existing fruit and vegetable stall is retained and contributions be made for litter reduction. Further comments are made on the potential impact on other business viability.
- The developer will support local charities

6.11 **26 Representations against** the development have been received. Comments can be summarised as:

- The need for the store is questioned
- The proposed development would have an adverse impact upon the highway system particularly as traffic turning right from the site would have a join a lane of traffic from the town centre carrying increased traffic
- Alternative points of access to the site would alleviate some of these matters
- Traffic levels within the application have been understated within the application.

- The proposed store is in close proximity to schools, which already generate significant amounts of traffic, which will be exacerbated by the proposed development.
- There are a number of local stores within the vicinity and existing business viability may be harmed by the proposal.
- Newport Pagnell Road is already very busy.
- The proposal could attract crime and anti-social behaviour and potentially impact upon the Turners/Simpson Manor estates
- The existing fruit and vegetable stall may close
- The product range stocked by the applicant is expensive

7. APPRAISAL

Principle of the development

- 7.1 The Northampton Local Plan does not have an allocated use for the application site; however, it is clear from existing national and local planning policies that retail developments should be located within the town centre, with options being investigated for locating the development within district and local centres and only then following sequentially preferable options outside of these recognised centres.
- 7.2 The majority of policies relating to new retail provision in the Local Plan were not saved and, due to its age, it is considered that the Northampton Local Plan has largely been superseded in terms of assessing retail developments by more recent national policies and specifically, the National Planning Policy Framework. However, Appendix 15 of the Local Plan provides a schedule of 66 recognised shopping centres but does not distinguish between any of these in terms of scale or hierarchy. Sequentially, these established centres are a more preferable location for developments of the type proposed. Therefore, the proposal pursued in this instance represents a less sequentially preferable option and is clearly in an out of centre location.
- 7.3 In terms of local planning policies, the Development Plan for the area currently comprises the East Midlands Regional Plan (RSS8) and the saved policies of the Northampton Local Plan. Whilst the Government has made clear its intention to revoke this through legislation in the Localism Bill, the East Midlands Regional Plan (RSS8) remains part of the Development Plan and is therefore a material consideration in the determination of this planning application. The age of the Northampton Local Plan (which was adopted in June 1997), in that the National Planning Policy Framework states that this is of relevance in determining the weight that can be placed on any 'saved' policy.
- 7.4 The policies within the RSS8, which are considered relevant to the determination of this application are Policy 22, Policy MKSM SRS Northamptonshire 2 (Northampton Implementation Area) and Policy MKSM SRS Northamptonshire 3 (Northampton Central Area). The policies within the RSS8 are, as can be expected due to the broader

overview of such a planning policy documents, are of a strategic nature, but its aims are broadly consistent with those aims of the National Planning Policy Framework. Policy MKSM SRS Northamptonshire 2 identifies Northampton as the Principal Urban Area for the sub-region and Policy MKSM SRS Northamptonshire 3 identifies Northampton's Central Area the main destination for office, retail and leisure proposals. MKSM SRB Northamptonshire 1 establishes that Northampton is a major focus for growth in the sub-region.

- 7.5 The National Planning Policy Framework gives an element of weight to emerging planning policies, which as identified within Section 5 of this report, comprises the Central Area Action Plan that has now been submitted to the Secretary of State and the West Northamptonshire Joint Core Strategy, which has been subjected to a number of focussed changes following the receipt and consideration of a number of consultation responses. The National Planning Policy Framework states that the amount of weight that can be placed upon such policies is determined by the stage at which the plans have reached in terms of preparation, the extent to which there are any unresolved objections to relevant policies and the degree of consistency with the aims and objectives of the National Planning Policy Framework.
- 7.6 Given the above, significant weight can be attached to the policies of the Central Area Action Plan (specifically, Policies 11 and 14) and whilst the site falls outside of the area covered by this plan, it does clearly define the optimal location for retail developments. Policies 12 and 14 also indicate that Northampton Primary Shopping Area will be the main focus for shopping activity within the Borough and that 61,000 square metres (gross) / 45,000 square metres (net) of comparison retail floor space and 4,500 square metres (gross) / 3,000 square metres (net) of convenience floorspace will be accommodated within the Town Centre in the period to 2026. Reference should also be made to the requirements of Paragraph 17 of the National Planning Policy Framework, which states that planning should operate within a plan lead system.
- 7.7 Although focussing on a more strategic level, Policy S9 of the emerging West Northamptonshire Joint Core Strategy clearly identifies that new retailing facilities should be located within the town centre, with other sites being sequentially assessed after this point if no town centre sites are available.
- 7.8 The focussed changes to the West Northamptonshire Core Strategy following consultations on the contents means that weight can be attached to these policies. Of particular relevance to this application is that a Sustainable Urban Extension of approximately 1000 dwellings and including appropriate retail facilities is proposed within a local centre to serve this Urban Extension. Given that Policy N6 (see Paragraph 5.8) identifies a lack of constraints (in terms of heritage, biodiversity and flooding impacts), it is considered that this Urban

Extension represents a deliverable element of the growth in Northampton. Furthermore, it is a policy requirement of the emerging Joint Core Strategy that the centres that service these Urban Extensions include the provision of sufficient and appropriate convenience retailing facilities. As a result of the emerging planning policies, it is considered that an assessment should be undertaken regarding the potential impacts of the proposed development upon this proposed centre and in particular, be included within any sequential assessment.

Sequential Assessment / Site Selection

- 7.9 The nearest local centres to the site are those contained within the villages of Wootton and Hardingstone. By reason of the scale of the proposal, it is clear that neither centre could accommodate a development of the scale and type proposed due to the lack of available sites that could accommodate development of this scale. It is likely that such a development within these established centres could also be unacceptable in highways terms. Therefore, these centres can be discounted in sequential terms.
- 7.10 In terms of other local centres, it would appear that there are no available sites within the Mereway Local Centre, which although sequentially preferable, does not include any vacant sites that could accommodate development of the type proposed. Furthermore, it should be noted that the site is the subject of an as yet unimplemented planning permission to extend the existing superstore. Therefore, the proposed development could not be reasonably located within this centre and can therefore be discounted in sequential terms.
- 7.11 The applicant has assessed the presence of available sites within the Far Cotton centre and whilst a number of sites have been identified as potential locations for retail developments, these sites are too small to accommodate a development of the type and scale of that proposed in this application. Therefore, this centre can be discounted in sequential terms.
- 7.12 The applicant has suggested that the town centre be excluded from any sequential assessment on account of the developer already operating a store within the Kingsthorpe centre. It is therefore contended by the applicant that a second store within the town centre would have an adverse impact upon their business viability. Whilst this position is noted, it is considered that due to the distance involved between the town centre and the Kingsthorpe centre, a second store could potentially be accommodated within the town centre due to it serving a potentially different market (such as those residents living to the south of the town centre, who may be unwilling to undertake journeys to Kingsthorpe). Officers consider that the town centre should not be excluded from any sequential assessment on this basis.

- 7.13 A potential location for the proposed development would be within an extended Grosvenor Centre. Whilst the Council is in receipt of representations that would indicate that such an extension would include sufficient retail floor space accommodate the proposed development, there has been no clarification as to whether such an extension would include a unit of the size required by the applicant. Furthermore, it is unclear at this stage as to how such an extension would operate and meet the operational needs of the applicant. In particular, the timescale for the delivery of such an extension at the time of preparing this report is uncertain. As a result of this, it is considered that at this time, the Grosvenor Centre can be excluded from any sequential assessment.
- 7.14 The applicant has also considered various other town centre and other centre locations, include the Chronicle and Echo site within The Mounts and the St James Road bus depot. As they are in centre locations, they are sequentially more preferable; however, they have been discounted due to availability and size considerations. Whilst the Chronicle and Echo site is currently under active marketing, officers hold concerns that this site may not be appropriate for the development currently under consideration. In particular, issues pertaining to accessibility and traffic generation may render such a retail redevelopment unacceptable. Furthermore, the site is in close proximity to large numbers of residential properties and as such this would represent a constraint on the development of the site in terms of potential impacts upon residential amenity arising from outlook, design and amenity matters.
- 7.15 Whilst, it is accepted that there is a potential lack of available sites within existing centres, it is established within Paragraph 7.5 of this report that weight can be applied to the policies contained within emerging documents, such as the West Northamptonshire Joint Core Strategy.
- 7.16 Policy N6 of the Joint Core Strategy requires the creation of a local centre within the South of Brackmills Sustainable Urban Extension. This centre would be in close proximity to the application site and by virtue of its status as a proposal in an emerging development plan would represent a sequentially preferable option to the application site. Furthermore, the proposed development would be of a suitable scale (at 1,355m²) for accommodation within a local centre to act as an anchor store, but without dominating other activities within such a centre. Of additional note, is that the relatively small level of comparison goods retailing (203m²) is such that this element of the proposal would not result in the local centre competing with more significant centres (i.e. district centres and the town centre) within Northampton's hierarchy.
- 7.17 As a consequence of locating the proposed development within this centre, Policy N10 of the emerging Joint Core Strategy would be complied with as it would facilitate the provision of appropriately scaled

convenience retail facilities while avoiding an over-concentration of comparison goods retailing.

- 7.18 Therefore, on this basis, it would appear that the proposed development could be accommodated within this centre, without detriment to the viability and vitality of the rest of the town. Therefore, it is considered that there is a sequentially preferable alternative for the proposed development. Furthermore, by locating the development within the local centre serving the Sustainable Urban Extension, the proposed development would be accessible for the residents of this future residential development and the existing residents in Wootton and Hardingstone.
- 7.19 An additional benefit of locating the proposed store in the Sustainable Urban Extension is that it would enable the development to be designed in such a way so as to encourage greater pedestrian and cycle links with the surrounding properties and as result, this would reduce reliance upon private cars as a means of travel. From this, it is possible to conclude that a more sustainable form of development could be achieved within the Sustainable Urban Extension in compliance the requirements of Paragraph 17 of the National Planning Policy Framework.
- 7.20 The applicant has contended that there is a strong local need for the proposed store by reason of the lack of such retail facilities within the vicinity of the application site. Whilst it is accepted that there are no supermarkets within the Wootton / Hardingstone areas, it should be acknowledged that the site is in comfortable travelling distance to allocated centres within Mereway and Far Cotton, which contain comparable facilities to the development proposed within this application. In addition to this point, the Wootton and Hardingstone centres each contain a small provision of convenience retailing.
- 7.21 For the foregoing reasons it is considered that the area is reasonably well served by convenience retailing activities and there is no overriding local need in terms of access to such a facility that would justify a departure from the Development Plan and deviation from the National Planning Policy Framework and emerging development plan policy.
- 7.22 Therefore, in summary, it is considered that although the proposed development could not be readily accommodated within an established centre, there remains a sequentially preferably alternative in the form of the South of Brackmills Sustainable Urban Extension, which would accommodate the proposed development without detriment to the viability and vitality of the established hierarchy of centres. The provision of a supermarket of this size and scale within the proposed local centre would enhance the viability and vitality of the new local centre. It would also assist in the creation of a sustainable form of development as envisaged in the National Planning Policy Framework as opportunities to link the proposed retail outlet to proposed and

existing residential areas in a more comprehensive fashion would be part of the masterplan for the Sustainable Urban Extension. As such, the current development fails to comply with the requirements of the National Planning Policy Framework in this regard and the policies contained within the emerging Joint Core Strategy. Moreover, there is no over-riding local need for the proposed development that would warrant a departure from these policies. It should be noted in this context that the landowner of the Sustainable Urban Extension (the Homes and Communities Agency - HCA), is in pre-application discussions with the Council, is well advanced with the associated Environmental Assessment work and has commenced consultation with the local community and the development of a masterplan.

- 7.23 Whilst it is accepted that a retail development in the location proposed could serve the Sustainable Urban Extension, this would not represent a satisfactory solution as retail development of the type proposed within this location would not represent sustainable development due to its relatively poor links and integration with the surrounding communities. Furthermore, the location of a supermarket in this location outside of the hierarchy of centres would not be in accordance with Paragraph 17 the National Planning Policy Framework, which requires that decision-making be undertaken in a consistent, plan-lead manner.

Impact Assessment

- 7.24 In assessing retail impact, regard should be paid to the National Planning Policy Framework, which establishes a number of criteria against which retail developments should be judged. Therefore, developers are required to submit an impact assessment covering the following:
- The impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
 - The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.
- 7.25 The applicants have submitted a retail assessment with the application. The question of retail impact is a key concern in the consideration of this application. The National Planning Policy Framework is explicit in requiring that applications should be refused where there would be a 'significant adverse' impact upon existing centres. The nature of any such assessment is therefore, to predict the change to shoppers' behaviour should any particular development be approved. The consequence of this is that a number of assumptions need to be made regarding likely behavioural patterns.

- 7.26 In terms of the proposed development, it would appear likely that there would be changes to the shopping patterns in the vicinity of the development by reason of a store being located in closer proximity to the Hardington and Wootton areas (although as established within Paragraph 7.21, there is no over-riding local need argument in favour of the proposal). However, given that the existing stores located in these centres are generally of a smaller scale and likely to be the focus of occasional or small scale purchases as opposed to more significant shopping trips where a larger number / range of product is likely to be purchased, it is considered that this development would not unduly impinge upon the viability of these established centres.
- 7.27 With regards to the larger centres, the primary matter of concern is in regard to convenience goods. It is likely that due to the scale of the proposed development in relation to the extent of activities carried out within the Mereway centre, there would be no undue impact upon the viability of this centre. Instead, the primary area of concern lies re the potential impacts on the town centre.
- 7.28 In assessing this matter, the conclusions of a number of retail assessments need to be synthesised, including the findings of the recent West Northamptonshire Retail Capacity Study Update, which has been published by the Joint Planning Unit. It is therefore considered that there is sufficient capacity to accommodate a store of the proposed size without detriment to the viability and vitality of the town centre. Furthermore, the nature of the store's location (i.e. in a not overly accessible, out of centre location) means that it would not operate in conjunction with other facilities to direct trade away from the established hierarchy of centres. In reaching this conclusion, weight has been placed on the relatively low level of comparison goods retailing that has been included within the proposal (203m²). Therefore, it is strongly recommended that if members are minded to approve the application, it be subject to controls being imposed that would clearly define the meaning of comparison goods and maintain the proposed limit.

Cumulative Impact Assessment

- 7.29 In determining this application, consideration should be given to other applications that are currently under consideration for comparable proposals as although each application could prove acceptable individually, the cumulative impact of a number of out of centre retail developments could be to direct an overly significant level of trade away from the hierarchy of centres to the detriment of viability and vitality. As a result of this, the scheme should be assessed with reference to the potential impacts of the proposed Tesco store within the former Barrack Road Sorting Office, which features on this Committee Agenda (reference N/2011/0998) and a proposed Marks and Spencer food store within Sixfields Retail Park, Gambrel Road (reference N/2012/0010). In addition any cumulative assessment should also include recently consented developments, primary of which

are the extensions to the Tesco at Mereway and Sainsbury's at Sixfields.

- 7.30 Given the profile of applications currently under consideration, it is likely that the bulk of any cumulative impact would be experienced within the Town Centre and Kingsthorpe Centre. In terms of the town centre if all three applications were to be approved, the overall loss of comparison good retailing would be approximately 6%, with the cumulative redirection of convenience goods being 40.1%. Whilst the latter figure, in particular, is not immaterial, it is considered that the overwhelming majority of the redirected trade will be from the larger proposals that have either been determined or are under consideration. As a result of this, it is unlikely that the proposed development would lead to an adverse impact upon the town centre, particularly if the controls on comparison goods retailing as identified within Paragraph 7.28 of this report were imposed (planning conditions covering comparison goods floor space).
- 7.31 In terms of the impact of Kingsthorpe centre, the redirection of comparison goods retailing would be 9.6% in combination with all proposals, with again the bulk of this redirection being accounted for by the larger proposals. In terms of convenience goods retailing the figure would be 25% on the existing Asda and Waitrose supermarkets and 15.7% upon local shops. Again, the bulk of the redirection is as a result of the permitted and proposed larger retail stores. Furthermore, it should be recognised that the applicant of this proposal operates a store in the Kingsthorpe centre and therefore the impacts on this facility as a result of this development being permitted are essentially an investment decision by the applicant.
- 7.32 Therefore, whilst the proposed development is acceptable in impact terms either individually or in combination with any other development, it is considered that the matter of impact is one of a combination of material planning considerations and as such this conclusion does not overcome the failure to comply with the sequential assessment as previously identified.

Design and Appearance

- 7.33 Notwithstanding the aforementioned conclusions regarding the sequential assessment, it is necessary to consider all other relevant matters. In terms of the design, it is considered that by reason of the mixture of building types, which is in itself a function of the variety of land uses within the vicinity of the application site, the proposed store has an acceptable design and would have a neutral impact upon visual amenity. In particular, the proposed building is of similar proportions to the adjacent garden centre, which would ensure a degree of harmony between the two buildings. Although the adjacent Turners Court residential development to the east features a number of two storey buildings, the buildings which are situated adjacent to the eastern boundary of the site are of three storeys in height and therefore the

relationship between these dwellings and the proposed store is acceptable. The design of the store features various windows and the entrance on the northern elevation, which would add a dimension of activity to this key elevation.

- 7.34 Various forms of landscaping are proposed, including works adjacent to Newport Pagnell Road and within the car park, which would ensure that a satisfactory standard of development. Furthermore, the proposed palette of materials is of a comparable nature to the recently approved revised entrance to the garden centre.
- 7.35 The indicative materials also reflect the proposed relationship between the store and the appearance of the residential accommodation that is situated to the east of the site. The use of the various detailing bricks and elements of cladding and glazing also assists in breaking up the massing of the building, which is in the interests of visual amenity. This approach also creates interest on the rear elevation. This is of importance due to the proximity of the store to London Road, which is heavily trafficked.
- 7.36 The proposed layout includes the provision of a number of pedestrian routes across the site, which would assist in the safe movement of pedestrians across the development. Furthermore, the car park layout has been revised to ensure the maximum width of pavement in front of the store. This is considered important due to the presence of trolley storage and an ATM machine within the front elevation, which could otherwise result in the congregation of people in front of the store. Suitable, well positioned disabled car parking would also be secured.

Impact on Neighbouring Properties

- 7.37 On account of the separation distances between the proposed store and the nearest residential properties (approximately 65m), it is considered that the development would not give rise to a detrimental impact upon residential amenity as a result of an increased impact upon light, outlook and privacy levels.
- 7.38 The proposed development includes the provision of replacement lighting, which has been assessed by the Council's Environmental Health Section and this has established that the proposed lighting would not give rise to an undue detrimental impact upon residential amenity as a result of disturbance from the lighting. This could be controlled via condition.
- 7.39 It is recognised that the proposed development could create an adverse impact upon neighbour amenity through increased noise and disturbance emanating from activities such as people congregating outside of the proposed store or deliveries being made. A noise assessment has been submitted, which has demonstrated that the proposed development would not have an adverse impact upon neighbour amenity. It is considered that should the application be

approved, it should be subject to a condition requiring that the development be carried out in accordance with the agreed details.

- 7.40 It is also considered that the separation distances between the application site and the surrounding properties would reduce the impacts of the proposed development upon the occupiers of neighbouring properties. Furthermore, the access to the service area of the proposed development would direct activity away from the eastern boundary of the site, which is likely to be the more sensitive as a result of the greater number of residential properties within close proximity to this element of the site. Any further impacts (such as those arising from deliveries) could be adequately mitigated against by condition if required,

Highways Considerations

- 7.41 It is noted that Newport Pagnell Road is one of the main routes into Northampton, and thus experiences a relatively high level of traffic. In order to mitigate the effects of the development, there would be a number of alterations within Newport Pagnell Road, which would broadly comprise of the installation of addition lane for vehicles travelling in an easterly direction to use whilst entering the site. It is considered that this arrangement is sufficient to prevent the significant queuing of vehicles entering the site creating congestion to detriment of highway safety.
- 7.42 Representations have been received from the Highway Authority with regards to the capacity of the car park. It is understood that the crux of the concerns is that prospective patrons, could possibly at busy times, have to wait until a car parking space becomes available. Given the layout of the site, it is considered that any patrons in this situation would be able to wait within on the site's service road. As a result of this, there would be no back queuing onto the highway. Therefore, it is considered that this matter is in affect, a site management issue, which has been bought to the attention of the applicant.
- 7.43 No objections have been received from the Highways Agency and therefore, it is likely that the proposed development would not have any demonstrable impact upon the strategic highway network, primarily of which is London Road (the A45).
- 7.44 Notwithstanding the above, it is considered that the application site, by reason of its out of centre location, does not represent an overly accessible location by reason of its lack of accessibility to public transport and distance from the wider areas of Wootton and Hardingstone, combined with a lack of connectivity with the adjacent residential and commercial/leisure sites. As a result of this, it is likely that the proposed development would not be overly accessible and most visitors would rely upon private cars for their journeys.

- 7.45 Whilst the developer has offered to enter into a Section 106 Agreement to provide enhancements to public transport in the vicinity of the application site. Whilst this is noted, it is likely that any such enhancement would only secure such improvements on a temporary basis and would not address the underlying lack of sustainability of the proposed location. Furthermore, whilst such a contribution would reduce the reliance upon private cars, the general lack of accessibility in terms of pedestrian and cycle ways would not be addressed through this contribution. It is likely that locating the development within a more sequentially preferable location would enable a more holistic solution to this matter for it would enable strong pedestrian linkages to be designed into the development from the outset.
- 7.46 The developer has also agreed that should the application be approved improvements to bus shelters outside of the application site would be provided. This enhancement could be secured via a Grampian style condition.
- 7.47 The proposed highway works would also see an increased width to the pavement in front of the application site running alongside Newport Pagnell Road to incorporate a cycle way. The stretch of pavement affected is relatively small (i.e. it encompasses the stretch of frontage serving the application site and the adjacent garden centre, which is 250m in length) and whilst this would improve the experience for those passing or entering the site, it would not serve to overcome the underlying deficiencies in terms of the accessibility to the wider area.

Garden Centre concession and storage buildings

- 7.48 These elements of the proposal would be of a limited scale and in would replace existing facilities within the application site. In addition, it is considered that due to the limited scale of these elements of the proposal the overall impacts upon visual and neighbour amenity are unlikely to be significant. It is recommended, however, that should the application be approved, it be subject to a condition that would require that these structures be subject to conditions limiting their use to storage purposes and the sale of garden related items. This approach is consistent with that taken in the recently approved application for alterations to the garden centre (reference N/2011/0387).

Additional Matters

- 7.49 Representations have been received from the Environment Agency raising concerns regarding the site's drainage and the potential for this to create flooding. However, the applicant has submitted a revised Flood Risk Assessment, which details a new drainage network that would accommodate the run off from the application site in addition to the adjacent Garden Centre site. Therefore, the proposal offers sufficient mitigation to offset any flood risk concerns and as a result of this, the proposal is compliant with the requirements of the National

Planning Policy Framework within this regard. This could be secured via condition.

- 7.50 The developer has submitted an arboricultural assessment that details the potential impacts upon the site's trees. The trees that would be removed are generally of a low level of amenity, whilst protection measures have been identified for the more significant trees. For this reason, it is considered that the proposed development is compliant with the requirements of Local Plan Policy E11.
- 7.51 It is noted that a contamination assessment has been submitted, which although generally acceptable does not include all measurements on the presence of ground gas. Ultimately, this matter can be overcome through the imposition of suitable planning conditions.
- 7.52 A number of representations have been received that have commented upon the desirability of attracting the applicant to this location and their product range. Whilst these points are noted, it should be recognised that in planning terms, the proposal is for a supermarket and little weight can be attached to the nature of the proposed operator.
- 7.53 Representations have also been made regarding the possible retention of a fruit and vegetable stall that operates within the curtilage of the Garden Centre site and whilst the concerns raised are understood the retention of this stall is effectively a site management issue and not one that can be controlled through the planning process.

8. CONCLUSION

- 8.1 It is accepted that the proposed scheme is not without merit; for example, the proposed design is of an acceptable standard. However, there are more significant concerns relating to the principle of the proposed development. In particular, it is considered that there is a sequentially more preferable alternative site for the development as it could be located within the local centre that would serve the South of Brackmills Sustainable Urban Extension as identified within the emerging West Northamptonshire Joint Core Strategy.
- 8.2 In addition to this point, it is considered that the proposed development does not comply with the core principles of planning as established within the National Planning Policy Framework by reason of its out of centre location and lack of accessibility. As a consequence of this, it is considered that the proposed development does not constitute sustainable development.

9. BACKGROUND PAPERS

- 9.1 N/2011/0387 and N/2011/1160.

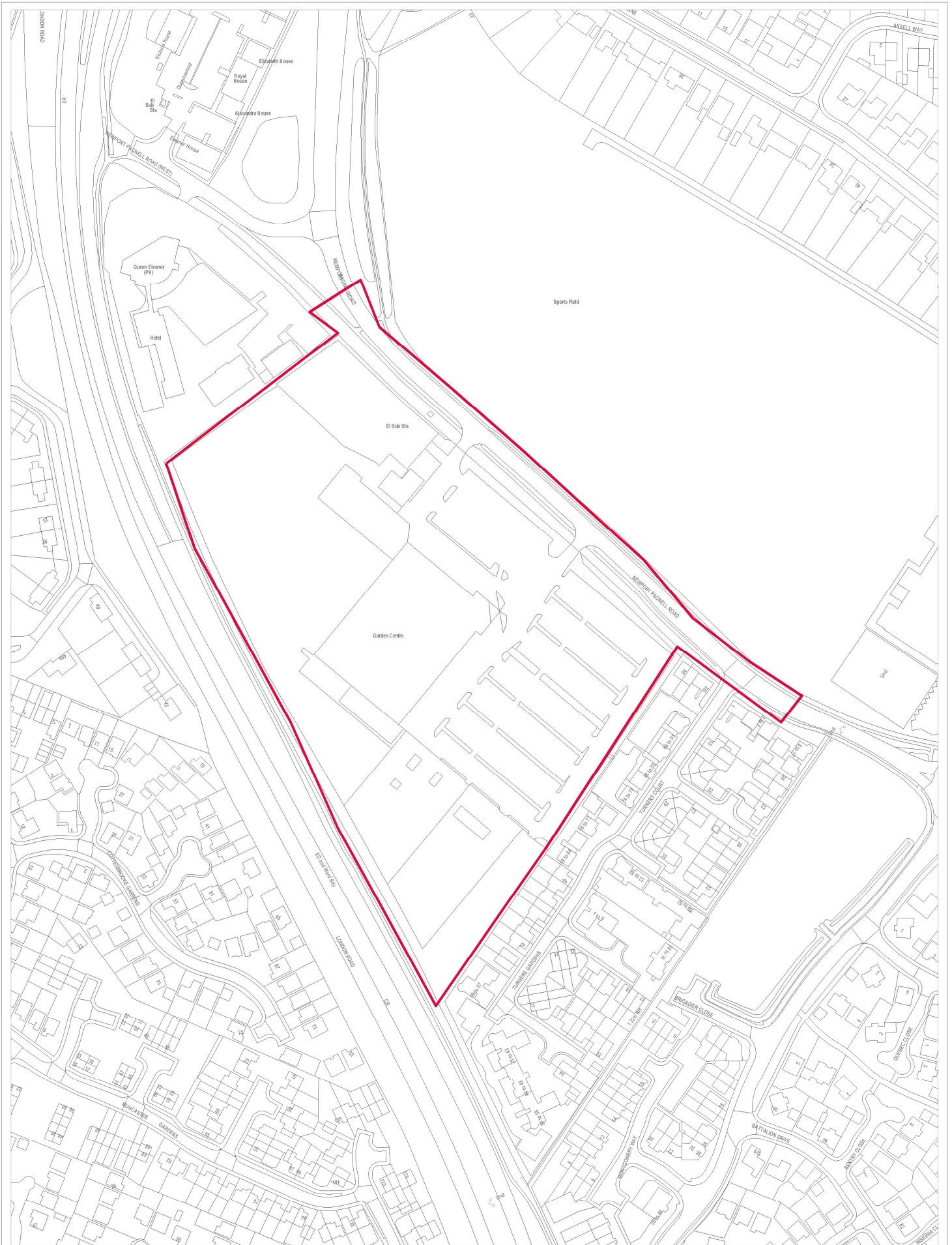
10. LEGAL IMPLICATIONS

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:	Ben Clarke	13 July 2012
Development Control Manager Agreed:	Gareth Jones	16 July 2012



Name: **N/2011/1160**
 Date: **16th July 2012**
 Scale: **1:2500**
 Dept: **Planning**
 Project: **Location Plan**

Title

Northampton Garden Centre, Newport Pagnell Road

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PLANNING COMMITTEE: 24 July 2012
DIRECTORATE Regeneration, Enterprise and Planning
HEAD OF PLANNING: Susan Bridge

N/2012/0465 Installation of solar powered gates at entrance to driveway leading to 21 to 23 Ravenscroft

WARD: East Hunsbury

APPLICANT: Mr M Stockdale
AGENT: Mr G Herrington

REFERRED BY: Cllr Larratt
REASON: Impact on street scene and precedent

DEPARTURE: No

APPLICATION FOR DETERMINATION

1. RECOMMENDATION

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

The proposed development due to its scale, siting and design would not have an undue detrimental impact on the appearance and character of the area nor on highway safety in accordance with Policy E20 of the Northampton Local Plan and guidance in the NPPF.

2. THE PROPOSAL

2.1 Planning Permission is sought for erection of 1.4 metre high metal gates powered by solar energy. They would be installed at the entrance to the private drive serving 21 to 23 Ravenscroft and are to be set back 5.5 metres from the public highway. The proposed gates would be battery operated (charged by natural light) and constructed in metal.

3. SITE DESCRIPTION

3.1 The application site consists of a quiet residential area in Hunsbury characterised mainly by detached dwellings. The area is very much open plan in character and the site consists of 3 detached houses all

under the applicant's ownership and accessed off a private driveway between numbers 20 and 24 Ravenscroft.

4. PLANNING HISTORY

- 4.1 N/2012/0341 Permission granted for single storey side extension at 23 Ravenscroft.

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:

National Planning Policy Framework (NPPF).

5.3 Northampton Borough Local Plan

E20 – New Development.

6. CONSULTATIONS/ REPRESENTATIONS

Letters of **objection** received from numbers **1, 3, 4,5, 6, 8 19, 24, 25, 26, 27, 41 Ravenscroft** on the following grounds:

- Contrary to open plan nature of estate
- Contravenes deeds of property
- Road safety hazard
- Would be an eyesore and detrimental to other properties in area
- Would add congestion to the main access road
- Would do nothing for other residents in area
- Proposed materials would be out of keeping
- Impact on maintenance of property
- Loss of privacy
- If gates are illuminated this would impact on light pollution
- Effect on traffic flows
- Would be an obstruction to emergency vehicles and removal vans
- Impact on safety of children playing
- Would turn this part of the estate into an “enclave”
- Impact on precedent
- Health and safety concerns of vehicles trying to manoeuvre on the slope in inclement weather conditions
- Query land ownership
- Increase in noise and disturbance adjacent to property
- Impact on privacy

- 6.1 **Northants Police (NCC)** No formal objections.
- 6.2 **Highway Authority (NCC)** No gates or means of enclosure shall be erected within 5.5m of the highway boundary and any such feature erected beyond that distance should be hung to open away from the highway.
- 6.3 **Wootton and East Hunsbury Parish Council** no comments received.
- 6.4 **Councillor Larratt (NBC)** request that application go to committee on grounds that the proposal will impact on street scene and set a precedent for many other driveways in the area. Gates may cause congestion.

7. APPRAISAL

Main issues

- 7.1 The principal considerations are the impact on the character and appearance of the area and the effect on highway safety.

Impact on appearance and character of the area

- 7.2 The proposed gates would be 1.4 metres tall at their highest point and would be powered through solar energy. Given that they would be set back 5.5m from the public highway it is considered that they would not appear as overly-prominent features in the street scene. The proposed design is also considered acceptable in terms of the general appearance, height and overall scale.
- 7.3 Whilst it is acknowledged that the estate is open plan, it is considered that the location of development is such that they would not detract unduly from the locality.
- 7.4 Officers have reservations over the proposed materials as metal may not be in keeping with the residential character of the area. Therefore, should Members be minded to grant planning permission a condition is recommended for details of the external finish to be approved in writing with the Local Planning Authority prior to commencement of development. This would comply with Policy E20 of the Local Plan which promotes good design for new development as well as the NPPF which directs local planning authorities to reject poor design in the determination of planning applications. It is also beneficial that the proposed design incorporates solar energy as it promotes the use of renewable energy.

Highway Safety

- 7.4 Given that the proposed gates would be set back 5.5 metres from the edge of the highway in accordance with the Local Highway Authority advice it is considered that no objection can be raised on highway safety grounds. This is because sufficient space is retained in front of

the proposed gates to allow cars to pull off the public highway, open the gates and enter the site without obstructing the carriageway. Therefore the concerns raised by some neighbours over increased congestion is unlikely to be an overriding issue given that the estate is quiet in terms of its existing traffic flows and the fact that the gates would only serve three properties where the level of congestion would be minimal.

Neighbour representations

- 7.5 The concerns raised that the proposal would be contrary to property deeds is a civil matter and not one that can be taken into consideration in the determination of a planning application as are the issues raised over maintenance. No weight can be given to the concerns over the proposal setting a precedent given that each planning application must be considered on its individual merits. The concern raised over land ownership has been addressed by the applicant and evidence provided showing the extent of their ownership. The objection that the proposed development would increase noise and disturbance is unlikely to be a significant concern given that the anticipated usage of the gates to serve the applicant's 3 properties and their use would not be overly intense.

8. CONCLUSION

- 8.1 For the reasons cited above, officers consider that the proposed development is on balance acceptable as it would not result in a significant detrimental effect on the appearance of the area or on highway safety. The approval will be subject to the conditions detailed below and would be fully compliant with relevant development plan and national planning policy.

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) No development shall take place until details of the external finish of the gates hereby permitted have been submitted to and approved in writing by the Local Planning Authority and shall be implemented fully in accordance with the agreed details unless otherwise agreed with the Local Planning Authority.

Reason - To ensure a satisfactory external appearance of development to accord with Policy E20 of the Northampton Local Plan and aims of the NPPF.

- (3) The gates hereby approved shall open inwards away from the highway unless otherwise agreed in writing by the Local Planning Authority.

Reason - In the interests of highway safety to accord with the NPPF.

10. BACKGROUND PAPERS

10.1 N/2012/0465.

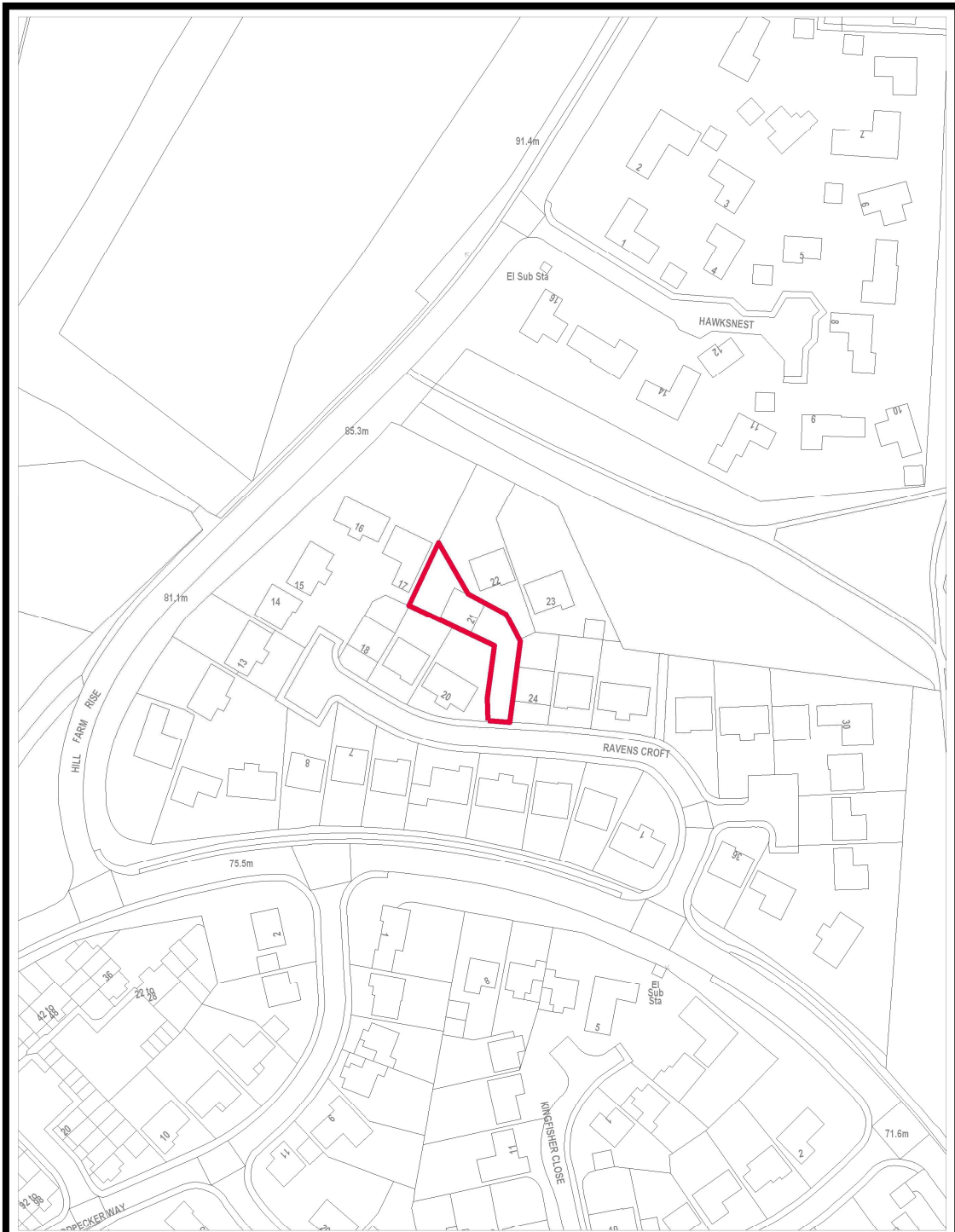
11. LEGAL IMPLICATIONS

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:	Jonathan Moore	5 July 2012
Development Control Manager Agreed:	Gareth Jones	7 July 2012



Name: SW
 Date: 11th July 2012
 Scale: 1:1250
 Dept: Planning
 Project: Site Location Plan

Title

Shared Driveway Leading to 21 to 23 Ravenscroft

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PLANNING COMMITTEE: 24th July 2012
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Susan Bridge

N/2012/0553: Single storey and first floor rear dormer extensions at 379 Billing Road East, Northampton, NN3 3LL

WARD: Park

APPLICANT: Mr and Mrs Jaffes
AGENT: MBA Residential LLP

REFERRED BY: Councillor Patel
REASON: On grounds of potential loss of light to nearby properties, and because the proposed building may not be in keeping with the character of other building in the surrounding area

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

- 1.1 Approval subject to the receipt of amended plans showing high level windows to the rear dormer as referred to in the report, conditions as set out below and for the following reason:

The proposed development would have no significant adverse impact on the streetscene or on the amenities of existing neighbouring residents. The proposal would thereby comply with policies E20 and H18 of the Northampton Local Plan.

2. THE PROPOSAL

- 2.1 Hip to gable conversion, rear dormer window, two single storey rear extensions.

3. SITE DESCRIPTION

- 3.1 The site comprises a semi-detached bungalow dating from the 1920s located within a residential suburb.

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:

National Planning Policy Framework.

5.3 Northampton Borough Local Plan

Policy H18 - Extensions

5.4 Supplementary Planning Guidance

Residential Extensions Design Guide.

6. CONSULTATIONS / REPRESENTATIONS

- 6.1 Letter of objection received from the neighbouring occupiers at **381 Billing Road East** making the following points:

- Loss of natural light from the construction intended for the rear of the property. Our kitchen is situated at the rear of the property and an atrium located on the flat roof of the kitchen is the only means of obtaining natural light. The proposed development will overshadow the atrium and the rear of our property to an unacceptable degree.
- The proposed work is totally out of keeping with the character of these charming, period semi-detached bungalows. The first floor extension will look ugly, overbearing, out-of-scale and character in terms of its appearance. The applicants have given minimal regard to the desirability of preserving or enhancing the character and appearance of the property, and no attention to factors relating to residential amenity.
- While we understand the “loss of a view” in strictly legal terms may not be a factor considered by the planning process, our enjoyment of the view towards the rear of our property will be adversely affected by the ‘shed stuck on the first floor’ proposed for the applicants’ property. This adverse appearance and inappropriateness of the structure cannot be emphasised too

strongly. We moved into 381 because it was a quaint property, not directly overlooked.

- There are issues relating to the removal of the asbestos cement tiles which have not been identified by either the applicant nor their roofer. It should be noted that there can be significant fibre release during removal, and considerable care would have to be taken with any roofing work undertaken at 379.
- On the basis of the above points, we would not consider this proposal to be in keeping with the proper development of this semi-detached property, nor the local area, and would ask that the application be refused.

7. APPRAISAL

- 7.1 The principal issues to consider are the impact on the character and appearance of the property and wider streetscene and the amenities of adjoining occupiers.
- 7.2 It is pertinent to first consider the “fall back” position. i.e. what could be built without the need for planning permission. This would allow for a hip to gable conversion and for a more modest rear dormer of a similar design. Rear extensions of the same projection as proposed but of a lower height (up to 4m) could also be constructed without permission.
- 7.3 The impact on the streetscene would come from the hip to gable conversion, which as discussed above is, in itself, permitted development. Whilst officers hold reservations over this as it would unbalance the pair of semis in light of this fall back position it is considered that limited weight can be given to this point.
- 7.4 One of the two rear extensions would project 3m beyond the rear of the dwelling, but requires planning permission as this is over 4m in height. It is considered that at this height, which is in line with the height of the existing roof of the dwelling, this extension would be more in keeping with the main dwelling.
- 7.5 However, the box dormer as proposed to the rear of the dwelling goes beyond what would be permitted development by some margin. The box like appearance, which is out of keeping with the host dwelling, would however be permitted if on a smaller scale. Whilst there would be an adverse visual impact from this it is considered that the weight which is given to this should also be limited given that a similar form of development could be erected without planning permission and given that its impact would be limited to views from private property rather than from the public domain.
- 7.6 The main concern to be addressed, therefore, is the impact on the amenities of adjoining residents.

- 7.7 The neighbour at no. 377 has side-facing windows, one of which is obscure glazed but one of which looks onto the side of the box dormer. However this is a secondary window to the room it serves and therefore the limited impact in terms of loss of light is considered acceptable.
- 7.8 The larger rear extension, in common with the hip to gable conversion and box dormer, would be separated from the neighbour at 377 by the access road to the garages at the rear of 379 and 381 and therefore would have no impact on this neighbour. This larger extension would be separated from no. 381 by the garden of 379 and would also not affect this neighbour.
- 7.9 The smaller extension would project beyond the high side boundary wall and rear conservatory by only 50cm and would not therefore have a significant effect on no.381.
- 7.10 The box dormer would extend beyond the roof plane to the rear of the application premises and onto the flat roof, which apparently forms an original part of the property. This would be visible to the applicants and their immediate neighbours at 381 only. As alluded to above, the fact that a smaller dormer of the same design would represent permitted development carries weight. Moreover although bulking the visual impact of the dormer is not considered so significant within the context of the existing properties as to warrant refusal.
- 7.11 The neighbours at no.381 have raised concerns in respect of their lantern roof light, which is the only source of natural light to their kitchen. However, it is not considered that the loss of light to this roof light, which mainly gains light from directly above, would be significant.
- 7.12 Rear facing windows are proposed to the rear dormer which would serve the bathroom and landing. These would be full height and whilst the bathroom window would be obscure glazed it is considered that this would have an inhibiting impact on the neighbours as it would allow some view of activities behind. Amendments have therefore been requested to make both of these windows high level.
- 7.13 The property has a very long rear garden and therefore there would be no impact on neighbours to the rear.
- 7.14 The proposal would result in one additional bedroom. The property has a double garage to the rear and therefore it is considered that adequate parking would be available for the house as extended.

8. CONCLUSION

- 8.1 The proposal would have no significant adverse impact on the streetscene or on the amenities of existing neighbouring residents.

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) The external walls and roof of the extension shall be constructed with materials of the same type, texture and colour as the external walls and roof of the existing building.

Reason: In the interests of visual amenity to ensure that the extension harmonises with the existing building in accordance with Policy H18 of the Northampton Local Plan.

10. BACKGROUND PAPERS

10.1 N/2012/0553.

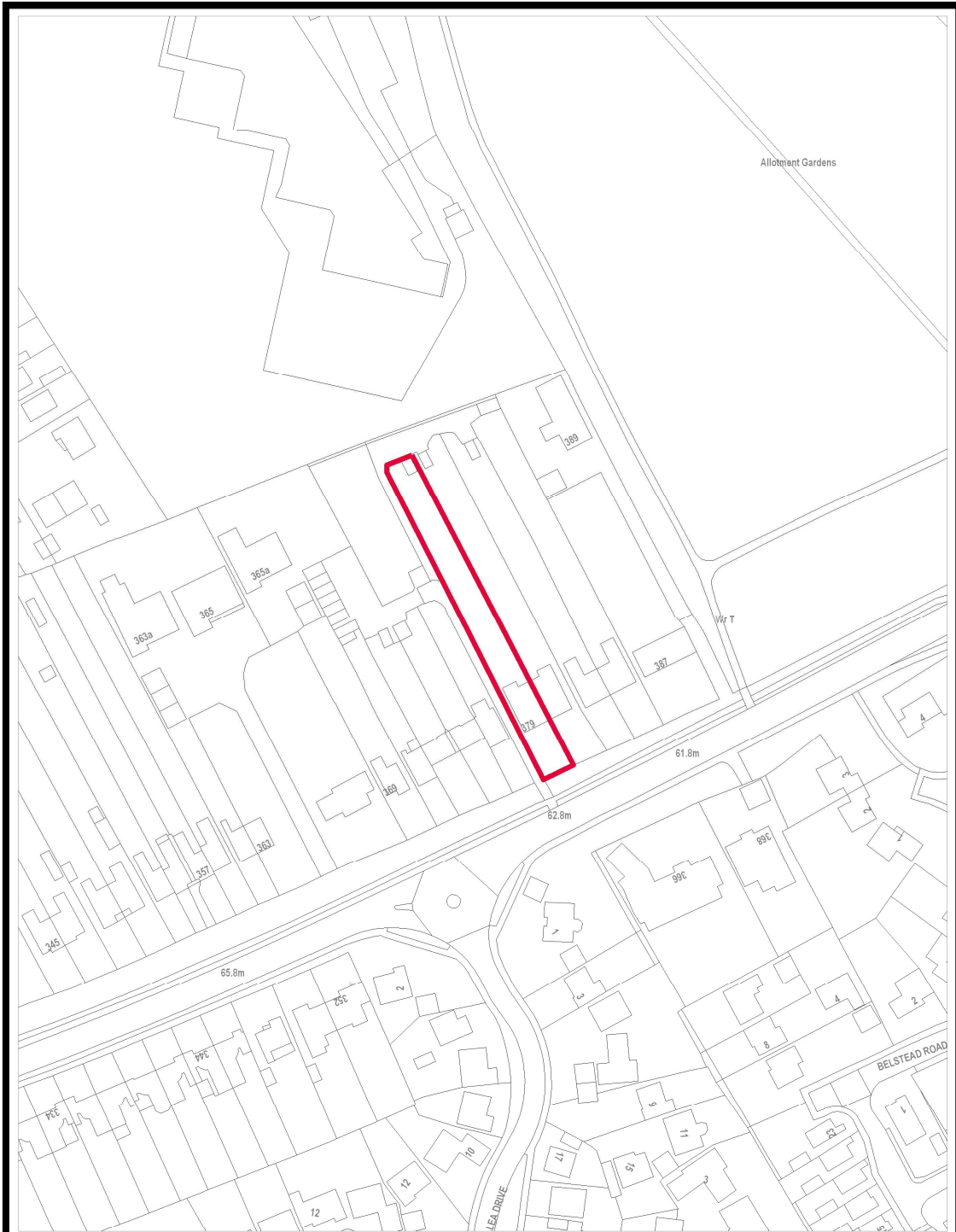
11. LEGAL IMPLICATIONS

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:	A Holden	11/07/12
Development Control Manager Agreed:	Gareth Jones	11/07/12



Name: SW
 Date: 12th July 2012
 Scale: 1:1250
 Dept: Planning
 Project: Site Location Plan

Title
379 Billing Road East

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PLANNING COMMITTEE: 24 July 2012
DIRECTORATE Regeneration, Enterprise and Planning
HEAD OF PLANNING: Susan Bridge

N/2012/0588 Change of use of land to garden and erection of 1.8m fence at 143 Churchill Avenue

WARD: Eastfield

APPLICANT: Mr D Mabbutt
AGENT: N/A

REFERRED BY: Head of Planning
REASON: Applicant related to a Council employee and the land is in the ownership of the Borough Council

DEPARTURE: No

APPLICATION FOR DETERMINATION

1. RECOMMENDATION

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

1.2 The proposed development, due to its siting, scale and design, would not have an undue detrimental impact on the appearance and character of the area to comply with Policy E20 of the Northampton Local Plan and guidance in the NPPF.

2. THE PROPOSAL

2.1 Planning permission is sought for inclusion of landscaped area within the rear garden of the applicant's property and erection of 1.8m high wooden boundary fence. The land is under the ownership of the Borough Council and the applicant has served the appropriate notice on the Council as landowner. The existing 2 metre high boundary wall is to be removed and if permitted replaced by the proposed fencing.

3. SITE DESCRIPTION

3.1 The application site consists of a 2 storey end of terrace dwelling at corner of Skiddaw Walk and Churchill Avenue. It has a small parcel of

landscaped land to the side and forms a fairly prominent location on the street scene. The land measures approximately 11 metres long by up to 3 metres wide at most and forms a roughly triangular shaped wedge.

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:

National Planning Policy Framework (NPPF)

5.3 Northampton Borough Local Plan

E20 – New Development

6. CONSULTATIONS / REPRESENTATIONS

6.1 No consultations or neighbour comments received

7. APPRAISAL

Main issues

7.1 The main consideration is the impact on appearance and character of the street scene and wider locality

Impact on appearance and character of area

7.2 The site is fairly prominent being adjacent to the intersection of Churchill Road and Skiddaw Walk. It is located in a Primarily Residential area as identified in the Northampton Local Plan Proposals Map.

7.3 While the proposal involves the loss of a small parcel of landscaping which contributes to the appearance of the locality it is considered that the proposed fence would be unlikely to detract significantly from the appearance of the area given its limited scale and minor size of the area to be enclosed. The proposed fence would replace an existing brick wall approximately 2 metres high and as a result would not significantly increase the visual impact of this due to the similar height of development involved. Officers consider that subject to a planning condition for appropriate external finish or colour treatment that the

fence would have satisfactory. Although the area is largely open plan in character, the proposed fence is not likely to significantly erode the appearance of this area to an unacceptable level.

- 7.4 This would comply with Policy E20 of the Northampton Local Plan which encourages good design of new development and the NPPF which also recommend that Local Authorities should take design into account in determining planning applications and reject poor design.

8. CONCLUSION

For the reasons cited the proposed development is considered on balance acceptable given that it would comply with development plan and national planning policy. Subject to the condition below the proposal is recommended for approval.

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) Prior to the commencement of development, details of the external finish of the fencing hereby approved shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented fully in accordance with the agreed details.

Reason - In the interests of visual amenity to accord with Policy E20 of the Northampton Local Plan.

10. BACKGROUND PAPERS

- 10.1 N/2012/0588.

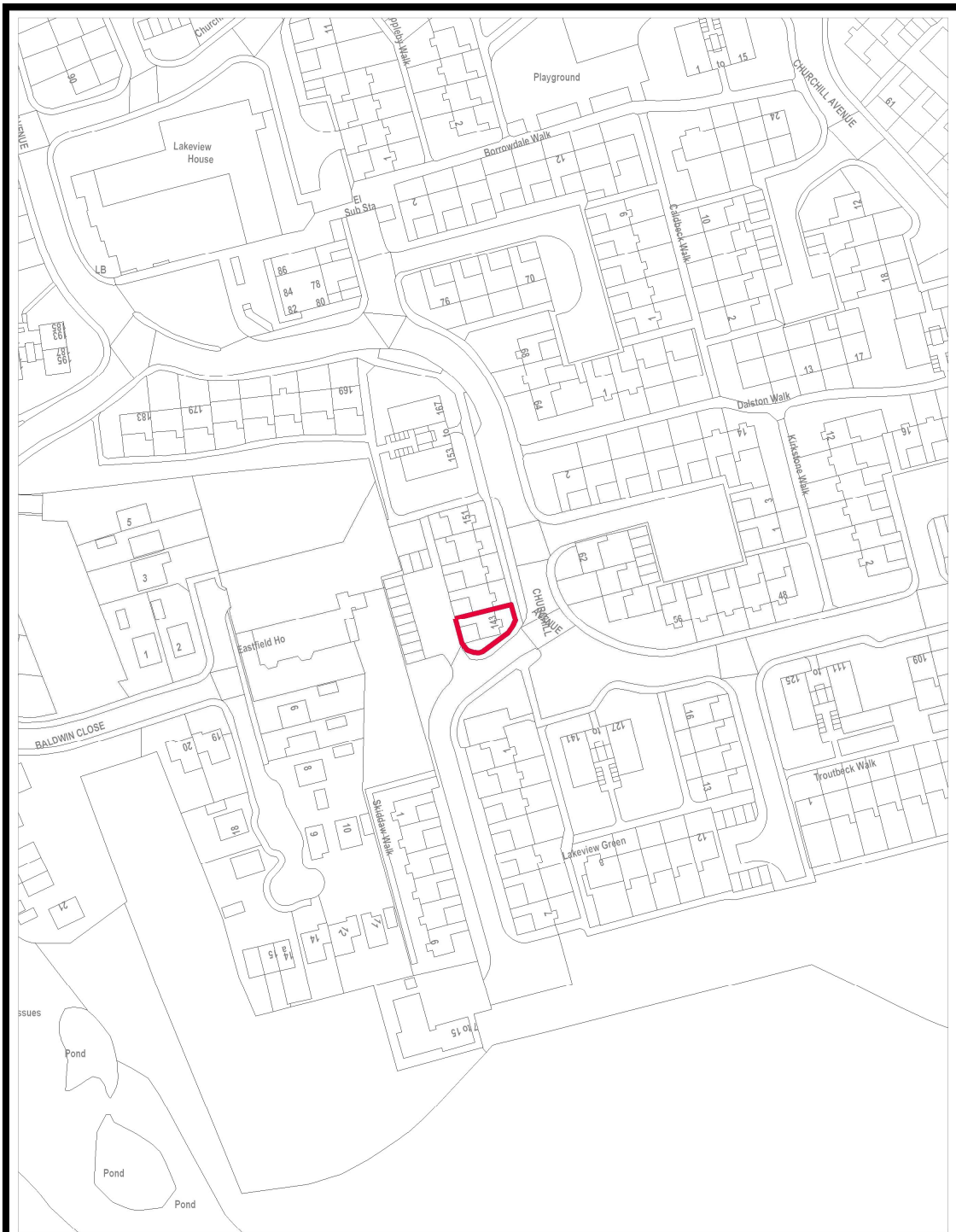
11. LEGAL IMPLICATIONS

- 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:	Jonathan Moore	5 July 2012
Development Control Manager Agreed:	Gareth Jones	7 July 2012



Name: SW
 Date: 11th July 2012
 Scale: 1:1250
 Dept: Planning
 Project: Site Location Plan

Title
143 Churchill Avenue

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PLANNING COMMITTEE: 24th July 2012
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Susan Bridge

APP: N/2012/0638
Retention of rear conservatory at
22 Manorfield Close, Northampton

WARD: Billing

APPLICANT: Mrs. K. Ferguson
AGENT: None

REFERRED BY: Head of Planning
REASON: Related of a member of staff

DEPARTURE: NO

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 The statutory consultation period expires six days after this Committee meeting and as such the Council cannot formally determine the application on the day of the Planning Committee meeting. Therefore, the recommendation below is made subject to the Council not receiving any objections to the planning application which raise new material planning considerations (i.e. that are not before the Planning Committee when it considers the application).

1.2 Approval for the following reason:

The impact of the development on the character of the original building, street scene and residential amenity is considered to be acceptable and in accordance with Policies E20 and H18 of the Northampton Local Plan.

2. THE PROPOSAL

- 2.1 Permission is sought for the retention of a rear conservatory, which requires planning permission due to the amount of projection from the rear wall of the dwelling (3.82m as against the allowance under Permitted Development of 3m).

3. SITE DESCRIPTION

- 3.1 A semi-detached dwelling on an irregular shaped plot.

4. PLANNING HISTORY

- 4.1 None

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:

National Planning Policy Framework

5.3 Northampton Borough Local Plan

E20 – New Development
H18 - Extensions

5.4 Supplementary Planning Document

Residential Extensions and Alterations Design Guide

6. CONSULTATIONS/ REPRESENTATIONS

- 6.1 Billing Parish Council – no response received to date.
6.2 Adjacent neighbours – no responses received to date.

7. APPRAISAL

- 7.1 The planning issues to consider are the impact of the development upon the character and appearance of the host dwelling, surrounding visual amenity, and adjacent neighbours.
- 7.2 The conservatory projects 3.82m from the rear wall, and is 3.4m wide, and 3.22m high. The dwarf wall is constructed of brick which matches the host dwelling. In design terms the conservatory is considered acceptable, as it does not adversely impact upon the appearance of the host dwelling or on surrounding visual amenity.
- 7.3 The conservatory is sited to the north-east of the closest neighbour (no.22a), and as such it is considered that the it does not cause significant overshadowing to that property.
- 7.4 When considering the issue of a potentially overbearing impact, it is noted that the extension does break the 45 degree visibility angle guidance (App.7 of the Residential Extensions and Alterations Design Guide). However, this would also be the case for a 3m extension, which would be 'permitted development'. As fencing would usually be positioned along side boundaries for privacy, it is considered that the conservatory is not significantly overbearing to the adjoining property.
- 7.5 When considering the issue of overlooking, it is noted that the windows on the southerly elevation (along shared boundary) are high level, obscure glazed and non-opening, and it is therefore concluded that the conservatory does not afford any additional overlooking to the adjoining properties.
- 7.6 Given the configuration of the surrounding plots, and the scale of this conservatory, it is considered that it has no undue impacts upon the other adjacent neighbours.

8. CONCLUSION

- 8.1 Taking into account all material planning considerations, it is considered that the development is in accordance with policy and therefore recommended for approval.

9. CONDITIONS

(1) 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 additional windows shall be installed in the south-westerly elevation of the conservatory hereby approved without the prior written consent of the Local Planning Authority.

Reason: To safeguard the privacy of adjoining properties in accordance with Policy H18 of the Northampton Local Plan.

(2) The windows in the south-westerly elevation of the conservatory hereby approved shall at all times remain obscure glazed and non-opening.

Reason: To safeguard the privacy of adjoining properties in accordance with Policy H18 of the Northampton Local Plan.

10. BACKGROUND PAPERS

10.1 Application file N/2012/0638

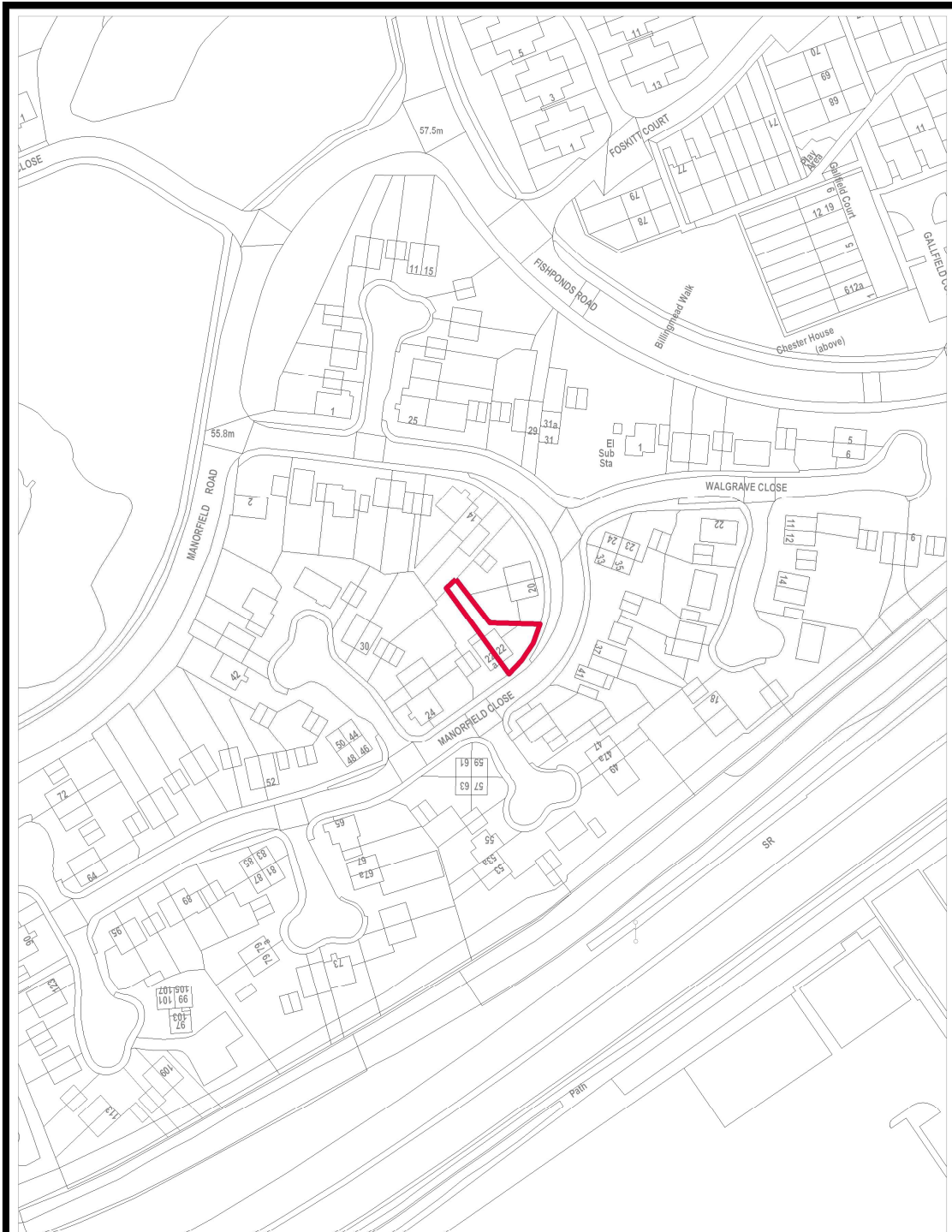
11. LEGAL IMPLICATIONS

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.

	Name/Signature:	Date:
Author:	Ellie Williams	10/07/2012
Principal Planning Officer Agreed:	Andrew Holden	10/07/2012



Name: SW
 Date: 11th July 2012
 Scale: 1:1250
 Dept: Planning
 Project: Site Location Plan

Title
22 Manorfield Close

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PLANNING COMMITTEE:	24th July 2012
DIRECTORATE:	Regeneration, Enterprise and Planning
HEAD OF PLANNING:	Susan Bridge
N/2012/0122:	Hybrid application comprising: Full application for home and garden centre, retail units, drive through restaurant, gatehouse, lakeside visitor centre, restaurants and boat house. Outline application for the erection of a hotel, crèche, leisure club and marina with some matters reserved (appearance). Plus removal of ski slope, associated site levelling, landscaping, habitat management, vehicular access and servicing proposals, together with car and cycle parking and provision of bus stop.
WARD:	Situated within East Northamptonshire District
APPLICANT:	LXB RP (Rushden) Ltd.
AGENT:	JR Consulting
REFERRED BY:	Head of Planning
REASON:	The proposal relates to retail and leisure development within the neighbouring authority of East Northamptonshire. It is considered that the scale of development proposed would have significant implications for Northampton Town Centre and Members' views are sought on the nature of the consultation response.

CONSULTATION BY EAST NORTHAMPTONSHIRE DISTRICT COUNCIL:

1 INTRODUCTION

- 1.1 This report relates to an application submitted to East Northamptonshire District Council (ENDC) for a substantial out of centre retail and leisure development at the Rushden Lakes site, approximately 8 miles to the east of NBC's administrative boundary. NBC were initially consulted as a neighbouring authority on 29th March and have since responded twice on the merits of the scheme. Officers submitted a holding objection to ENDC due to concerns over the scale and impact of the proposals, particularly in relation to Northampton town centre. Following this letter, a report was brought to the Planning Committee on 1st May to seek members' views on the proposals. Members resolved to **object very strongly** to the scheme on grounds of non-compliance with planning policy, concerns over the retail impact on Northampton (including Weston Favell) and the unsustainable nature of the scheme. A copy of the objection letter is attached at Appendix 1.
- 1.2 Similar letters of objection were also submitted from other neighbouring authorities and existing retailers within the region. Subsequently, the applicant has submitted further information to East Northamptonshire District Council commenting on these matters. Therefore, the purpose of this report is to update members on application and its likely impact upon Northampton and to seek their views on a further formal response of NBC.
- 1.3 The re-consultation letter was received by NBC on 26th June allowing a period of 14 days for further comment. In order that a response was received within the set period a further officer response was submitted via the Head of Planning. This is also attached at Appendix 2.

2 RECOMMENDATION

- 2.1 That Northampton Borough Council **objects very strongly** to the application for the following reasons:
- The Retail Assessment submitted with the scheme fails to pay adequate regard to the impact of the development upon Northampton Town Centre or Weston Favell District Centre. The application site is within 13km (8 miles) of the eastern edge of Northampton and the catchment of a development of this nature and scale would clearly cover Northampton and the residential areas served by its town centre. The Retail Assessment currently submitted makes unrealistic assumptions regarding the catchment of the proposal and thus, fails to pay adequate regard to the

requirements of the National Planning Policy Framework in terms of the retail impact and the sequential approach (paras 24- 27).

- The sequential assessment conducted in relation to Northampton town centre is flawed and fails to adequately assess the ability of Northampton town centre to accommodate development of the scale proposed. NBC, along with its partners, are currently in detailed discussions with Legal and General (the key landowner) relating to a major town centre redevelopment incorporating a substantial increase in retail floorspace at the Grosvenor Centre. The submission version of the Northampton Central Area Action Plan identifies that the Grosvenor Centre will accommodate between 32,000 – 37,000 (gross) A1 comparison goods floorspace. NBC maintain that Northampton Town Centre is a sequentially preferable site that is supported in planning policy. The application should therefore be refused in line with the NPPF (para. 27).
- The assessment of the retail impact provided by the applicant is based on unrealistic assumptions regarding the trading patterns and catchment of the proposed development. NBC consider that the sub-regional scale of the development, and its location on the principal highway network, are such that the retail catchment would be significantly wider than suggested by the applicants and would directly compete with Northampton Town Centre. Northampton Town Centre is identified as the Principal Urban Area within RSS8 and the development of an out of centre retail scheme of this magnitude within easy reach of its catchment is contrary to the aims of Policies MKSM SRS Northamptonshire 1, MKSM SRS Northamptonshire 2, MKSM SRS Northamptonshire 3 and MKSM SRS Northamptonshire 4 which set the spatial framework for the sub-region.
- The independent retail assessment of the impact of the Rushden Lakes proposal, conducted on behalf of the North Northamptonshire Joint Planning Unit (NNJPU) by GVA Grimley Ltd is considered to be a more realistic assessment of the likely impact of the scheme. This identifies that the proposal will have a significant negative impact upon Northampton Town Centre resulting in a cumulative trade diversion of between 9 and 15% of turnover at 2016. Therefore, it is considered that the proposal will have a *significant* detrimental impact upon the vitality and viability of the Town Centre and make planned investments within the centre significantly more difficult to achieve. Where significant retail impact on existing centres is anticipated the NPPF directs that applications should be refused (para. 27).
- The proposal is considered to be an unsustainable form of development by virtue of its location to the major highway network and poor accessibility in relation to non-car based modes of travel. The nature of the proposal and the likely catchment area is such that

the scheme would result in a significant increase in the level of vehicular traffic movements, contrary to the aims of paragraph 34 of the NPPF.

3. THE PROPOSAL

- 3.1 The proposal is for a mixed retail and leisure development, comprising 43,289m² gross retail floorspace in addition to restaurant, hotel, leisure uses and a marina, with associated ancillary works. The Gross Internal Area of the retail units is 38,388m² (this being the internal area, excluding the covered and uncovered planting areas relating to the garden centre). The applicants have sought full planning permission for the retail elements, restaurants and lakeside visitor centre and outline consent for the hotel, leisure club and marina (a hybrid application). The site would be configured around three large terraces, with separate restaurant and visitor centre facing onto the lakeside.
- 3.2 No named retailers/ anchor tenants have been put forward within the application documents. The application does suggest that the terraces would comprise home and garden/ lifestyle retail units and clothing retailers. In reality, the proposal is for general A1 use and (aside from the garden centre) it would be difficult to restrict the type of unit by planning condition. The independent report prepared on behalf of the NNJPU suggests that the likely occupier for this type of development would be mainstream national multiple retailers.
- 3.3 Members should also note that the application site is located within close proximity of existing retail development on the opposite side of the main access road. Therefore, the proposal would add to an existing out of centre offer in this location.

4 SITE DESCRIPTION

- 4.1 The application site extends to roughly 30 hectares and is bound by the River Nene on its northern boundary and the A45 to the south. Beyond the A45, immediately to the south, is an area of mixed commercial, industrial and retail development, including a large supermarket operated by Waitrose. The town centre of Rushden is just over a kilometre to the south, Higham Ferrers a kilometre to the east and Irthlingborough a kilometre to the north. In a wider context, Wellingborough Town Centre is approximately 4km to the west and the eastern extent of Northampton Borough Council's administrative area is 12km (8miles) to the west, with direct access along the A45. The Town Centre is 20km (12 miles) from the application site.

- 4.2 The site itself is made up of two main elements, the Skew Bridge Ski Lake and Delta Lake (which would be retained and enhanced) and an area of brownfield land to the south of the lakes which was formed by gravel working. Part of this brownfield land was previously used as a leisure facility incorporating a dry ski-slope, 'country club' with squash courts and boat houses in association with the water-skiing facility on the lake.
- 4.3 In its present state, the area is somewhat overgrown, with reported evidence of unauthorised off-road motorbike activity, specifically quad bikes and trial bikes.

5 OTHER CONSULTATION RESPONSES

- 5.1 The West Northamptonshire Development Corporation (WNDC) have responded to the application and objected to the scheme. The following is a summary of the key points of their objection:
- Point to the conclusions of the report prepared by GVA Grimley on behalf of the North Northamptonshire Joint Planning Unit which stresses the likely impact upon Northampton and other town centres within the sub-region
 - Notes that the development would have a detrimental impact upon planned investment in Northampton town centre
 - Comment that the development is unsustainable and contrary to policies 27 and 197 of the NPPF (retail impact/ sequential test and presumption in favour of sustainable development)
 - Notes that the development does not comply with the development plan
 - Urges the Council to refuse the application without delay.
- 5.2 Objections to the scheme have also been submitted on behalf of Corby Borough Council, Kettering Borough Council and Bedford Borough Council, in addition to objections from other retailers/ landowners with interests in existing retail developments. Wellingborough Council raised no objection to the scheme.

6 PLANNING POLICY

6.1 Development Plan

The Development Plan for the area comprises the East Midlands Regional Plan (RSS8), the North Northamptonshire Core Spatial Strategy (2008) and the saved policies of the East Northamptonshire Local Plan (1996). None of the saved policies of the Local Plan are directly relevant to this application. With reference to NBC's consultation response, the key issue relates to retail impact and, thus, the Policy context referred to below concentrates on relevant policies in relation to this topic.

- 6.3 **National Planning Policy Framework (NPPF).** The NPPF replaced the previous suite of Planning Policy Statements/ Guidance Notes on 27th March 2012. Insofar as the application impacts upon Northampton, the key elements of the NPPF are those relating to retail and the vitality of town centres at paragraphs 23-27.
- 6.4 **East Midlands Regional Plan**
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
- 6.5 **Northampton Central Area Action Plan (Submission Draft)**
The CAAP sets the Local Policy context for the regeneration of Northampton Town Centre and was submitted to the Secretary of State in May 2012. An examination into the soundness of the Plan will commence in September 2012. Policy 14 *Meeting Retail Capacity* relates to the Plan's strategy of providing up to 61,000m² gross comparison floorspace up to 2026. The Policy envisages that up to 37,000m² gross comparison floorspace will be accommodated within the Grosvenor Centre between the period 2016-2021.
- 6.6 **West Northamptonshire Joint Core Strategy (Pre-submission draft)**
In line with the Regional Plan, the pre-submission version of the WNJCS identifies Northampton as the Principal Urban Area of the sub-region and sets the context for regeneration and redevelopment of Northampton Town Centre. Policy S2 seeks to focus 'town centre' developments within the town centre and Policy S9 identifies that the town centre will be the focus for new retail development. The WNJCS, in addition to the North Northamptonshire sets the framework for the hierarchy of centres across the sub-region.

7. APPRAISAL

- 7.1 The key elements of the scheme have not changed since the matter was considered previously by the Planning Committee. NBC has been re-consulted following the submission of further information by the applicants in response to the objections received from various third parties. Specifically, the additional information included:
- A supplementary planning statement
 - A response to GVA's 'Independent Assessment of the Retail Strategy in North Northamptonshire and the impact of the Rushden Lakes Proposals' (prepared on behalf of the North Northamptonshire Joint Planning Unit [NNJPU]).
 - An opinion from Counsel setting out the legal framework for decision making, essentially explaining how ENDC could

approve the application in such a way as to avoid a legal challenge.

- A clarification statement regarding retail floorspace.

- 7.2 In simple terms, the additional information has been submitted to set out the applicant's view on the merits of their proposals. Essentially, they argue that the scheme will principally serve a local need within Rushden and that retail impacts on existing centres further afield have been exaggerated by third parties. A key element of their case is that the scheme is unlikely to compete directly with other centres within the surrounding area.
- 7.3 In terms of Northampton, the retail response submitted states that, *'Rushden Lakes is of a relatively minor scale compared with the 163,815sqm net of comparison goods retail floorspace available in Northampton town centre and in Northampton's retail parks. Accordingly, we do not consider that there will be significant trade draw from Northampton'*.
- 7.4 In view of their assumptions regarding the comparative scale of the Rushden Lakes proposals, the applicants have applied a limited degree of trade diversion away from Northampton within their assessment of retail impact and cumulative impact. In line with objections received from other objectors, notably the independent assessments submitted on behalf of the NNJPU and Legal and General, NBC Officers are of the opinion that the assumptions used by the applicants in this regard are unreliable. The scale of the development and its location is such that it would clearly draw a substantial amount of its turnover from a catchment much wider than that put forward by the applicants. The argument that the proposal is intended to serve a local need within the Rushden catchment is not accepted.
- 7.5 In terms of scale, the gross retail floorspace of the scheme is 43,289m². However, it must be noted that the proposal also includes a plan to link the scheme to the existing Waitrose/ John Lewis food and home store on the opposite side of the A45. The gross floorspace on offer in this out of centre location would be close to 50,000m², in addition to the leisure facilities put forward. The application notes that the gross retail floorspace within Northampton town centre is 119,750m². On a very simple calculation, the gross comparison goods floorspace of the proposal is approximately a third of the size of Northampton town centre and the overall comparison offer including the Waitrose/ John Lewis element is greater still. As explained in the previous report to Committee, the comparison goods floorspace put forward is larger than that existing in either Kettering, Corby or Wellingborough town centres. Whatever the

argument advanced by the applicant, the development is therefore of a scale that would compete directly with Northampton town centre.

- 7.6 The GVA assessment put forward on behalf of the NNJPU suggests that the scheme is of regional significance and is likely to draw trade from a 30 minute drivetime. The applicants dispute this but the assumption is considered to be realistic given the scale of the proposals and their location on the road network. Accordingly, it is also considered that the assessment of retail impact (including cumulative impact) put forward by the applicant is unreliable because it is based on a false assumption of the nature and scale of the development. They conclude that the cumulative impact on Northampton Town Centre is estimated to be 5% at 2016, suggesting that this is not expected to be significantly adverse. A 5% impact in itself is considered to be significantly adverse and would equate to a substantial loss of turnover for the Town Centre. However, given the unreliability of the assumptions used by the applicants, it is considered that the previous assessment put forward by GVA on behalf of the NNJPU is more reliable. They estimate that the likely cumulative trade diversion from Northampton Town Centre would be between 9 and 15% of turnover at 2016. In addition to this direct impact, they argue that the scheme would lead to a reduction in investor confidence and retailer demand in existing centres.
- 7.7 Whilst retail impact predictions are inherently imprecise and reliant on the assumptions used by the consultant, it is considered that the GVA assessment is more realistic in this case. Based on the evidence put forward, NBC officers are of the view that the scheme would have a significant adverse impact upon Northampton Town Centre. Where proposals would have a *significant* impact upon in-centre vitality, the NPPF unequivocally states that they should be refused.
- 7.8 Contrary to town centre first policy within the NPPF, the applicants contend that aim of the North Northamptonshire Core Strategy is to retain spending within the local catchment concluding that, *'the benefits of clawback of Rushden spending from Northampton arising from the Lakes proposal should not be considered negatively, and as the applicant's analysis shows, will not be harmful to Northampton town centre'*. As discussed above, it is considered that the proposal would be harmful to Northampton Town Centre. In addition, the North Northamptonshire Core Strategy was developed in the context of a regional planning framework that identifies Northampton Town Centre as the principal urban area. RSS8 specifically identifies Northampton Town Centre as the principal focus for retail growth within the sub-region. Consequently, the development of an out of centre retail scheme of the scale proposed, in this location, would be completely at odds with the intentions of the Development Plan for the area. Therefore, the approach put forward by

the applicant is fundamentally flawed. Rushden is identified as a 'Smaller Service Centre' within the North Northamptonshire Core Spatial Strategy and, as such, it is not envisaged or expected that it would retain a high proportion of retail spend from within its catchment. The policy framework acknowledges that people within this rural area will travel to higher order centres for the full range of shops and services.

- 7.9 Despite the change in national policy resulting from the NPPF, the emphasis on a 'town centre first' approach remains intact. The applicant has made limited reference to the Policies contained within RSS8 and has therefore excluded a key element of the Development Plan for the region. The out of centre development would fail to comply with RSS8 (Policies Milton Keynes and South Midlands Sub-Regional Strategy Northamptonshire 1, 2, 3 and 4). These policies set the development strategy for the region including West Northamptonshire and North Northamptonshire. It is considered that the development of an out of centre scheme of a regional scale would be contrary to the aims of the established development plan for the region. Although the Government has made clear its intentions to revoke Regional Spatial Strategies, RSS8 is still applicable. Should RSS8 be revoked, the NPPF places a duty on Local Planning Authorities to cooperate on planning issues that cross administrative boundaries (paragraphs 178 to 181). The development of a new sub-regional retail facility clearly has significant cross boundary implications would need to be considered in the context of the NPPF.
- 7.10 As set out above, the NPPF retains a 'town centre first' policy and requires applicants of out of centre proposals to consider alternative sites within centres or on the edge of existing centres. Within their updated 'retail response' the applicants have discounted Northampton town centre as a sequentially preferable site on the basis that it is unsuitable in terms of scale (stating that it is too small to accommodate the scale and format of the development proposed); that it would not meet the retail needs of Rushden; that it would not provide the leisure/ ecology benefits put forward by the scheme; and that it would not provide the economic benefits that the proposed development would provide for Rushden/ East Northants.
- 7.11 The submission version of the Northampton Central Area Action Plan identifies that the Grosvenor Centre will accommodate between 32,000 – 37,000 (gross) A1 comparison goods floorspace. On-going discussions with the owners of the Grosvenor Centre (Legal & General) indicate that the redevelopment would have the ability to accommodate a full range of comparison retail units and floorspace. Setting aside the garden centre, the remaining retail units within the scheme could therefore be accommodated within Northampton Town Centre. The NPPF and the Government Practice Guide on Need, Impact and the Sequential

Approach both identify the need for flexibility when applying the sequential approach. There is considered to be no practical reason why the garden centre needs to be associated with the remaining retail units. As discussed above, the development plan framework identifies that the retail needs of Rushden will be served through additions to higher order centres, including Northampton. Therefore, the rationale put forward by the developer that no other sites could meet the need for retail growth within Rushden is not considered to be a valid point. Northampton Town Centre should be considered as a sequentially preferable site and subsequently, the scheme should therefore be refused under the terms of Policy 27 of the NPPF.

8. CONCLUSION

- 8.1 To conclude, the Borough Council has made previous representations about the scheme submitting a **very strong objection** to ENDC. The applicants have since submitted further information seeking to demonstrate that the proposal will primarily serve a local catchment area, that the impact upon other town centres will be minimal and that the scheme is compliant with local and national planning policy. Having assessed the additional information, officers are of the view that the substantive points raised in the previous objections should remain. The proposal represents an out of centre development of a sub-regional scale that would compete directly with Northampton Town Centre. Due to the scale and location, it is expected that the scheme would have a significant adverse impact on Northampton Town Centre. Furthermore, the sequential test undertaken by the applicants has failed to pay proper regard to the development opportunity available within Northampton Town Centre, as set out within the Northampton Central Area Action Plan. A development of this scale, within a 15 minute drive time of the Borough boundary would clearly impact upon investor confidence and make substantial town centre regeneration more difficult to achieve.
- 8.2 The proposal is therefore contrary to the established planning policy framework at national, regional and local level and should be determined in accordance with that framework.
- 8.3 Consequently, it is recommended that Members raise the strongest possible objection to the proposals, based upon the recommendation set out above.

9. LEGAL IMPLICATIONS

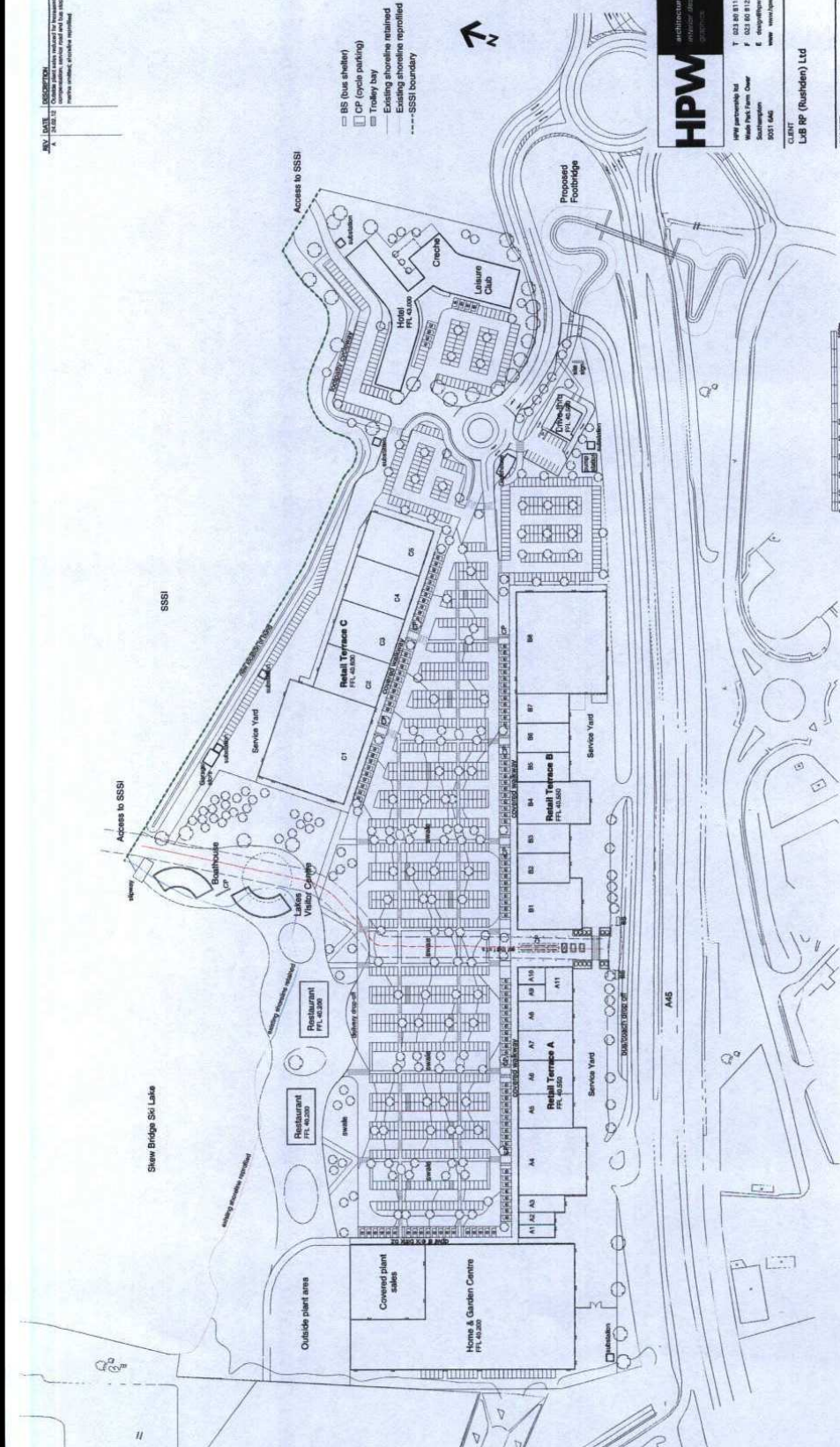
- 9.1 There are no specific legal implications of this consultation response.

10. SUMMARY AND LINKS TO CORPORATE PLAN

10.1 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:	C Preston	11/07/2012
Planning Manager Agreed:	Gareth Jones	12/07/2012

REV | **DATE** | **DESCRIPTION**
 1/1 | 12/12/11 | 01/11/11
 2/1 | 12/12/11 | 02/11/11
 3/1 | 12/12/11 | 03/11/11
 4/1 | 12/12/11 | 04/11/11
 5/1 | 12/12/11 | 05/11/11
 6/1 | 12/12/11 | 06/11/11
 7/1 | 12/12/11 | 07/11/11
 8/1 | 12/12/11 | 08/11/11
 9/1 | 12/12/11 | 09/11/11
 10/1 | 12/12/11 | 10/11/11
 11/1 | 12/12/11 | 11/11/11
 12/1 | 12/12/11 | 12/11/11



- BS (bus shelter)
- CP (cycle parking)
- Truck bay
- Existing shoreline retained
- Existing shoreline replanted
- SSSI boundary



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PROJECT
 Lakeside Lakes
 North Valley

TITLE
Proposed site plan

DRAWING NUMBER	REVISION
2654-50	A
WORKSHEET	STATUS
SCALE & A1: 1:1000	SCALE & A3: 1:2000
DATE	REV DATE
November 2011	REV DATE
DRAWN BY	CHECKED BY
MS	
DRAWING INFORMATION	
This drawing is for general information only and should not be used for any purpose other than that intended without the written consent of the architect. It is the client's responsibility to ensure that all necessary permissions are obtained for any work shown on this drawing. © HPW Partnership Ltd	

AREAS SCHEDULE (GIA)	Terrence A	Terrence B	Terrence C	Garden Centre	Other areas	Parking
Ground Floor A1 1,452 sqft/134 sqm A2 5,000 sqft/463 sqm A3 5,000 sqft/463 sqm A4 5,000 sqft/463 sqm A5 5,000 sqft/463 sqm A6 5,000 sqft/463 sqm A7 5,000 sqft/463 sqm A8 5,000 sqft/463 sqm A9 5,000 sqft/463 sqm A10 1,513 sqft/140 sqm A11 3,071 sqft/285 sqm Total 48,837 sqft/4,546 sqm	Ground Floor B1 5,000 sqft/463 sqm B2 5,000 sqft/463 sqm B3 5,000 sqft/463 sqm B4 5,000 sqft/463 sqm B5 5,000 sqft/463 sqm B6 5,000 sqft/463 sqm B7 5,000 sqft/463 sqm B8 5,000 sqft/463 sqm B9 5,000 sqft/463 sqm B10 5,000 sqft/463 sqm B11 5,000 sqft/463 sqm B12 5,000 sqft/463 sqm B13 5,000 sqft/463 sqm B14 5,000 sqft/463 sqm B15 5,000 sqft/463 sqm B16 5,000 sqft/463 sqm B17 5,000 sqft/463 sqm B18 5,000 sqft/463 sqm B19 5,000 sqft/463 sqm B20 5,000 sqft/463 sqm B21 5,000 sqft/463 sqm B22 5,000 sqft/463 sqm B23 5,000 sqft/463 sqm B24 5,000 sqft/463 sqm B25 5,000 sqft/463 sqm B26 5,000 sqft/463 sqm B27 5,000 sqft/463 sqm B28 5,000 sqft/463 sqm B29 5,000 sqft/463 sqm B30 5,000 sqft/463 sqm B31 5,000 sqft/463 sqm B32 5,000 sqft/463 sqm B33 5,000 sqft/463 sqm B34 5,000 sqft/463 sqm B35 5,000 sqft/463 sqm B36 5,000 sqft/463 sqm B37 5,000 sqft/463 sqm B38 5,000 sqft/463 sqm B39 5,000 sqft/463 sqm B40 5,000 sqft/463 sqm B41 5,000 sqft/463 sqm B42 5,000 sqft/463 sqm B43 5,000 sqft/463 sqm B44 5,000 sqft/463 sqm B45 5,000 sqft/463 sqm B46 5,000 sqft/463 sqm B47 5,000 sqft/463 sqm B48 5,000 sqft/463 sqm B49 5,000 sqft/463 sqm B50 5,000 sqft/463 sqm B51 5,000 sqft/463 sqm B52 5,000 sqft/463 sqm B53 5,000 sqft/463 sqm B54 5,000 sqft/463 sqm B55 5,000 sqft/463 sqm B56 5,000 sqft/463 sqm B57 5,000 sqft/463 sqm B58 5,000 sqft/463 sqm B59 5,000 sqft/463 sqm B60 5,000 sqft/463 sqm B61 5,000 sqft/463 sqm B62 5,000 sqft/463 sqm B63 5,000 sqft/463 sqm B64 5,000 sqft/463 sqm B65 5,000 sqft/463 sqm B66 5,000 sqft/463 sqm B67 5,000 sqft/463 sqm B68 5,000 sqft/463 sqm B69 5,000 sqft/463 sqm B70 5,000 sqft/463 sqm B71 5,000 sqft/463 sqm B72 5,000 sqft/463 sqm B73 5,000 sqft/463 sqm B74 5,000 sqft/463 sqm B75 5,000 sqft/463 sqm B76 5,000 sqft/463 sqm B77 5,000 sqft/463 sqm B78 5,000 sqft/463 sqm B79 5,000 sqft/463 sqm B80 5,000 sqft/463 sqm B81 5,000 sqft/463 sqm B82 5,000 sqft/463 sqm B83 5,000 sqft/463 sqm B84 5,000 sqft/463 sqm B85 5,000 sqft/463 sqm B86 5,000 sqft/463 sqm B87 5,000 sqft/463 sqm B88 5,000 sqft/463 sqm B89 5,000 sqft/463 sqm B90 5,000 sqft/463 sqm B91 5,000 sqft/463 sqm B92 5,000 sqft/463 sqm B93 5,000 sqft/463 sqm B94 5,000 sqft/463 sqm B95 5,000 sqft/463 sqm B96 5,000 sqft/463 sqm B97 5,000 sqft/463 sqm B98 5,000 sqft/463 sqm B99 5,000 sqft/463 sqm B100 5,000 sqft/463 sqm Total Ground Floor 75,000 sqft/6,966 sqm Total Mezzanine 75,000 sqft/6,966 sqm Total 150,000 sqft/13,932 sqm	Ground Floor C1 10,000 sqft/926 sqm C2 10,000 sqft/926 sqm C3 10,000 sqft/926 sqm C4 10,000 sqft/926 sqm C5 10,079 sqft/946 sqm Total Ground Floor 70,079 sqft/6,510 sqm Total Mezzanine 70,079 sqft/6,510 sqm Total 140,158 sqft/13,020 sqm	Home & Garden Centre 74,115 sqft/6,867 sqm 14,271 sqft/1,324 sqm 34,283 sqft/3,188 sqm Outside plants	Restaurant 1 5,000 sqft/463 sqm Restaurant 2 5,000 sqft/463 sqm Motor Cycle 3,115 sqft/288 sqm Bus House 3,115 sqft/288 sqm Drive-thru Coffee Shop 2,000 sqft/185 sqm Bin Management Bldg 500 sqft/46 sqm Washroom 44.6 sqft/4.1 sqm Washroom 1,282 sqft/118 sqm Laundry 15,698 sqft/1,454 sqm Laundry Club	Car parking 120 Cycle parking 120	