



**PLANNING COMMITTEE:** 8<sup>th</sup> March 2011  
**DIRECTORATE:** Planning and Regeneration  
**HEAD OF PLANNING:** Susan Bridge

**APP: N/2010/0653**                      **Extension to existing food store, relocation of two shop units, erection of community building, new bus waiting facility, provision of new pedestrian footpaths, landscape works and revisions to the car parking layout at Tesco Stores Ltd, Clannell Road, Northampton (as amended by plans received by WNDC on 7<sup>th</sup> January 2011).**

**WARD:** East Hunsbury Ward

**APPLICANT:** Tesco Stores Ltd  
**AGENT:** Martin Robeson Planning Practice

**REFERRED BY:** Head of Planning  
**REASON:** Strategic Significance

**DEPARTURE:** YES

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## **APPLICATION FOR CONSULTATION BY WNDC**

### **1. RECOMMENDATION**

1.1 It is recommended that WNDC be advised that:

- Tesco, Clannell Road is not part of a designated centre in an up-to-date development plan for the reasons set out in this report;
- That Tesco Stores Ltd should be requested to submit impact assessments, to an agreed methodology, in accordance with Policies EC10, EC15 and EC16 of PPS4: Planning for Sustainable Economic Growth; and
- If no such assessments are received the application should be refused in accordance with Policy EC17 of PPS.

## 2. THE PROPOSAL

2.1 The application to extend the existing Tesco superstore at Mereway was submitted to WNDG on 16<sup>th</sup> July 2010. The application was accompanied by a range of technical documents, including amongst others:

- Plans
- Traffic Assessment Report
- Planning & Retail Statement
- Landscape Statement
- Flood Risk Assessment
- Daylight & Sunlight Assessment
- Design & Access Statement

2.2 The application was to extend the existing gross internal A1 floorspace on the site from 10,715 sq m to 14,979 sq m, a net additional gross internal floorspace of 4,264 sq m.

2.3 The Applicant was also proposing a net additional gross internal floorspace of 37 sq m for financial and professional services and 214 sq m community centre.

2.4 The revised scheme, submitted in January 2011, proposed to reduce the size of the extension by 20% from 2,720 sq m to 2,161 sq m and revised the split in floorspace between comparison and convenient goods. As a result of the revision only one of the two shop units originally proposed requires relocation.

2.5 The proposal is, therefore, as follows:

Table 1: Net Tradable Floorspace of New Proposal

| <b>Floorspace</b> | <b>Existing Store</b> | <b>July 2010 Proposal</b> | <b>Proposal (January 2011)</b> | <b>Extension to Existing Store</b> |
|-------------------|-----------------------|---------------------------|--------------------------------|------------------------------------|
|                   | m <sup>2</sup>        | m <sup>2</sup>            | m <sup>2</sup>                 | m <sup>2</sup>                     |
| Convenience       | 3,810                 | 4,366                     | 4,424                          | 614                                |
| Comparison        | 1,923                 | 4,087                     | 3,470                          | 1,547                              |
| Total             | 5,733                 | 8,453                     | 7,894                          | 2,161                              |

The split between Convenience goods floorspace and comparison goods floorspace has also been revised.

Table 2: Convenience/Comparison Goods Floorspace split

| <b>Floorspace</b> | <b>Existing Store</b> | <b>July 2010 Proposal</b> | <b>New Proposal (January 2011)</b> |
|-------------------|-----------------------|---------------------------|------------------------------------|
|                   | %                     | %                         | %                                  |
| Convenience       | 66                    | 52                        | 56                                 |
| Comparison        | 34                    | 48                        | 44                                 |
| Total             | 100                   | 100                       | 100                                |

- 2.6 The gross A1 floorspace has been reduced from 4,264 sq m to 2,445 sq m, the financial services from 490 sq m to 494 sq m and the community centre remains at 215 sq m.
- 2.7 In support of the application, the Applicant contends that the application site lies within a designated District Centre and that the size of the store as proposed is consistent with the role and function of Mereway District Centre. This is discussed in detail in Section 4 below.
- 2.8 In a letter dated 16<sup>th</sup> February 2011, the Agent, on behalf of the Applicant, wrote to the Council expressing concern on a number of issues, not least that should WNDC determine the application submitted by Sainsbury at Weedon Road in isolation of the Tesco application this could result in Tesco's proposals not receiving fair and proper consideration. This is notwithstanding the fact that in their submissions in support of the application Tesco has maintained and continues to maintain, that because the application site is within a District Centre, such impact assessments are not necessary or required and even if they were, no harmful cumulative impact would arise. Tesco maintains that where choices need to be made to limit harmful cumulative impact, that opportunities which form part of the established or preferred retail hierarchy are given preference over other sites.
- 2.9 In order not to prejudice the proper consideration of the Tesco proposals, the Applicant's Agent has have requested that the application is considered by this Committee at this meeting on the 8<sup>th</sup> March to enable the Sainsbury and Tesco applications to be considered concurrently by WNDC.

### **3. PURPOSE OF THIS REPORT**

- 3.1 A key consideration in the determination of this application is whether or not there is a designated centre at Mereway is in an up-to-date development plan.
- 3.2 Although WNDC is the determining authority for the purposes of Part III of the 1990 Town & Country Planning Act (as amended) it is not the plan making authority and cannot make planning policy within the meaning of Part II of the Act and accordingly this function falls to

Northampton Borough Council and / or the West Northampton Joint Strategic Planning Committee as applicable.

- 3.3 Applications for town centre uses, (including retail) have to be considered in the context of National Planning Policy, PPS4 – Planning for Sustainable Economic Growth, together with all relevant local policies. *A key consideration is whether or not a proposal lies within a designated centre as defined in an up-to-date development plan.* The evidence required to support an application will vary depending on this.
- 3.4 The purpose of this report is, therefore, to consider, within the context of extant policy, whether or not there is a district centre at Mereway and advise WNDC accordingly. It is not the purpose of this report to consider the application in the round or to consider any other material considerations, as WNDC has indicated that it has instructed consultants to undertake a cumulative impact assessment of all the current retail outside the town centre. It would, therefore, not be appropriate to consider the application per se until this information has been received and evaluated.

## **4. PLANNING CONSIDERATIONS**

### **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 and the saved policies of the Northamptonshire County Structure Plan 2001 and Northampton Local Plan 1997.

- 4.1 The key policy documents relating to the current proposal are:
- PPS4 Planning for Sustainable Economic Growth
  - The Northampton Local Plan 1997
  - The Pre-Submission Joint Core Strategy January 2011.
- 4.2 Policy EC14 of PPS4 sets out the supporting evidence required for planning applications for main town centre uses. In terms of extensions to retail uses that are not in an existing centre and are not in accordance with an up to date development plan Policy EC14.3 requires a sequential assessment (under Policy EC15).
- 4.3 Policy EC14.4 states than an impact assessment (under Policy EC16) is required for applications for retail and leisure developments over 2,500 sq metres gross floorspace, *or any other locally set floorspace threshold* not in an existing centre and not in accordance with an up-to-date development plan. Policy E14.6 provides that an impact

assessment is also required for applications in an existing centre which are not in accordance with the development plan and which would substantially increase the attraction of the centre to an extent that the development could have an impact on other centres.

- 4.4 Policies EC15 and EC16 set out the criteria for sequential assessment and impact assessments respectively.
- 4.5 Policy EC17.1 states that applications for development of main town centre uses that are not in an existing centre and not in accordance with an up-to-date development plan should be refused where the applicant has not demonstrated compliance with the requirements of the sequential approach or there is clear evidence that the proposal is likely to lead to significant adverse impacts taking account of the likely cumulative effect of recent permissions, developments under construction and completed developments.
- 4.6 Annex B of PPS4 defines centres and types of location. A District Centre will usually comprise groups of shops often containing at least one supermarket or superstore and a range of non-retail services such as banks, building societies and restaurants, as well as local public facilities such as a library.

#### Northampton Borough Local Plan 1997

- 4.7 The Local Plan was adopted in June 1997. Policies R1 and R2 make reference to 'recognised shopping areas' and refer to Appendix 15 which sets out a Schedule of Recognised Shopping Centres and which identifies the Town Centre (as defined on the Inset Map) and the District/Local Centres. The Appendix does not specify which of the named 'centres' are District or Local Centres and indeed many are no more than small parades of shops that would not fall within the PPS4 definitions of District or Local Centres. Mereway is included as a recognised shopping centre. Appendix 15 does not establish a hierarchy of centres.
- 4.8 In 2007, the Council applied to the Secretary of State to save a number of policies in the Local Plan beyond September 2007, the end date of the Plan. Policies R1 and R2 were not saved, nor was the accompanying text and, therefore, the status of Appendix 15 is questionable. Policy R12 which relates to the extension of shops and other premises in District and Local Centres also has not been saved although Policy R9 which protects the retail functions of District and Local Centres has been saved.
- 4.9 In considering whether or not to save policies in a Local Plan beyond September 2007, LPA's had to have regard to whether or not the policies reflect the principles of local development frameworks and are consistent with current national policy (PPS12). The retail policies in the Local Plan were not saved because they were inconsistent with

national guidance at that time as contained within the then PPS6: Planning for Town Centres, subsequently replaced by PPS4 in 2009.

- 4.10 The issue is, therefore, what weight should be attached to the Local Plan in considering the proposal. It is clear that the relevant saved policies and their reasoned justification are no longer part of the development plan. However, to the extent that they may be relevant to the issues arising in the determination of a planning application, they are capable of being material considerations, although the weight to be accorded to them will reflect the decision not to save them. Other material considerations such as up-to-date evidence and the policies contained in the emerging development plan will also affect the weight that can or should be attached to unsaved policies.

#### The Pre-Submission Joint Core Strategy – January 2011

- 4.11 The Pre-Submission Joint Core Strategy was approved for publication by the WNJSPC on 31<sup>st</sup> January 2011. It has been in the public domain since 17<sup>th</sup> January and was formally published for the statutory 6 week period for representations on 17<sup>th</sup> February. The purpose of the pre-submission document is to allow the public and other stakeholders to make comments on the plan prior to submission to the Secretary of State for approval and subsequent adoption. Representations on the plan at this stage of the plan making process must be made on the grounds of soundness or legal compliance.
- 4.12 PPS4 requires LPA's to define a network and hierarchy of centres that are resilient to anticipated future economic changes and that meet the needs of their catchment population. The scale of retail, leisure and office development must be appropriate to the role and function of the centre and the catchment it serves.
- 4.13 Policy S2 establishes the network and hierarchy of centres. Northampton is established as the Regional Town Centre and within the Borough. The Plan also identifies Weston Favell and Kingsthorpe as district centres together with 4 named local centres and new local centres to be brought forward to serve the new developments in the proposed sustainable urban extensions. There is no identified centre that includes or adjoins Tesco Mereway within Policy S2.
- 4.14 Policy S9 sets the distribution of retail development and applies an impact assessment for retail development. The plan establishes that Northampton has suffered from a de-centralisation of retail and other town centre uses which has, over time, adversely affected the vitality and viability of the town centre. This is supported by the evidence base. Accordingly Policy S9 establishes that retail floorspace will be accommodated firstly within town centres and subject to specified criteria, where there is an identified need which cannot be accommodated within the town centre, proposals will be subject to the sequential approach. Proposals for development over 1,000 sq metres

gross will have to be subject to an impact assessment in order to demonstrate that they do not have an adverse impact on the town centre. This is critical to rebalance the retail position in Northampton. This policy is supported by the evidence base.

- 4.15 Policy N10 identifies that whilst Northampton town centre should be the focus for comparison goods retailing, there is also a need to ensure that local convenience retail provision is addressed within the wider urban area. Policy N10 states that no further comparison goods floorspace is required outside Northampton town centre other than at an appropriate scale to support the vitality and viability of local centres.
- 4.16 It is also worth noting that the Emergent Joint Core Strategy published for consultation in 2009 did not identify a district centre at Mereway.
- 4.17 The issue is, therefore, what weight can be attached to the Pre-Submission Joint Core Strategy. Whilst the Pre-Submission WNJCS does not have the status of a development plan, weight can be attached to it. Considerable weight can also be given to the supporting evidence base which identifies Tesco, Mereway as a stand alone out of centre foodstore.

## **5. CONCLUSION**

- 5.1 The development plan currently comprises the East Midlands Regional Plan and the saved policies of the Northamptonshire Structure Plan and Northampton Local Plan (NLP).
- 5.2 The NLP was adopted in June 1997 and the majority of the relevant retail policies and supporting text were not saved in September 2007. The status of Appendix 15 listing 'recognised shopping centres' is questionable in the light of this. In any event Appendix 15 does not constitute a network and hierarchy of centres as required by Policy EC3 of PPS4.
- 5.3 It is considered that although some weight can be attached to the unsaved policies and supporting text in the NLP, this weight is not great and is outweighed by the emerging development plan in the form of the Pre-Submission West Northamptonshire Joint Core Strategy published for consultation on 17<sup>th</sup> February 2011. This plan does not identify a District Centre at Mereway. In the accompanying evidence base Tesco at Mereway is identified as a stand alone out-of-centre foodstore.
- 5.4 It is, therefore, considered that Mereway does not constitute a designated centre in an up-to-date development plan and that the application should be considered in accordance with Policies EC10, EC15, EC16 and EC17 of PPS4 with weight being given to the West

Northampton Pre-Submission Joint Core Strategy Policies S2, S9 and N10.

## **6. BACKGROUND PAPERS**

- 6.1 As contained in the application file.  
The West Northamptonshire Retail Study Update February 2011  
The West Northamptonshire Pre-submission Joint Core Strategy February 2011. *The Pre-submission JCS and the supporting evidence base is available on the West Northamptonshire Joint Planning Unit's web site.*

## **7. LEGAL IMPLICATIONS**

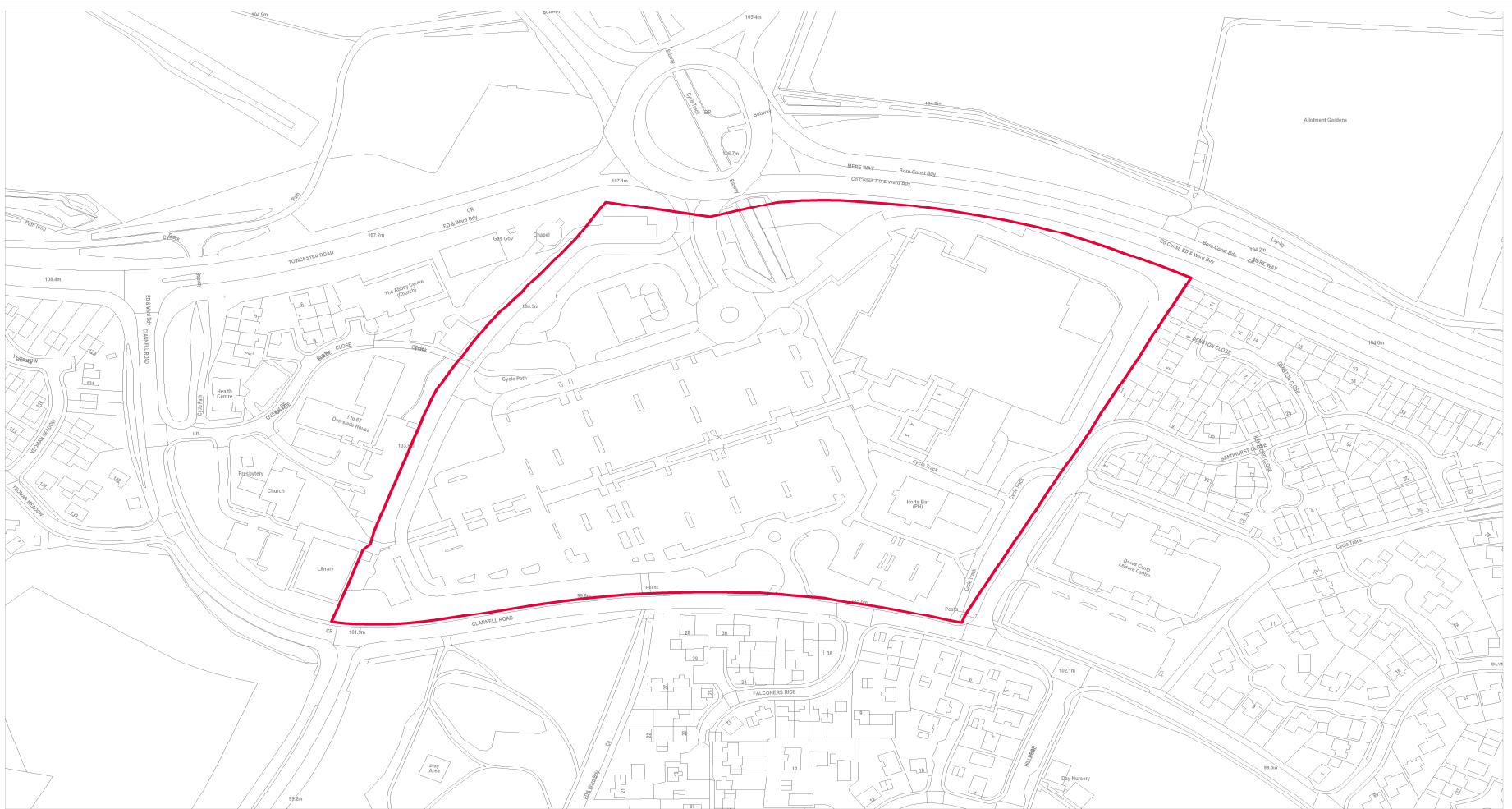
- 7.1 None identified.

## **8. SUMMARY AND LINKS TO CORPORATE PLAN**

- 8.1 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, in particular CPO3 A Confident Ambitious and Successful Northampton.

| <b>Position:</b>                           | <b>Name/Signature:</b> | <b>Date:</b> |
|--|------------------------|--------------|
| <b>Author: Head of Planning</b>            | S Bridge               | 24.02 2011   |
| <b>Development Control Manager Agreed:</b> | G Jones                | 28.02.2011   |





Name: SW  
 Date: 24th February 2011  
 Scale: 1:2500  
 Dept: Planning  
 Project: Site Location Plan

**Title**  
**Tesco, East Hunsbury**

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