



NORTHAMPTON
BOROUGH COUNCIL
Planning Committee

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

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

WARD: East Hunsbury

APPLICANT: Tesco Stores Ltd
AGENT: Martin Robeson Planning Practice

REFERRED BY: Head of Planning

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

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1 INTRODUCTION

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

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

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

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

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

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

2 RECOMMENDATION

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

3. THE PROPOSAL AS NOW REVISED.

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

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

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

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

- h) The signalised junction on Clannell Road has been moved westwards away from Falconer's Rise homes and gardens. It has not been possible to move the junction any further westwards given the kink in Clannell Road adjacent to the Library, the implications to the layout of Tesco's car park and landscaping and implications for pedestrian safety when crossing Clannell Road from the south. Tesco have been in further discussion with Northampton CC as Highway Authority regarding these revisions and NCC have insisted that the new junction is signalised to ensure the scheme is future proof.
- i) Raised tables will be provided along the north/south internal road within Tesco's car park to help to address rat running and improve pedestrian priority within the car park.
- j) Attendant changes to the internal layout of the car park have increased the number of public car bays from 894 spaces to 907 spaces, (including an unchanged 36 Disabled spaces and 32 Parent and child spaces).
- 3.3 In relation to point (f) above, members of the Committee may recall that certain members of the public felt that new yellow lines within Sandhurst Close might effectively lead motorists to park further into Sandhurst Road or on other local roads. In relation to the previously proposed TRO which would control on-street parking on the lower section of Sandhurst Close, the applicants have commented as follows:

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

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

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

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

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

4 SITE DESCRIPTION

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

5 PLANNING HISTORY

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

6 PLANNING POLICY

6.1 Development Plan

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

6.2 National Policies:

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

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

6.3 East Midlands Regional Plan

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

6.4 Northampton Borough Local Plan (NLP)

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

6.5 Supplementary Planning Guidance

Northamptonshire County Parking Standards SPG 2003

6.6 Emerging Planning Policies

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

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

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

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

7. CONSULTATIONS / REPRESENTATIONS

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

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

TO FOLLOW IN ADDENDUM.

8. POLICY CONSIDERATIONS

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

9. CONCLUSION

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

10. CONDITIONS

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

11. BACKGROUND PAPERS

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

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

13. LEGAL IMPLICATIONS

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

14. SUMMARY AND LINKS TO CORPORATE PLAN

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

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



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

Title

Tesco Store, Clannell Road

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APPENDIX



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

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

WARD: East Hunsbury

APPLICANT: Tesco Stores Ltd
AGENT: Martin Robeson Planning Practice

REFERRED BY: Head of Planning

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

DEPARTURE: No

APPLICATION FOR DETERMINATION BY:

1 INTRODUCTION

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

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

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

- 1.4 These two matters were the subject of an extensive discussion on the 23rd of September that was attended by Borough and County Council officers, the applicant's highway design consultants, the Chairman and Clerk to the Parish Council and, Borough and County Councillor Larratt. Following that discussion the applicants have written to the Parish Council and it is understood that the text of that letter will be the subject of a special meeting of the Parish Council's Planning Committee – to which concerned residents of Falconers Rise and Sandhurst Close will be invited. The Parish Council's views following that public meeting of their Planning Committee will be reported in an addendum to this report.
- 1.5 A copy of the letter from the applicant's representative to the Parish Council was evidently sent to members of this Planning Committee on the 29th of September.

2 RECOMMENDATION

- 2.1 **GRANT PLANNING PERMISSION** for the reason set out below, subject to the conditions recommended below and, with an informative note regarding the applicant's duties under the Wildlife and Countryside Act; subject to prior completion of planning obligations on terms acceptable to the Council's Head of Planning and the Borough Solicitor within three calendar months of the resolution to so grant conditional planning permission. In brief, the relevant planning obligations should address:
- a) Notwithstanding the proposed internal floor uses indicated on submitted drawings; the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) and the Town and Country Planning (Use Classes) Order 1987 (as amended) or, any future enactments to similar effect, the net retail sales area within the proposed major store as proposed to be enlarged shall at no time exceed 7,894 sq metres. In addition, the net retail sales area used for the display and sale of all goods other than "convenience goods" shall at no time exceed 3,470 sq metres.
 - b) Prior to the new element of the enlarged building being brought into use, an agreed payment for the enhancement of cycle routes which link the Tesco Mereway store to other destinations within 1.7 kilometres of the application site. And,

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

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

For the reason that:

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

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

3. THE PROPOSAL

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

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

Table 1: Net Tradable Floor space of the New Proposal

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

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

Table 2: Convenience/Comparison Goods Floor space split

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

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

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

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

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

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

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

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

4 SITE DESCRIPTION

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

5 PLANNING HISTORY

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

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

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

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

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

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

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

6 PLANNING POLICY

6.1 Development Plan

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

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

6.2 National Policies:

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

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

6.3 East Midlands Regional Plan

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

6.4 Northampton Borough Local Plan (NLP)

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

6.5 Supplementary Planning Guidance

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

6.6 Emerging Planning Policies

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

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

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

7. CONSULTATIONS / REPRESENTATIONS

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

The Current Planning Application to Northampton Borough Council.

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

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

- 7.5 An e-mail response states – “In favour – looks a little tired now – access needs to be improved, particularly at rush hours”.
- 7.6 An e-mail response – “we wholeheartedly support ...”
- 7.7 A further e-mail response – “Fully support the project in terms of local employment”.
- 7.8 Two letters of support (which in fair summary):
- Support proposals as extension will improve an already excellent local store
 - Our adjacent shop ‘unit’ is to be relocated as part of the works and our hairdressers has traded here for 13 years and employs 17 staff.
 - The centre is always busy and, as Tesco is not involved in hairdressing, they have encouraged our operation.
 - This will support jobs and help the community.
- 7.9 A letter dated 1st May from a resident of Sandhurst Close. In fair summary:
- Detract business from the town centre
 - Increased traffic on the congested ring road
 - Increased lorries containing non-food items on the local transport network
 - Increased traffic and speeding on Clannell Road which already serves the Leisure Centre, Park, Library, Abbey Centre, Church and Primary School.
 - Service road entrance on already congested Sandhurst close.
 - Another not needed Community Building. Residents do not want another community centre. *(As featured in the former application to WNDC but not in the current application to NBC)*
 - Tesco monopolising Northampton.

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

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

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

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

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

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

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

7.13 **Highways Agency** – No objections.

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

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

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

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

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

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

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

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

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

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

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

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

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

7.31 A letter to WNDC dated 10th August 2010 making the following points:

- Revised entrance from Clannell Road will make it more difficult to exit Falconer's Rise.
- Pedestrians have difficulty crossing Clannell Road. *(Note that the traffic lights now proposed will include a pedestrian phase).*
- Traffic lights will be opposite respondent's garden. Will traffic lights intrude into garden?
- Queuing vehicles will cause pollution.

7.32 An e-mail to WNDC dated 13th January 2011 objecting to the proposed new entrance from Sandhurst Close, due to traffic hazard to pedestrians and children in particular. Would also de-value the Mere Park estate.

7.33 An e-mail to WNDC dated 3rd September 2010 stating:

- Objecting to the new vehicular entrance from Sandhurst Close for Tesco.com delivery vehicles.
- The A45 Mereway roundabout is already at capacity. Suggests that the strategy is then to divert vehicles via local roads.
- Traffic light junction to the Clannell Road entrance is to accommodate this excess growth. No consideration has been given to the rat running which presently takes place along Penvale Road to avoid peak hour congestion at Mereway roundabout.
- Will harm town centre regeneration.
- Inadequate on-site parking will cause on-street parking in adjacent residential streets.
- The Highways Agency have only commented on the Travel Plan and not the Transport Assessment.

7.34 A further e-mail to WNDC dated 14th November 2010 stating:

- "As a resident with a family, Tesco is very overpowering in this local area and has in my eyes out grown the Clannell Road site".

7.35 A further e-mail to WNDC dated 17th August 2010 stating:

- Concerned about detrimental retail impact upon Northampton town centre.

7.36 A letter to WNDC dated 9th August 2010 making the following points:

- Revised entrance will effect the value of adjacent property in Falconers Rise
- Will make exiting from Falconers Rise more difficult

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

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

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

8. POLICY CONSIDERATIONS

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

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

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

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

then edge-of-centre, followed finally by out-of centre locations (EC5.2). In assessing the impact of proposed locations for development on existing centres LPAs should ensure that proposed sites *in a centre*, which would substantially increase the attraction of that centre and could have an impact on other centres, are assessed for their impact on those other centres (EC5.4 b).

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

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

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

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

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

Northampton Borough Local Plan 1997

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

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

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

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

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

The Pre-Submission Joint Core Strategy – January 2011

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

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

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

9 ANALYSIS

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

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

The role and function of Mereway

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

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

Retail Capacity

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

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

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

Retail Assessment

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

Impact upon Convenience Sales:

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

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

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

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

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

Impact upon Comparison Sales

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

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

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

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

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

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

Sustainability

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

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

Highway and Transportation Issues.

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

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

Residential Amenity

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

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

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

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

Exterior Design, Landscaping and the Public Realm

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

10. CONCLUSION

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

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

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

11. CONDITIONS

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

Pre-commencement conditions:

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

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

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

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

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

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

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

Conditions Regarding the Development in Use:

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

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

12. BACKGROUND PAPERS

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



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

Title

Tesco Store, Clannell Road

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