



PLANNING COMMITTEE: 1st May 2012
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Susan Bridge

N/2012/0122: Full application for home and garden centre, retail units, drive through restaurant, hotel, crèche and leisure club together with Lakeside Visitor Centre, restaurants, boat house, marina and lock and associated works.

WARD: Situated within East Northamptonshire District

APPLICANT: LXB RP (Rushden) Ltd.
AGENT: JR Consulting

REFERRED BY: Head of Planning

REASON: The proposal relates to retail and leisure development within the neighbouring authority of East Northamptonshire. It is considered that the scale of development proposed would have significant implications for Northampton Town Centre and members views are sought on the nature of the consultation response.

CONSULTATION BY EAST NORTHAMPTONSHIRE DISTRICT COUNCIL:

1 INTRODUCTION

- 1.1 This report relates to an application submitted to East Northamptonshire District Council (ENDC) for a substantial out of centre retail and leisure development at the Rushden Lakes site, approximately 8 miles to the east of NBC's administrative boundary. NBC were consulted as a neighbouring authority on 29th March and the Head of Planning has since submitted a holding objection to ENDC due to concerns over the scale

and impact of the proposals, particularly in relation to Northampton town centre.

- 1.2 The purpose of this report is to brief members on the content of the application and its likely impact upon Northampton and to seek their views on the formal response of NBC to the proposals. This report is brought to the 1st May Committee because it is understood that ENDC may take a report for determination to their Planning Committee later in May.

2 RECOMMENDATION

- 2.1 That Northampton Borough Council **strongly objects** to the application for the following reasons:

- The Retail Assessment submitted with the scheme fails to pay adequate regard to the impact of the development upon Northampton Town Centre or Weston Favell District Centre. The application site is within 13km (8 miles) of the eastern edge of Northampton and the catchment of a development of this nature and scale would clearly cover Northampton and the residential areas served by its town centre. The Retail Assessment currently submitted makes an unrealistic assumption regarding the catchment of the proposal and thus, fails to pay adequate regard to the requirements of the National Planning Policy Framework in terms of the retail impact and the sequential approach (paras 24- 27);
- Northampton is within the catchment of the proposals and its town centre should therefore be considered in the assessment of sequentially preferable sites. NBC, along with its partners, is currently in detailed discussions with Legal and General (the key landowner) relating to a major town centre redevelopment incorporating a substantial increase in retail floorspace at the Grosvenor Centre, along with other key interventions within the Town Centre as a whole. Northampton is identified as the Principal Urban Area within the East Midlands Regional Plan/ Milton Keynes South Midlands Sub-Regional Strategy and, therefore, is a sequentially preferable site. The Development Plan, including the emerging Northampton Central Area Action Plan, provides the basis for the proposed expansion and regeneration of the Town Centre. The applicant has failed to take account of the Development Plan hierarchy, or the opportunities provided for expansion within Northampton Town Centre. Therefore, an inadequate sequential assessment has been undertaken and the application should be refused as required by the NPPF (para. 27);
- In addition, a full assessment of the retail impact of the scheme on Northampton Town Centre and Weston Favell Centre (a designated

centre in the saved Northampton Local Plan and a proposed District Centre in the emerging West Northamptonshire Core Strategy) should be provided, including an assessment of the cumulative impact of the proposals alongside other approvals/ commitments. In the absence of this information, the proposal fails to comply with the NPPF (paras 26 & 27); and

- An independent retail assessment of the impact of the Rushden Lakes proposal, conducted on behalf of the North Northamptonshire Joint Planning Unit (NNJPU) by GVA Grimley Ltd, identifies that the proposal will have a significant negative impact upon Northampton Town Centre resulting in a cumulative trade diversion of between 9 and 15% of turnover at 2016. Therefore, it is considered that the proposal will have a *significant* detrimental impact upon the vitality and viability of the Town Centre and make planned investments within the centre significantly more difficult to achieve. Where significant retail impact on existing centres is anticipated the NPPF directs that applications should be refused (para. 27).
- The proposal is considered to be an unsustainable form of development by virtue of its location to the major highway network and poor accessibility in relation to non-car based modes of travel. The nature of the proposal and the likely catchment area is such that the scheme would result in a significant increase in the level of vehicular traffic movements, contrary to the aims of paragraph 34 of the NPPF.

3 THE PROPOSAL

- 3.1 The proposal is for a mixed retail and leisure development, comprising 31,506m² gross retail floorspace in addition to restaurant, hotel, leisure uses and a marina, with associated ancillary works. The applicants have sought full planning permission for the retail elements, restaurants and lakeside visitor centre and outline consent for the hotel, leisure club and marina (a hybrid application). The site would be configured around three large terraces, with separate restaurant and visitor centre facing onto the lakeside. Of the total retail floorspace, just under 5,000m² (net sales area) would be occupied by a garden centre.
- 3.2 No named retailers/ anchor tenants have been put forward within the application documents. The application does suggest that the terraces would comprise home and garden/ lifestyle retail units and clothing retailers. In reality, the proposal is for general A1 use and (aside from the garden centre) it would be difficult to restrict the type of unit by planning condition. The independent report prepared on behalf of the NNJPU suggests that the likely occupier for this type of development would be mainstream national multiple retailers.

- 3.3 Members should also note that the application site is located within close proximity of existing retail development on the opposite side of the main access road. Therefore, the proposal would add to the attractiveness of an existing out of centre offer in this location.

4 SITE DESCRIPTION

- 4.1 The application site extends to roughly 30 hectares and is bound by the River Nene on its northern boundary and the A45 to the south. Beyond the A45, immediately to the south, is an area of mixed commercial, industrial and retail development, including a large supermarket operated by Waitrose. The town centre of Rushden is just over a kilometre to the south, Higham Ferrers is a kilometre to the east and Irthlingborough a kilometre to the north. In a wider context, Wellingborough Town Centre is approximately 4km to the west and the eastern extent of Northampton Borough Council's administrative area is 12km (8miles) to the west, with direct access along the A45. The Town Centre is 20km (12 miles) from the application site.
- 4.2 The site itself is made up of two main elements, the Skew Bridge Ski Lake and Delta Lake (which would be retained and enhanced) and an area of brownfield land to the south of the lakes which was formed by gravel working. Part of this brownfield land was previously used as a leisure facility incorporating a dry ski-slope, 'country club' with squash courts and boat houses in association with the water-skiing facility on the lake.
- 4.3 In its present state, the area is somewhat overgrown, with reported evidence of unauthorised off-road motorbike activity, specifically quad bikes and trial bikes.

5 OTHER CONSULTATION RESPONSES

- 5.1 The West Northamptonshire Development Corporation (WNDC) have responded to the application and objected to the scheme. The following is a summary of the key points of their objection:
- Point to the conclusions of the report prepared by GVA Grimley on behalf of the North Northamptonshire Joint Planning Unit which stresses the likely impact upon Northampton and other town centres within the sub-region
 - Notes that the development would have a detrimental impact upon planned investment in Northampton town centre
 - Comment that the development is unsustainable and contrary to policies 27 and 197 of the NPPF (retail impact/ sequential test and presumption in favour of sustainable development)

- Notes that the development does not comply with the development plan
- Urges the Council to refuse the application without delay.

6 PLANNING POLICY

6.1 Development Plan

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

6.2 National Policies:

National Planning Policy Framework (NPPF). The NPPF replaced the previous suite of Planning Policy Statements/ Guidance Notes on 27th March 2012. Insofar as the application impacts upon Northampton, the key elements of the NPPF are those relating to retail and the vitality of town centres at paragraphs 23-27.

6.3 East Midlands Regional Plan

Policy 22 - Regional Priorities for Town Centres & Retail Development
 Policy MKSM SRS Northamptonshire 1 -
 Policy MKSM SRS Northamptonshire 2 – Northampton Implementation Area
 Policy MKSM SRS Northamptonshire 3 - Northampton Central Area

6.4 Northampton Central Area Action Plan (Submission Draft)

The CAAP sets the Local Policy context for the regeneration of Northampton Town Centre and will be submitted to the Secretary of State in May 2012.

6.5 West Northamptonshire Joint Core Strategy (Pre-Submission Draft)

In line with the Regional Plan, the Pre-submission version of the WNJCS identifies Northampton as the Principal Urban Area of the sub-region and sets the context for redevelopment and regeneration of Northampton Town Centre. Policy S2 seeks to focus 'town centre' developments within the town centre and Policy S9 identifies that the town centre will be the focus for new retail development. The WNJCS, in addition to the adopted North Northamptonshire Core Spatial Strategy set the framework and hierarchy of centres for the sub-region.

7 APPRAISAL

- 7.1 The proposal at Rushden Lakes has been submitted in the context of a national and regional planning policy framework that sets a hierarchy of centres within the Northamptonshire sub-region and provides a basis for protecting and enhancing the vitality of those centres. Despite the change in national policy resulting from the NPPF, the emphasis on a 'town centre first' approach remains intact. Applicants are still required to conduct a sequential search and out of centre proposals should only be preferred where there are no suitable and available in-centre or edge of centre sites. Paragraph 27 of the NPPF is clear in its intentions:

Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors [relating to retail impact], it should be refused.

- 7.2 The East Midlands Regional Plan/ Milton Keynes and South Midlands (MKSM) Sub-Regional Strategy sets out the hierarchy of settlements and clearly identifies Northampton as the Principal Urban Area for the region (MKSM SRS Policies 1,2 and 3). The Strategy clearly sets out the need for significant expansion and regeneration of Northampton Town Centre and provides a policy basis for the regeneration of Northampton Town Centre, including substantial redevelopment of the Grosvenor Centre. The emphasis on Northampton as the Principal Urban Area for the sub-region is taken forward through the West Northamptonshire Joint Core Strategy (Pre-submission version) and the Northampton Central Area Action Plan (submission to the Secretary of State in May 2012). Given the advanced stage of the CAAP, significant weight should be afforded to its policies. Although the Government has made clear its intention to revoke regional strategies at the current time, the RSS is still applicable and forms part of the Development Plan. The rationale for the hierarchy of settlements outlined within the North Northamptonshire and West Northamptonshire Core Strategies will remain in any event. The applicant's retail assessment does not properly refer to the established policy framework, or to the hierarchy of settlements within the region.
- 7.3 Given the nature of the proposals, their proximity to Northampton and the quality of the road network, it is clear that the zone of influence would extend into the catchment of, and compete for trade with, the Town Centre. Put simply, when assessing alternative, sequentially preferable, sites the applicants should have examined Northampton, as required at the time by PPS4 and now by the NPPF. The failure to do so should amount to a reason for refusal of the application by virtue of paragraph 27 of the NPPF. Within their retail assessment, the applicants justify the lack of analysis of alternative sites on the basis that the development is serving a defined local need in Rushden and therefore that they only need review

alternative sites within that area. In effect, they contend that the development would serve a local catchment and enable the area to retain spending which leaks to other areas.

- 7.4 It is considered that the rationale for this approach is fundamentally flawed. Rushden is identified as a 'Smaller Service Centre' within the North Northamptonshire Core Spatial Strategy and, as such, it is not envisaged or expected that it would retain a high proportion of retail spend from within its catchment. The policy framework acknowledges that people within this rural area will travel to higher order centres for the full range of shops and services.
- 7.5 In addition, a rational assessment based on the scale of proposals put forward would conclude that the impact and catchment of the development will spread much wider than the local area. By way of comparison, the proposals (26,747 sqm net) are larger than the existing comparison goods sales floorspace of Wellingborough (19,468 sqm net), Kettering (23,368 sqm net) and Corby (17,648 sqm net) town centres. In their assessment for the NNJPU, GVA Grimley Ltd. concluded that the proposals are of a sub-regional scale 'with potential to function as a higher order centre'. They suggest that the development is likely to attract customers within a 30 minute drive time, enhanced by its proximity to the major road network. The proximity to the road network is, in itself, a strong indication that this proposal is not intended to meet a purely locally identified need.
- 7.6 In view of the above, the proposal would compete for trade with, and draw trade away from, Northampton Town Centre and Weston Favell Centre. A detailed analysis of the likely retail impact on these centres, including a cumulative assessment with other commitments, has not been carried out. Again, this is contrary to guidance within the NPPF. The GVA Grimley report provides an independent assessment of the likely retail impact on existing centres within North Northamptonshire and Northampton Town Centre. They estimate that the likely cumulative trade diversion from Northampton Town Centre would be between 9 and 15% of turnover at 2016. In addition to this direct impact, they argue that the scheme would lead to a reduction in investor confidence and retailer demand in existing centres. Where proposals would have a *significant* impact upon in-centre vitality, the NPPF unequivocally indicates that they should be refused. Based upon the independent retail analysis prepared by GVA Grimley, it is considered that the impact upon Northampton Town Centre would be significant.
- 7.7 In terms of cumulative impact, members should note that the retail studies conducted by the applicants and GVA Grimleys have only examined existing retail commitments from within the North Northamptonshire study area. Schemes within Northampton, such as the extension to Tesco at

Mereway and Sainsbury's at Sixfields will not have been taken into account. Clearly all of these commitments would add to the cumulative impact of the Rushden Lakes proposal should it be permitted.

- 7.8 In addition to retail impact, the scale and likely catchment of the proposals lead to concerns over sustainability relating to the increase in car borne travel to and from the development. Paragraph 34 of the NPPF seeks to ensure that developments generating significant movement are located where the 'need to travel will be minimised and use of sustainable transport modes can be maximised'. The location and nature of the scheme is completely at odds with these aims. The site has been selected based upon its proximity to the major highway network and it is poorly served by other modes of travel. The independent study conducted by GVA Grimley Ltd suggests that a development of this scale would draw customers from a 30 minute drive time radius. This is likely to result in travel to the site from multiple directions across the sub-region, none of which are well served by public transport. Therefore, in addition to retail impact considerations, it is suggested that the location of the site makes it unsuitable for a development of the scale proposed. The sequentially preferable and policy compliant location for development of this scale – Northampton Town Centre – is, on the contrary, well served by a range of transport modes, in line with its status as the Principal Urban Area for the sub-region.
- 7.8 Finally, it should be noted that the holding objection submitted by the Council's Head of Planning (on 27th March) raised objections on the basis of the points raised above and requested that a full assessment of retail impact and a sequential analysis was carried out, taking into account Northampton. At the time of writing, no such assessment has been made.

8. CONCLUSION

- 8.1 To conclude, the proposals represent a substantial out of centre development of a sub-regional scale. They are well connected to the major road network within 8 miles of the eastern edge of the Borough Council's administrative area. It is clear that the development would have a significant impact upon Northampton Town Centre, in addition to other existing centres within the sub-region.
- 8.2 The proposal is contrary to the established planning policy framework at national, regional and local level and should be determined in accordance with that framework. Furthermore, there are significant concerns relating to the sustainability of the location and reliance upon the private car.

8.3 Consequently, it is recommended that members raise the strongest possible objection to the proposals, based upon the recommendation set out above.

9. LEGAL IMPLICATIONS

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

10. SUMMARY AND LINKS TO CORPORATE PLAN

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

Position:	Name/Signature:	Date:
Author:	C Preston	19/04/12
Planning Manager Agreed:	Gareth Jones	20/04/12

AS AMENDED

