



NORTHAMPTON
BOROUGH COUNCIL
Planning Committee

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

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

WARD: Semilong

APPLICANT: Royal Mail Estates Limited
AGENT: GL Hearn

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

DEPARTURE: Yes

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 APPROVAL IN PRINCIPLE, subject to:

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

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

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

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

2. THE PROPOSAL

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

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

Internal Arrangements

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

External Alterations

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

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

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

Off-Site Highway and Public Realm Works

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

3. SITE DESCRIPTION

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

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

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

4. PLANNING HISTORY

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

Approved subject to conditions 28/11/73.

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

5. PLANNING POLICY

5.1 Development Plan

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

5.2 National Policies:

The National Planning Policy Framework (NPPF)

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

5.3 Northampton Borough Local Plan

E20 – New Development (Design)

E26 – Conservation Areas

E19 – Implementing Development

B14 – Development for Non Business Use in Business Areas

T12 – Development Requiring Servicing

5.4 Northampton Central Area Action Plan (CAAP)

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

Policy 1 – Promoting design excellence

Policy 3 – Public realm

Policy 4 – Green infrastructure

Policy 5 – Flood Risk and drainage

Policy 6 – Inner Ring Road

Policy 9 – Pedestrian and cycling movement framework

Policy 10 – Parking

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

6. CONSULTATIONS / REPRESENTATIONS

Consultation Responses

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

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

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

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

6.12 **Environmental Health Officer (NBC):** Raised concerns relating to noise and air quality. Further information was submitted in relation to these issues. In terms of Air Quality, the EHO has responded as follows with the following points:

- Reasonably happy with the predictions on air quality. The Barrack Road Air Quality Management Area is due to be revoked on the basis of recent evaluation. There will be some impact upon the Harborough Road and Campbell Square AQMA's and a payment of £3,500 is sought towards the development of an air quality management plan.
- Is considering further information in respect of noise, particularly delivery noise and details of the proposed acoustic barrier adjacent to the access ramp and loading area. Further comments will be reported to committee.

Representations / Responses

6.13 Individual letters of consultation were sent out to over 400 local addresses, site notices were posted in the vicinity of the site and a press notice was issued. In response, objections have been received from 12 local residents, with letters of support from 2 local residents. Comments have also been received from 2 local councillors and community groups including the Bangladeshi Association, the Semilong Community Forum, The Barrack Road Conservation Group and Alliston Gardens Youth and Community Centre. In addition, comments have been received from the Head of Castle Primary School and planning consultants Drivers Jonas, on behalf of Legal & General.

6.14 **Objections from local residents:** The key points of objection raised were as follows:

- Increased traffic and congestion
- Concern that the traffic congestion on Barrack Road will lead to further rat running through Semilong as a cut through to St. Andrew's Road
- Concern that there is only one access to and from the site – this used to cause problems when Royal Mail used the building.
- 24 hour opening is completely unsuitable for this area
- Other less intrusive/ intensive uses should be considered and the site would be suitable for secure computer back up facilities
- It would have a negative impact upon local shops and the market and town centre
- There are sufficient supermarkets already existing to serve the needs of the area

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

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

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

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

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

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

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

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

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

7. APPRAISAL

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

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

PLANNING POLICY CONSIDERATIONS

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

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

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

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

RETAIL IMPACT

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

covering the following:

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

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

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

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

Sequential Site Assessment

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

available to address this short term need.

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

Impact upon the Vitality and Viability of Existing Centres

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

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

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

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

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

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

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

Cumulative Impact

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

REGENERATION BENEFITS

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

refurbishment and enhancement of the site itself.

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

TRAFFIC AND HIGHWAY IMPACTS

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

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

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

IMPACT UPON RESIDENTIAL AMENITY

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

Noise Impact

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

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

Overlooking / Loss of Privacy

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

Impact upon Castle Primary School

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

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

IMPACT ON ADJACENT LISTED BUILDINGS & CONSERVATION AREAS

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

OTHER MATTERS

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

SECTION 106 HEADS OF TERMS

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

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

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

8. CONCLUSION

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

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

9. CONDITIONS

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

2009).

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

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

- (3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) and the Town and Country Planning (Use Classes) Order 1987 (as amended) or, any future enactments to similar effect, there shall be no further subdivision of the retail units hereby permitted, over and above any areas shown on the approved drawings.

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

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

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

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

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

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

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

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

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

- (7) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a detailed scheme of hard and soft landscaping for the site. The scheme shall include the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Reason: To prevent flooding, pollution and detriment to public amenity through provision of suitable water infrastructure in accordance with the National Planning Policy Framework.

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

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

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

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

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

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

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

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

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

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

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

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

- (22) Prior to the commencement of development samples of all proposed external facing materials shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with approved details.

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

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

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

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

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

10. BACKGROUND PAPERS

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

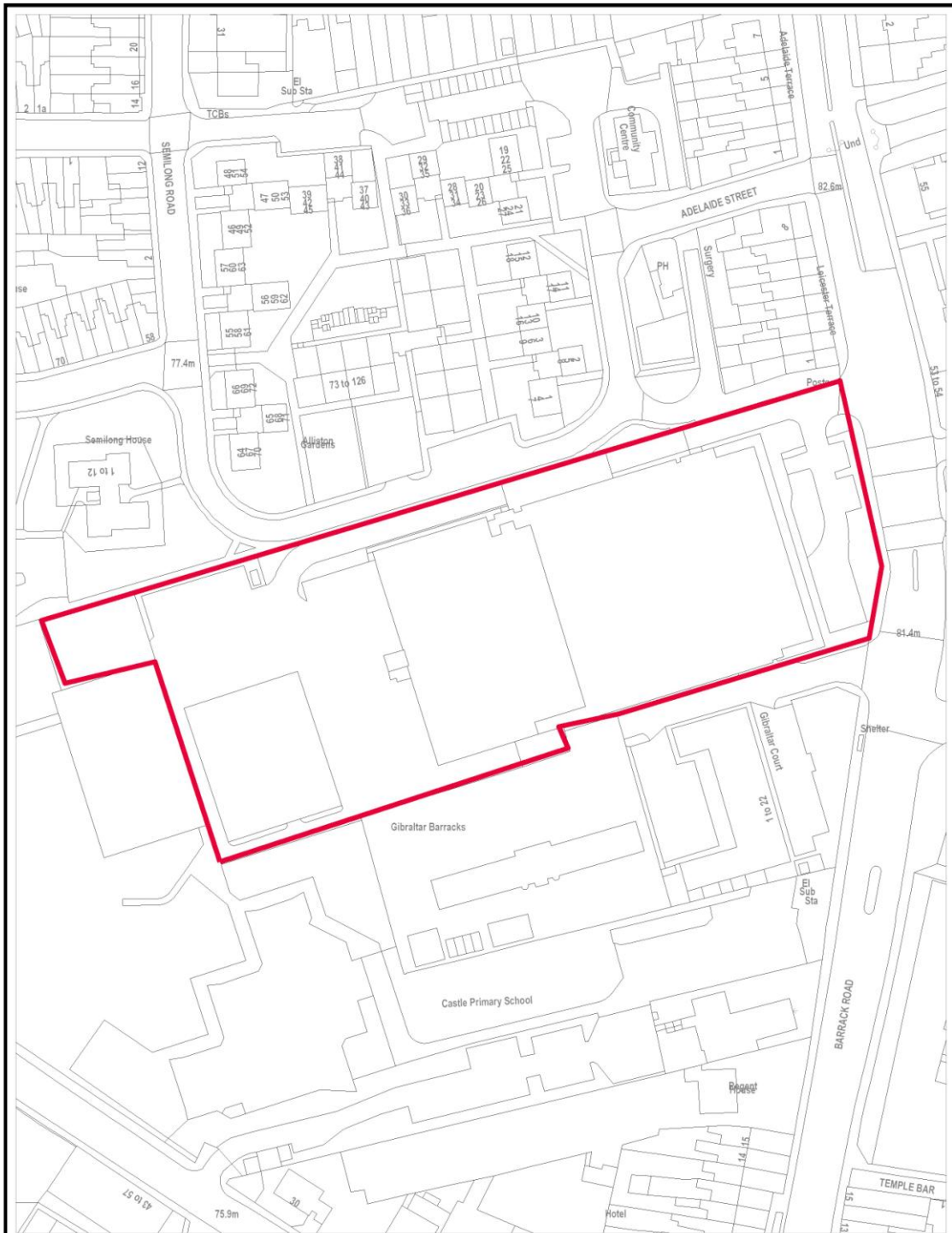
11. LEGAL IMPLICATIONS

- 11.1 None.

12. SUMMARY AND LINKS TO CORPORATE PLAN

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

Position:	Name/Signature:	Date:
Author:	Chris Preston	12/07/2012
Development Control Manager Agreed:	Gareth Jones	12/07/2012



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

Title
Former Royal Mail, Barrack Road

Produced from the 2011 Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright
 Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100019655