

Addendum to Agenda Items Tuesday 24th July 2012

7. OTHER REPORTS	
NONE	-
8. NORTHAMPTONSHIRE COUNTY COUNCIL APPLICATIONS	
NONE	
9. NORTHAMPTON BOROUGH COUNCIL APPLICATIONS	
NONE	
10. ITEMS FOR DETERMINATION	

ITEM 10A 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 a food store (5,218 sq metres net sales area) café at first floor level, with parking at basement and lower ground with associated landscaping works) at Royal Mail, 55 Barrack Road

Further Correspondence from the Applicant

Two further letters have been received from the applicants, one relating to a change in circumstance since the agenda was published and the other making comment on the content of the committee report.

Announcement from Tesco

in a letter submitted on behalf of Royal Mall (the applicants), the agents for the application, GL Hearn, have confirmed that Tesco have withdrawn from the scheme. Previously, Tesco had stated that they had signed a contract with Royal Mail to occupy the store if planning permission is granted.

Royal Mall have confirmed that they wish to continue with the planning application and are confident that a suitable occupier will be found. Whilst Tesco is identified within the submission documents and the committee report, GL Hearn stress that the planning application is seeking permission for an A1 foodstore which could be occupied by any foodstore operator. In terms of the reference to Tesco within the committee report (paragraphs 2.1, 2.2, 7.24, 7.26, 7.37, 7.50 and 8.2), GL Hearn make the following points (as summarised by case officer):

- Whilst regard to Tesco's anticipated turnover was used as a basis for calculating retail impact, the Retail impact Assessment was undertaken on the basis of a generic, large-scale, foodstore format. It is considered that much of the assessment is equally applicable to any main foodstore operator. Therefore, the conclusion reached that the store would not have a significant adverse impact on the vitality and viability of existing centres would be the same, with or without, a named operator.
- The regeneration benefits put forward in connection with the application

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

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

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

Officer Response

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

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

Comments on the Committee Report

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

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

trading.

Officer Response

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

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

ITEM 10B N/2011/1160

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

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

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

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

ITEM 10C N/2012/0465

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

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

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

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

ITEM 10D N/2012/0553

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

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

ITEM 10E N/2011/0588

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

NOTHING TO ADD

ITEM 10F N/2012/0638

Retention of rear conservatory at 22 Manorfield Close

NOTHING TO ADD

11. ENFORCEMENT MATTERS

NONE

12. ITEMS FOR CONSULTATION

ITEM 12A N/2012/0122

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

NOTHING TO ADD



PLANNING COMMITTEE:

24th July 2012

DIRECTORATE:

Regeneration, Enterprise and Planning

HEAD OF PLANNING:

Susan Bridge

N/2011/1160:

Demolition of garden centre concession buildings and erection of new supermarket; erection of new retail building and storage

building to serve garden centre; re-

configuration of service area and new service vehicle road and alterations to access from Newport Pagnell Road. Additional works to

parking, landscaping and lighting Northampton Garden Centre, Newport

Pagnell Road, Northampton

WARD:

Nene Valley

APPLICANT:

Waitrose Ltd and Northampton Garden

Centre

AGENT:

Mr. A. Nicholls; Alyn Nicholls and Associates

REFERRED BY:

REASON:

Head of Planning Major application

DEPARTURE:

No

APPLICATION FOR DETERMINATION:

1. PURPOSE OF REPORT

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

2. RECOMMENDATION

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

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

- 2.2 This recommendation is subject to the prior finalisation of a Section 106 Legal Agreement to secure the following:
 - A financial payment to fund enhancements to bus routes within the vicinity of the site in order to mitigate the general lack of accessibility to the application site.
- 2.3 It is also recommended that in the event of the Section 106 Legal Agreement not being completed within three calendar months of this Committee meeting, delegated authority be given to the Head of Planning to refuse or finally dispose of the application (at her discretion) for the reason that the necessary mitigation measures have not been secured in order to make the proposal acceptable in line with the requirements of Northampton Local Plan Policies E19 and the National Planning Policy Framework.

3. PLANNING POLICY

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

4. ADDITIONAL REPRESENTATIONS

- 4.1 Homes and Communities Agency (HCA) The HCA has been preparing and consulting on an outline planning application for the Land South of Brackmills SUE (as referred to within Policy N6 of the emerging Joint Core Strategy). The emerging Master Plan is in keeping with the allocation within Policy N6. It is considered that a store of the type proposed within this planning application would become a key element of the planned centre, which would ensure its viability and vitality and serve the residents of the planned development and the surrounding communities. The HCA is keen to engage with retail operators so as to address retail matters within the outline planning application.
- 4.2 A number of letters have been received from the developer and its agents. In particular, Counsel's opinion has been received which identifies that the Policies N6, N10 and S9 Distribution of Retail

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

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

5. APPRAISAL

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

6. CONCLUSION

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

7. CONDITIONS

- 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission. Reason: To comply with Section 91 of the Town and Country Planning Act 1990.
- 2. Before development commences details and/or samples of all proposed external materials shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. Reason: In the interests of visual amenity and to ensure that the development will harmonise with its surroundings in accordance with

Policy E20 of the Northampton Local Plan.

3. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a detailed scheme of hard and soft landscaping for the site. The scheme shall include indications of all existing trees and hedgerows on the land and details of any to be retained.

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

- 4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner, and which shall be maintained for a period of five years; such maintenance to include the replacement in the current or nearest planting season whichever is the sooner or shrubs that may die are removed or become seriously damaged or diseased with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy E20 of the Northampton Local Plan.
- 5. Full details of the method of the treatment of the external boundaries, including the rear service area, of the site together shall be

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

Reason: To ensure that the boundaries of the site are properly treated so as to secure a satisfactory standard of development in accordance with Policy E20 of the Northampton Local Plan.

- 6. Notwithstanding the details submitted, full details of CCTV covering the applications site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Development shall be carried out in accordance with the approved details, shall be fully implemented prior to the buildings hereby permitted being first bought into use and retained thereafter. Reason: In the interests of securing a satisfactory standard of development in line with the requirements of Policy E40 of the Northampton Local Plan.
- 7. Notwithstanding the details submitted, full details of the appearance of the trolley bays shall be submitted to and approved writing by the Local Planning Authority prior to the commencement of development. Development shall be carried out in accordance with the approved details and retained thereafter.

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

- 8. No development shall take place until a desk top study in respect of possible contaminants within the site is completed and a site investigation has been designed. The scope and methodology of the desk top study and the site investigation report shall be submitted to and approved in writing by the Local Planning Authority. The site investigation and appropriate risk assessments shall be carried out and the results shall be used to produce a method statement for the necessary remedial works (and a phasing programme), which shall be submitted to and approved in writing by the Local Planning Authority. All remedial works shall be fully implemented in accordance with the approved method statement and phasing programme. Confirmation of the full implementation of the scheme and validation report(s) shall be submitted to the Local Planning Authority within 2 weeks of completion (or within 2 weeks of completion of each respective phase). Reason: To ensure the effective investigation and remediation of contaminated land sites and in the interests of health and safety and the quality of the environment in accordance with the advice contained in the National Planning Policy Framework.
- 8. No development shall take place until a scheme for the improvement to bus shelters within Newport Pagneli Road has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details, implemented prior to the development hereby permitted being first

bought into use and retained thereafter.

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

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

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

- 10. Unless otherwise agreed in writing by the Local Planning Authority, the car parking and site access roads as shown on drawing 174/40/PO2 E shall be fully implemented prior to the development hereby permitted being first bought into use and retained thereafter. Reason: In the interests of securing a satisfactory standard of development in accordance with the requirements of Local Plan Policy E20.
- 11. Unless otherwise agreed in writing by the Local Planning Authority, the site's lighting shall be installed in accordance with the details contained within the External Lighting Report Revision B, dated the 15th November 2011 and carried out by Building Service Solutions Ltd. Reason: In the interests of securing a satisfactory standard of development in terms of neighbour amenity in accordance with the requirements of the National Planning Policy Framework.
- 12. Unless otherwise agreed in writing by the Local Planning Authority, the development hereby permitted shall be carried out in accordance with the details contained within the noise assessment reference JM/EC10524-006 carried out by the Environmental Equipment Corporation Ltd prior to the development hereby permitted being first bought into use and retained thereafter.

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

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

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

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

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

- 15. Unless otherwise agreed by the Local Planning Authority, the development shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) Fairhurst Ref D/I/D83623/01 Rev 5 dated May 2012 and the following mitigation measures detailed within the FRA:
 - On site drainage to be provided to manage the 0.5% (1 in 200) plus climate change storm. Soakaways and infiltration tanks to be installed to provide attenuation for both proposed (Waltrose) and existing (Wyevale) developments as shown on Drawing 83623/2001 Rev C.
 - Overland flood routes as shown on Drawing 83623/sk0010 Revision A to be left free of obstructions.

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

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

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

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

- 17. Unless otherwise agreed in writing by the Local Planning Authority, all deliveries shall take place between 6:00 and 23:00 on any one day. Reason: In the interests of securing a satisfactory standard of development in terms of neighbour amenity in accordance with the requirements of the National Planning Policy Framework.
- 18. Unless otherwise agreed in writing by the Local Planning Authority. the net level of retail floor space within the supermarket shall not exceed 1,355m². The amount of this floor space that can be used for the sale of comparison goods shall not exceed 203m3. For the avoidance of doubt, comparison goods includes, but shall not be limited to clothing, shoes and other footwear, DIY products, furniture and furnishings, carpets and other floor coverings, household textiles, major household appliances (whether electrical or not), small electric tools and miscellaneous accessories. appliances, household glassware, tableware, household utensils, non-prescription medical goods and other pharmaceutical products, therapeutic appliances and

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

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

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

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

- 20. Unless otherwise agreed in writing by the Local Planning Authority, the new warehouse as shown on Plan 174/40/PO2 E shall be used for storage purposes only and shall not be used for retailing. Reason: In the interests of maintaining the viability and vitality of the town and district centres in accordance with the requirements of the
- 21. Unless otherwise agreed in writing by the Local Planning Authority, the new garden centre concession building as shown on Plan 174/40/P02 E shall be used shall be used for the display and sale of garden goods and services only and for no other use within Class A1 of the Town and Country Planning (Use Classes) Order 1987 (as amended)

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

8. LEGAL IMPLICATIONS

8.1 None

9. SUMMARY AND LINKS TO CORPORATE PLAN

National Planning Policy Framework.

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



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

Our reference JGB/0962152/O15078658.1/TD Your reference

24 July 2012

Dear Mr Preston

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

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

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

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

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

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

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