



NORTHAMPTON
BOROUGH COUNCIL
Planning Committee

PLANNING COMMITTEE: 18th December
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Susan Bridge

N/2012/0540: Creation of additional 2,200m² retail floorspace at mezzanine level at Units 3a & 3b Nene Valley Retail Park, 121 St James Mill Road East

WARD: Castle

APPLICANT: Ravenside Investments Ltd.
AGENT: Savills (Commercial) Ltd.

REFERRED BY: Head of Planning
REASON: Major development involving S106 Agreement

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 **APPROVAL** subject to the terms of the unilateral undertaking that has been completed by the applicants (S106) to secure a financial contribution towards the improvement of the Gas Street round-a-bout and the conditions set out in section 9 below and for the following reason:

The mezzanine floorspace proposed is located within an existing retail unit within an out of centre location. However, it is considered that there are no sequentially preferable sites that are available, viable and suitable for the proposed development and the restriction of sales to 'bulky goods' (as set out in the attached conditions) will ensure that the scheme will not result in any significant adverse impact upon the town centre or district / local centres within the area. Furthermore, the identified highway impact resulting from increased vehicular trips can be adequately mitigated through off-site highway improvements secured through a unilateral undertaking. Consequently, it is considered that the proposal is compliant with the aims and objectives of the National Planning Policy Framework and Policy 11 of the

submission version of the Central Area Action Plan.

2. THE PROPOSAL

- 2.1 The proposal is for the insertion of 2,200m² mezzanine floorspace within units 3a and 3b of the Nene Valley Retail Park. No external alterations are proposed. The submitted plans show the mezzanine floor covering a substantial proportion of the internal space within the buildings with the exception of a small area adjacent to the entrance foyer that would remain open to the full ceiling height. The mezzanine covers space within unit 3a and 3b. These units are currently subdivided with a partition wall but the owners of the site could remove this to form a larger single unit, subject to tenant demand. Therefore, there is some flexibility in the application which could result in two smaller units, each with mezzanine space or one larger unit, with mezzanine above.
- 2.2 The end user is not currently known although the applicants have suggested that a furniture retailer is the likely occupant should consent be given for the mezzanine. As part of discussions with the applicants it has been agreed that a condition restricting the sales from the mezzanine floorspace would be imposed to prevent the sale of any items other than 'bulky goods'. A further condition is put forward by the applicants to prevent the sale of food.

3. SITE DESCRIPTION

- 3.1 The Nene Valley Retail Park is located off Towcester Road, accessed from the round-a-bout which also serves the B&Q store. The Park is comprised of two large retail terraces on an L-shaped plan with car parking to the front. Units 3a and 3b are located in the north-west corner of the site and were previously occupied by Carpet Right and PC World. Both units are now empty.
- 3.2 The retail park was approved in 1987 as a 'non-food' retail park. Historically, the space was occupied by 3a and 3b was a single retail unit but was subdivided in 1989 following an application for alterations to the store (89/1409). In planning terms, this was important in that it created two new planning units. The Council did not restrict the range of goods that can be sold from those units and therefore, the restriction applying to food sales does not apply to units 3a and 3b. These units therefore have consent to sell an unrestricted range of retail goods.

4. RELEVANT PLANNING HISTORY

- 4.1 86/0994 – Outline application for non-food retail park with associated leisure uses. Approved in 1987.
- 4.2 89/1409 – Planning application including alterations to and subdivision of unit 3. The approval created two independent planning units at 3a and 3b.

- 4.3 N/2011/0248 – Certificate of Lawfulness confirming that units 3a and 3b could sell an unrestricted range of goods within use class A1.
- 4.4 N/2012/0228 – Removal of entrance doors, installation of new entrance and alterations to front façade.

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:

National Planning Policy Framework (NPPF)

5.3 Northampton Borough Local Plan

E20 – New Development

5.4 Northampton Central Area Action Plan (submission version)

On 23rd April 2012, Full Council approved the Central Area Action Plan (CAAP) for submission to the Secretary of State. The document was submitted, the examination in public took place in September 2012 and was recently found to the sound by the Inspector. Given the advanced stage in preparation and adoption of the CAAP, it is therefore considered that the relevant policies can be given substantial material weight in the decision making process. The principle policies are:

Policy 11 – Town Centre Boundary

Policy 14 – Meeting Retail Capacity

Policy 36 – Infrastructure Delivery

6. CONSULTATIONS/ REPRESENTATIONS

- 6.1 **Environment Agency.** No objection as all work is internal and above the flood level.
- 6.2 **The County Highway Authority.** NCC initially requested further information from the applicants with regard to the Transport Assessment. It also notes that the Gas Street Roundabout is operating above capacity and that the proposed development would increase the number of trips on that junction. Consequently, they sought a financial payment from the applicants for improvement of this roundabout. The applicant has accepted this position and submitted a unilateral undertaking to make the payment. Subject to this, the Highway Authority has raised no objection.
- 6.3 There have been no representations from surrounding neighbours/occupiers of other retail units.

7. APPRAISAL

- 7.1 The proposed mezzanine will have no impact upon the external appearance of the area and raises no issues with regard to the amenity of surrounding properties. The key issues in this case are considered to be those relating to retail impact and traffic generation. These matters are discussed below.

Retail Impact/ Compliance with Local and National Planning Policy.

- 7.2 The National Planning Policy Framework (NPPF), like its predecessor PPS4, recognises that town centres are 'at the heart of their communities' and sets out policies to support their vitality and viability. Local Planning Authorities (LPA's) are required to apply two key tests to proposals for retail development – a sequential test and impact assessment.

The Sequential Test

- 7.3 Paragraph 24 of the NPPF states that LPA's should require applications for main town centre uses to be located in town centres, then edge of centre locations and only if suitable sites are not available should out of centre sites be considered. The site is in an out of centre location and the applicants have carried out an assessment of alternative sites within the town that may be able to accommodate the development, taking account of the type of goods to be sold and the operational needs associated with the use. The Central Area Action Plan is similar in nature and defines the town centre boundary and Primary Shopping Area. Policy 11 states that the town centre will be the preferred location for main town centre uses, with the exception of retail provision where the primary shopping area will prevail. The sites examined by the applicant include those identified for retail development within the Central Area Action Plan.
- 7.4 Based upon the exercise that has been undertaken, and local knowledge of other sites, officers are satisfied that there are no sequentially preferable sites available for development of the type proposed i.e. bulky goods retail, within or on the edge of an existing centre within the town. On this basis, officers are satisfied that the requirements of the sequential test have been satisfied. Importantly, this conclusion is made on the basis that the sales from the mezzanine floorspace would be 'bulky goods' items and not unrestricted A1 retailing. The CAAP allocates sites for retail expansion, primarily the Grosvenor Centre, and these sites are expected to come forward. A general retail consent for the amount of floorspace proposed here would therefore conflict with the sequential test. However, it is not expected that the sites within the town centre boundary will be suitable for bulky goods sales, either from an operational perspective or from the needs of the customer. In this context, the sequential test is only considered to be met for the specific type of retailing proposed and the restriction on sales set out within condition 2 is therefore an essential

element in reaching this conclusion.

Retail Impact

- 7.5 Paragraph 26 of the NPPF relates to the impact assessment for out of centre retail proposals that are not in accordance with an up to date Local Plan, as is the case in this proposal. In such situations, LPA's are required to seek an impact assessment covering the following issues:
- The likely impact upon existing, committed and planned public and private investment in a centre, or centres in the catchment 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.
- 7.6 Policy 11 of the CAAP requires that impact assessments are submitted for out of centre developments of more than 1,000m².
- 7.7 The applicants submitted an impact assessment with the application and this has been reviewed by officers and also by Planning Prospects Ltd who have been used on a number of schemes to provide specialist retail advice to the Council. In essence, the impact analysis examines the likely impact upon town centre trade/ turnover and whether there is likely to be a subsequent impact upon investment as a result of the proposals.
- 7.8 On the basis of the information submitted by the applicants, and analysis from an independent retail advisor (Planning Prospects Ltd) instructed by the Council, officers are of the view that there would be an impact resulting from the scheme but, in overall terms, this is not likely to be significant and will not impact upon planned investment in the town centre. Again, this is assessment based on the restriction of sales to 'bulky goods' items. In reality, the trading patterns of bulky goods retail, and particularly the sale of goods at mezzanine level are significantly lower than other types of comparison sales. Without the restriction in sales officers consider that an open A1 consent would have a significant impact upon the town centre. However, the nature of the current proposal, as controlled by condition, is such that the unit would not compete directly with the town centre but would serve an element of the retail market that is unlikely to be attracted to a central location. On this basis, the retail impact of the scheme is considered to be acceptable.
- 7.9 The applicants also note that no objections have been received to the scheme from town centre retailers/ those with interests in developing town centre sites. Whilst this is not to be relied upon as a 'measure' in making a planning judgement, it is perhaps indicative that the proposals are not considered to be harmful to the prospects of bringing forward other planned town centre schemes.

Traffic/ Highway Impact

- 7.10 In responding to the application, the County Highway Authority raised concerns over the impact of the development on the surrounding road network, particularly the Gas Street roundabout which is operating over its design capacity. Consequently, it has sought a payment to deliver improvements to this roundabout based on a calculation of the number of additional vehicular visits to the store as a result of the increased floorspace. The applicants have accepted this approach and submitted a unilateral undertaking which would oblige them to make a financial payment that is proportionate to the level of mezzanine floorspace that is installed.
- 7.11 A unilateral undertaking is a S106 agreement that is submitted by a single party i.e. the applicant. It has the same legal status as other bilateral or multilateral S106 agreements but is more straightforward in that the only obligation is on the applicant, in this case to make the required payment. It is considered that the agreement is necessary, directly related to the development and proportionate to the scale of development proposed, thus complying with regulation 122 of the Community Infrastructure Levy Regulations 2010.
- 7.12 The contribution will mitigate the impact of additional traffic and the County Highway Authority has raised no objections to the scheme on the basis of the submitted legal agreement.

8. CONCLUSION

- 8.1 In conclusion, it is considered that the impact of the additional retail floorspace would be acceptable subject to the imposition of conditions controlling the type of goods that may be sold from the mezzanine. Members will be aware that a number of retail applications have been submitted and approved in recent years and concerns have been raised regarding the potential impact of out of centre schemes on the performance of the town centre. These concerns are valid and careful consideration is required when assessing and determining out of centre retail schemes.
- 8.2 Equally, each application must be considered on its own merits and the specific nature of the current proposal is such that it is not expected to compete directly with the town centre. In effect, the Nene Valley Retail Park operates as a bulky goods destination and the current proposal is consistent with this. The proposal is not expected to have a significant impact upon the town centre and, as such officers recommend that the scheme is approved.

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.

2. The floorspace hereby permitted shall not be used for the sale of convenience goods, including food and non-alcoholic beverages, tobacco, alcoholic beverages, newspapers and periodicals and non-durable household goods.

Reason: To ensure that the range of goods that may be sold from the mezzanine floorspace are appropriate to the nature of the unit in order to protect the vitality and viability of Northampton Town Centre in accordance with the aims and objectives of the NPPF and Policies 11 and 14 of the Northampton Central Area Action Plan (submission version).

3. The additional retail floorspace at mezzanine level hereby permitted shall only be used for the sale of the following goods:

- DIY and garden centre goods;
- Electrical goods and associated components;
- Furniture;
- Household textiles, soft furnishings and homewares;
- Floor and wall coverings;
- Motor and cycle parts and accessories;
- Pets, pet food and all pet related products
- Office furniture; and
- Sports equipment

Reason: To ensure that the range of goods that may be sold from the mezzanine floorspace are appropriate to the nature of the unit in order to protect the vitality and viability of Northampton Town Centre in accordance with the aims and objectives of the NPPF and Policies 11 and 14 of the Northampton Central Area Action Plan (submission version).

10. BACKGROUND PAPERS

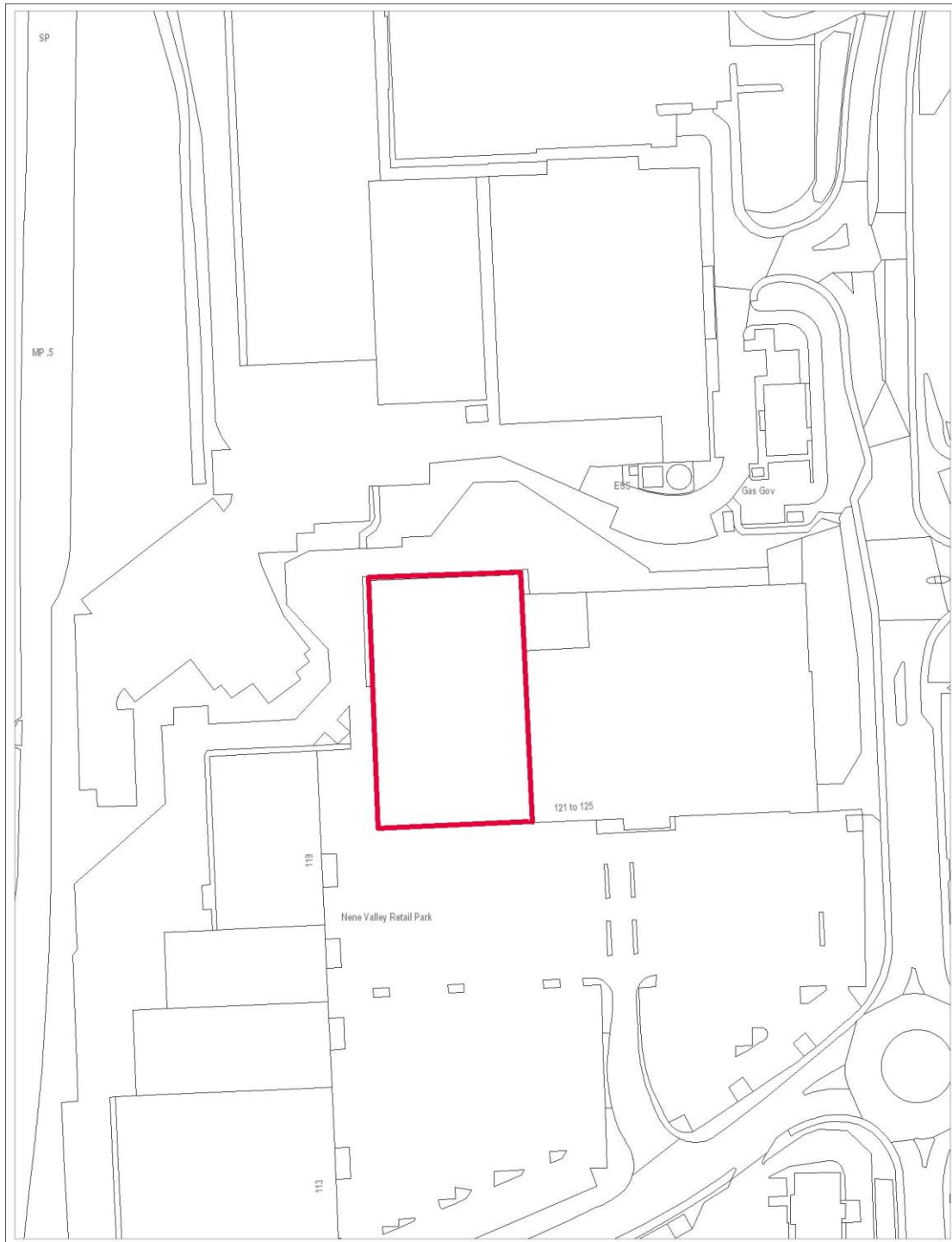
10.1 86/0994, 89/1409, N/2011/0248, N/2012/0228 and N/2012/0540.

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.



Drawn: Becky Gittins
Date: 7th December 2012
Scale: 1:1250
Dept: Planning Support
Project: Location Plan

Title

121 St James Mill Road East

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