



PLANNING COMMITTEE: 29th October 2013
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Susan Bridge

N/2013/0170: Application for a new foodstore with ancillary office accommodation; petrol filling station; on-line delivery service; service area and recycling centre; new signalled highway access junction; highways infrastructure and utilities; car parking spaces and landscaping on site at former W. Grose Garage, Kingsthorpe Road

WARD: Semilong

APPLICANT: Mulberry Property Developments Ltd
AGENT: Pegasus Group

REFERRED BY: Head of Planning
REASON: Major retail development, requiring a Section 106 Legal Agreement

DEPARTURE: Yes

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 APPROVAL IN PRINCIPLE subject to conditions and the matters in paragraphs 1.2 and 1.3 for the following reason:

The proposed development, subject to conditions, would not pose a detrimental impact upon the viability and vitality of the proposed hierarchy of allocated centres, visual and neighbour amenity or highway safety. The proposal is therefore in accordance with the requirements of the National Planning Policy Framework and Local Plan Policies E19, E20, E40 and T12.

1.2 The prior completion of a Section 106 Legal Agreement to secure:

- i) A financial payment to fund highways improvements at the junction between Kingsthorpe Road and Mill Lane adjacent to the Cock Hotel; and/or the Kingsthorpe Road corridor to Regents Square;
- ii) A payment to fund the maintenance of new bus shelters; and
- iii) The Council's monitoring fee.

1.3 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, in addition to being able to grant planning permission as recommended above, the Head of Planning be given delegated authority to either refuse or finally dispose of the application (at their discretion) on account of the necessary mitigation measures have not been secured in order to make the proposal acceptable in line with the requirements of Northampton Local Plan Policy E19 and the National Planning Policy Framework.

2. THE PROPOSAL

2.1 The applicant seeks planning permission to erect a new supermarket. The store would have a floor space of 4,518 square metres, of which 2,993 square metres would be used for the display and sale of goods. 80% of the sales area would be utilised for the display and sale of convenience goods, with 20% being used for the sale of comparison goods. The remainder of the building would be used for ancillary activities such as storage and office accommodation. The building would have a maximum height of approximately 9.2m, although the store's entrance (situated on the eastern elevation) would be approximately 9.8m in height.

2.2 The proposal includes a petrol filling station, which would be served by a kiosk, with a floor space of 84 square metres. The canopy over the petrol filling station would have a sloping appearance and would be 9m at its highest point. The filling station would be located to the east of the store, directly adjacent to Kingsthorpe Road and would replace the existing on site facility.

2.3 The development includes the provision of 278 car parking spaces, which includes 14 spaces for use by customers with disabilities and 12 spaces for the use of customers with children. The car park would be accessed from Kingsthorpe Road, with a signalised junction being constructed to serve this new access. Deliveries would be made by a separate access running from Studland Road (to the south west of the site).

2.4 The proposed development includes a dispatch area for internet orders to the rear of the store and a collection area within the car park.

3. SITE DESCRIPTION

3.1 The site has a number of buildings that were associated with the sale and repair of cars. This use ceased earlier in 2013, with the majority of

buildings being demolished during the spring of this year. The site has currently been secured by a number of wooden hoardings. A petrol filling station remains operational.

- 3.2 The surrounding land uses include various dwellings to the east and west (in Kingsthorpe Road and Studland Road) and commercial activity to the west. Retail developments are located to the south of the site and a school and parkland to the north. The application site is located approximately 400m south of the Kingsthorpe Centre, which contains two supermarkets (Waitrose and Asda) and is approximately 1,300m north of the town centre. The site is also 1,000m north of the former Barrack Road Sorting Office, for which planning permission has been granted for a supermarket.
- 3.3 The site is directly adjacent to Kingsthorpe Road, which serves as one of the main routes into the town centre. The site is approximately 360m south of the Cock Hotel Junction.
- 3.4 The site and those areas to the west are allocated in the Northampton Local Plan as being an existing business area. The remainder of immediate vicinity is either unallocated or allocated for residential use.

4. RELEVANT PLANNING HISTORY

- 4.1 N/2013/0197 – Prior notification of demolition – Approved and implemented.

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.

National Planning Policy Framework (NPPF)

- 5.2 The NPPF (paragraph 21) states that town centres should be the heart of communities and that there should be an appropriate level of retailing in the centre in order to meet the needs of the locality. Paragraph 24 of the NPPF requires that the consideration of applications for town centre uses (which includes retailing) should include a sequential assessment, covering available town centre and edge of centre sites.
- 5.3 Separate to the outcomes of the sequential assessment, the NPPF (in paragraph 26) requires that any retail development with an area in excess of 2,500 square metres should be accommodated by an impact assessment. This should include the impact of the proposal on existing, committed and planned in centre investment and the impact of a 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.

- 5.4 Paragraph 27 requires that town centre uses that do not pass the sequential assessment or would be likely to have a significant adverse impact upon centre viability and vitality should be refused.
- 5.5 In addition to the assessment of the above matters, the NPPF requires that new developments are of a high quality design, which secures a good standard of amenity for all existing and future occupiers of land and buildings (paragraph 17). The same paragraph also requires the effective reuse of previously developed land and focuses significant developments on sites that are sustainable.
- 5.6 Paragraph 34 requires developments that are likely to generate a significant amount of movement be located in positions where the need for travel is minimised. This is expanded upon in paragraph 35, where the creation of safe and secure road layout are required, that minimise conflicts between pedestrians, cyclists and traffic.
- 5.7 The Government has recently published draft guidance to support the implementation of the NPPF. Whilst this has yet to be formally adopted, it is a material consideration. In particular, this guidance states that the purpose of the sequential assessment is to establish whether there are sequentially more preferable sites for town centre uses and requires that such developments are tested through the application of an impact assessment.

West Northamptonshire Joint Core Strategy (JCS)

- 5.8 Policy S2 of the submitted JCS identifies Northampton as performing the role of a regional town centre and allocates Kingsthorpe and Weston Favell as being district centres. The same policy also allocates Far Cotton, Kettering Road, St James and Wellingborough Road as being local centres. The policy also requires that the viability and vitality of these centres should be maintained.
- 5.9 Policy S9 of the JCS reiterates the sequential approach in the location of retail developments and requires that an impact assessment is carried out for developments with a floor space in excess of 1,000 square metres.

Northampton Central Area Action Plan (CAAP)

- 5.10 The application site is not situated in the Central Area; however, Policy 12 of the CAAP identifies a primary shopping area and for this to become the prime focus for retailing in Northampton. Policy 11 states that developments for town centre uses (such as retailing) should be subject to an impact assessment when the quantum of development is in excess of 1,000 square metres. Policy 14 of the CAAP also requires that an additional 40,700 net square metres of comparison retailing and

3,000 net square metres of convenience retailing be provided in the Central Area during the plan period up to 2026.

Northampton Local Plan

- 5.11 By reason of its age, the majority of the policies in the Local Plan pertaining to retail provision have not been saved. Nonetheless, Appendix 15 provides a schedule of 66 recognised shopping centres (outside of the town centre) but does not distinguish between any of these in terms of scale or hierarchy. This list of centres is relevant to the sequential assessment of the proposed development.
- 5.12 Policy B14 seeks the retention of allocated business sites for employment purposes (Use Classes B1, B2 and B8) unless it can be demonstrated that the proposed redevelopment would generate significant employment and community benefits.
- 5.13 Of additional note, Policy E19 requires that new developments offer sufficient mitigation against its impacts; Policy E20 states that new buildings should be of an appropriate design; Policy E40 requires that new developments pay sufficient regard to minimising crime and anti-social behaviour; and Policy T12 necessitates that new developments have sufficient manoeuvring space for commercial vehicles.

6. REPRESENTATIONS/CONSULTATIONS

- 6.1 **Anglian Water** – Request a condition relating to the submission of a drainage strategy.
- 6.2 **Construction Futures** – No request of any form of Section 106 obligation.
- 6.3 **Environment Agency** – No objections in principle, but request conditions relating to the investigation of contamination, drainage and a strategy for the installation of fuel tanks.
- 6.4 **Environmental Health (NBC)** – The provision of a Travel Plan would address any concerns regarding the potential impacts upon air quality. A limitation over delivery times is necessary. A condition requiring an investigation into the sources of noise is recommended.
- 6.5 **Development Management (NCC)** – Request a condition relating to the provision of fire hydrants and a Section 106 payment towards the Fire Service.
- 6.6 **Highway Authority (NCC)** – The highways impacts of the proposed development could be mitigated through a Section 106 Agreement to fund highway improvements. It is requested that additional bus shelters and finance for their on-going maintenance is secured. The proposed access is acceptable, but a condition is recommended that would require additional technical information to be provided.

- 6.7 **Urban Designer (NBC)** – The building design has been amended to improve the quality of design and to make the building more locally relevant. Information pertaining to materials and surface treatments needs to be agreed, but can be secured by condition.
- 6.8 A letter of support from **A. Bell & Co.** – The proposal is sensitive to the location, the proposed landscaping and position of the store would provide an open and attractive view from Kingsthorpe Road.
- 6.9 Letters of objection from **28 Balmoral Road; 10 Branksome Avenue; 151 Clarence Avenue; 26 and 40 Kingsthorpe Grove; and 33, 47, 49, 55, 63 and 63a Queens Park Parade.** Comments can be summarised as:
- There is no need for another supermarket in this location.
 - The area already experiences heavy traffic and congestion.
 - Increased traffic would generate extra pollution.
 - Extra traffic would adversely affect pedestrian and cyclist safety.
 - Noise would be generated from the development.
 - Light pollution would increase.
 - Additional screening could be provided to the filling station.
 - The filling station would be noisy and intrusive.
 - The proposed development would create noise within a residential area.
- 6.19 Letters of objection from **The Co-Operative Group; Sainsbury's Supermarkets Ltd and Waitrose Ltd.** Comments can be summarised as:
- The Barrack Road Sorting Office approval could be implemented.
 - The submitted retail assessment does not provide a robust justification for permitting the development as it relies upon data applicable to a wide area reflecting the scope of the West Northants Retail Capacity Study.
 - The proposed development would direct trade away from the Kingsthorpe Centre, which would reduce linked trips and lead to a significant adverse impact upon this centre. The majority of trade generated by the proposed store is likely to be redirected from existing facilities within Kingsthorpe or the town centre.
 - The sequential assessment should be extended to include the town centre.
 - The fact that there is no named operator indicates that the proposed development is no better placed than the Barrack Road Sorting Office to meet retail need and would create uncertainty.
 - The proposal is not in accordance with the NPPF paragraphs 26 and 27.

7. APPRAISAL

Principle of the development

- 7.1 In assessing retail proposals, regard should be paid to the NPPF as this provides the criteria against which such proposals 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.
- 7.2 In addition, applicants are required to undertake a sequential assessment of alternative sites either in, 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.
- 7.3 It is accepted that there is a policy need to increase the level of convenience goods retailing in Northampton; however, it should be recognised that some of the planned growth in retail provision has already been accounted for through the granting of previous permissions, some of which have been implemented. Of particular relevance to this proposal is the fact that a planning permission exists to convert the former Barrack Road Sorting Office into a supermarket with a net sales area of 5,218 square metres (reference N/2011/0998). This is a significantly larger than the store that is the subject of this application. The applicant for application N/2011/0998 was the Royal Mail and at the time of approval (November 2012), there was no named retail occupier for the development.
- 7.4 Whilst this permission is still capable of being implemented, the Council needs to formulate a view on the likelihood of this occurring. By reason of the close proximity of this location to the current application site, it is likely that there would be a reasonable level of overlap in catchment areas. It is also likely that the Sorting Office proposal would attract a larger amount of trade and from a wider area by reason of its bigger floor space.
- 7.5 The applicant has detailed approaches made to the five main operators of large supermarkets (Tesco, Sainsbury, Morrisons, Asda and Waitrose) with regards to occupying the Sorting Office site. These are the retailers that would be most likely to occupy a predominantly convenience goods store of the size permitted. The responses received can be summarised as being that the Sorting Office is too big to meet current trends in retail provision; that the layout of the building is inefficient; the construction costs would be too high; the car parking layout and use of travelator is unattractive to customers; there would be low sales relative to the trade area; the delivery access and area is

constrained; there is limited scope for an internet delivery area; and that the highway access is restricted. It is therefore contended that the Sorting Office approval is unviable and therefore unlikely to come forward in the life of the planning permission.

- 7.6 The applicant has also assessed the trading models of eight supermarket chains (including those listed above) and it would appear that the current direction of these companies has been to move away from the provision of large stores of the proportions of the Barrack Road approval.
- 7.7 As with all major retail applications of this type, the Council has engaged an independent specialist planning consultant to provide advice. The applicant's submissions have been assessed and it is considered that due to the various constraints of the site combined with the current trends in retailing, there is only a slim chance that the Sorting Office planning permission would be implemented.
- 7.8 Due to the relative proximity of the two sites, each store would serve a comparable catchment area. On the basis that the Sorting Office store does not proceed, it is reasonable to conclude the some of the retail capacity that would have been taken up by that store (the Sorting Office) would now be accounted for by the development proposed in this application. As a consequence of this, the proposed store would not draw any more trade away from the existing hierarchy of centres. On this basis, it is likely that the proposed store would not unduly jeopardise the viability and vitality of Northampton's hierarchy of centres. In undertaking this assessment, consideration has been given to the impact upon the Kingsthorpe Centre; however, it is likely that the trade diversion from this centre to the proposed store would be no greater than the situation previously deemed acceptable with regards to the Sorting Office site. However, at the time of preparing this report, there is no named occupier for the proposed development. If the new store were to be occupied by one of the retailers currently present within the Kingsthorpe Centre the proposal would have a significant detrimental impact upon the viability and vitality of this centre. This is therefore a risk in the event that the application is approved; however, with reference to the NPPF and local policies, it is considered that these concerns are not sufficient to warrant refusal of the application.
- 7.9 The assessment of the applicant's impact assessment has raised a number of questions regarding the level of trade that would be directed to the proposed development from the town centre and Kingsthorpe. Whilst these concerns should be noted, the probability that the proposed store is unlikely to be implemented in tandem with the extant Sorting Office approval means that these concerns can be given relatively little weight. The reasoning for this is that the Sorting Office approval established an acceptable level of trade diversion away from the town centre and Kingsthorpe. By reason of this proposal being of a smaller scale, it is likely that the trade diversion attributable to the proposed store would not be any greater. As a consequence of this, it

can be concluded that the development is acceptable in terms of the likely level of impact on existing centres within the context of the NPPF.

- 7.10 By reason of its floor space (in excess of 1,000 square metres), the development needs to be subject to a sequential assessment. As set out in paragraphs 5.9 and 5.11, an allocated hierarchy of centres exists ranging from the town centre, to large district centres and smaller local centres.
- 7.11 Policy 14 of the CAAP identifies two town centre sites (Abington Street East and College Street/the Drapery), as being suitable for retail development. However, the plan period for bringing these sites forward for redevelopment is 2021-2026. As a consequence of this, they can be discounted from the sequential assessment due to a lack of availability.
- 7.12 An extended Grosvenor Centre could potentially serve as venue for such a store; however, it is understood that such an extension would be primarily orientated upon the sale on comparison goods (as opposed to the convenience goods emphasis in this proposal). The scale of this extension is such that it is unlikely that an enlarged Grosvenor Centre would be constructed and ready to accommodate a development of the type proposed in the application within the timescales set out in the NPPF. As a consequence of this and with reference to the requirements of Paragraph 26 of the NPPF, the Grosvenor Centre can be discounted from the sequential assessment.
- 7.13 The former Chronicle and Echo has been marketed and the site is allocated in the CAAP as an edge of centre site; however, the site area is approximately half of this application site and the proposed development could not be realistically accommodated on that site. Furthermore, CAAP Policy 23 identifies the site (and its immediate environs) as being suitable for a mixed use development, including 'small scale retailing'. The proposed development would therefore fail to comply with this policy by reason of its scale and the fact that it is not a mixed use development.
- 7.14 The St James bus depot is located in a district centre and is the process of being sold for non-retail uses and has been withdrawn from the market. This site is therefore not available. In any event, it would not be able to accommodate this scale of development.
- 7.15 Whilst the Kingsthorpe and Weston Favell district centres, Far Cotton, Kettering Road and Wellingborough local centres are sequentially more preferably locations, the lack of available sites means that they can be discounted in sequential terms. It should be noted that the applicant has considered six alternative sites in and adjacent to the Kingsthorpe Centre; however, these have not proved to be suitable alternative options for a variety of factors, including insufficient size, lack of availability and potential significant policy conflicts.

- 7.16 It is considered that due to their small size and/or lack of suitable sites, the remainder of the local centres as allocated in Appendix 15 of the Local Plan can be discounted.
- 7.17 For the foregoing reasons and in summary, it is considered that as the sequentially more preferable sites have been considered and discounted and given the limited likely level of impact on existing centre, the application is acceptable within the context of paragraph 27 of the NPPF.
- 7.18 In order to ensure the viability and viability of other centres, conditions are recommended to control the proportion of the building that can be used for the sale of convenience and comparable goods and preventing the store from being subdivided.
- 7.19 An element of retailing is likely to take place from the filling station kiosk; however, its limited size (84 square metres) means that any retailing is likely to be of an ancillary nature and it is unlikely to form a shopping destination in its own right.
- 7.20 It is accepted that the proposed development would result in the development of the site for non-business uses (i.e. those that fall in Use Classes B1, B2 and B8). Local Plan Policy B14 permits such a departure in instances when significant employment and community benefits would be generated. The submitted documentation details that 150 employment opportunities would be generated in the proposed development. The proposal would create some community benefits in terms of increased consumer choice and redeveloping a disused site. Furthermore, it should be recognised that the previous use of the site (comprising a composite of car sales, car repairs and fuel sales) did not fall in Classes B1, B2 or B8. As a consequence, the proposed development is acceptable in the context of Policy B14.

Design and appearance

- 7.21 The application site is of significant prominence due to its close relationship with Kingsthorpe Road, which serves as one of the main routes into the town centre. The design of the building has been amended during the application process in order to better reflect this context. In particular, the entrance has been increased in size in order to add legibility to the front elevation. The materials of this structure have also been revised so that the entrance canopy would be faced with Northamptonshire stone. This design approach would assist in adding local distinctiveness to the building. A variety of materials have been proposed for the main body of the building, which broadly comprise the use of a brick plinth, timber cladding and powder coated curtain walling. This approach ensures that the massing of the proposed building is broken up and has a positive impact upon visual amenity.

- 7.22 The canopy of the filling station would feature an unusual shape, which would serve to add interest to the streetscene. Furthermore, the depth of this canopy is relatively shallow, which ensures that the outlook of the neighbouring properties is not unduly impacted upon. The kiosk associated with the filling station has also been redesigned so that it would be constructed with a Northamptonshire stone facing. The benefit of this is that it would strengthen the relationship between the filling station and the store, whilst also enhancing the streetscene. As there is already a filling station on site, situated a comparable distance away from the site's boundaries, it is considered that the new filling station would not pose any greater neighbour impacts than the existing situation.
- 7.23 The front boundary of the site would also feature a wall constructed from local stone. This would strengthen the relationship between the application site and the school and park to the north, which features comparable boundary treatments.
- 7.24 By reason of the proposed store being set back from the eastern boundary of the site, there would be no undue detrimental impact upon the occupiers of the residential properties in Kingsthorpe Road. It is accepted that a filling station would be constructed adjacent to the western boundary of the site; however, given that there is already a comparable development on site, it is unlikely that this new development would pose any unduly greater impact upon amenity than the existing situation.
- 7.25 Due to the separation distances between the site and the residential properties to the west (approximately 35m), there would not be a significant impact upon residential amenity arising from the development in terms of light, outlook and privacy. It is noted that the store would be serviced from Studland Road, which could generate some noise. In order to mitigate this, it is recommended that a condition be attached to any approval limiting the hours in which deliveries can be made.
- 7.26 The proposed store is located in close proximity to the school situated to the north; however, due to the differences in site levels, combined with the arrangement of buildings within the school, there would be no undue impact upon the amenity of that site.
- 7.27 The proposed car parking would be readily visible from the street and benefits from a reasonable level of natural surveillance. In order to secure a satisfactory standard of development and to ensure compliance with the requirements of Local Plan Policy E40, it is recommended that approval of this application be subject to conditions requiring the submission of lighting details and CCTV.
- 7.28 For the foregoing reasons and combined with the fact that the proposed development would assist in the reuse of a prominent vacant site, the proposal would have an acceptable design and a neutral

impact upon the amenities of surrounding properties. The proposal is therefore compliant with the requirements of the NPPF and the Northampton Local Plan.

Highways impacts

- 7.29 The proposed development would contain 278 parking spaces, which is considered sufficient to serve the development without leading to on street parking in the surrounding streets. The proposed development has been revised during the application process to include improved pedestrian linkages to the store.
- 7.30 A signalised junction would be provided in Kingsthorpe Road, which would ensure adequate and safe access for customer vehicles. A condition is recommended that would require the full details of the technical specification of this junction to be approved by the Council prior to works taking place.
- 7.31 It is noted that Kingsthorpe Road features a significant amount of traffic, which is likely to be increased if the proposed development proceeds. The Highway Authority has raised concerns regarding the potential capacity of corridor between Regent Square and the Cock Hotel Junction; however, it is considered that these impacts could be successfully mitigated through the developer entering into a Section 106 Agreement to assist provision of planned upgrades to the highway network. These works are designed to reduce congestion and improve journey times. Therefore, on balance, the proposed development would have a neutral impact upon highway capacity.
- 7.32 In order to facilitate sustainable means of travel the proposed development would incorporate the provision of secure cycle storage in an area that benefits from natural surveillance. The development would also result in the provision in new bus shelters on Kingsthorpe Road. Funding for the on-going maintenance of these shelters would be secured through the Section 106 Agreement. A condition is recommended that would secure the submission of a Travel Plan to encourage more sustainable means of travel by patrons and staff. This would also assist in mitigating any air quality impacts arising from the development.
- 7.33 The service area to the rear of the site is of a sufficient size to allow large delivery vehicles to turn without needing to enter or leave in Studland Road in a reverse gear. This would ensure that this access to the site is safe for road users and pedestrians.

Neighbour impacts

- 7.34 In order to ensure that the occupiers of the neighbouring residential properties are not unduly impacted by the proposed development, conditions limiting delivery times will be imposed. A condition is required for details of noise levels (including those arising from chiller

units) to be submitted for approval. The Applicant has requested that the store to have unrestricted opening times, which is consistent with current retail trends. Although it is accepted that there are residential properties in relatively close proximity to the proposed store, as the site is adjacent to a busy principal road, unrestricted opening hours are considered acceptable.

- 7.35 A further condition is imposed on the details of the proposed external lighting to be submitted. This would ensure that the development does not create disturbance for those living in close proximity to the site.

Other considerations

- 7.36 In order to secure a satisfactory standard of development, conditions are recommended that would cover the investigation of contamination and ensure that a suitable drainage system is installed to prevent pollution.
- 7.37 Representations have been received from Northamptonshire County Council Development Management requesting a Section 106 payment towards the provision of the Fire and Rescue Service; however, given the limited planning policy support for this, it is considered that the request does not comply with the statutory tests as prescribed in the Community Infrastructure Levy regulations.

7 CONCLUSION

- 8.1 It is considered that the proposed development would not draw a significant amount of trade away from the established hierarchy of retail centres within Northampton; in addition, despite being in an out of centre location there are no available alternative sequentially more preferable sites. The design of the proposed building is considered appropriate for this prominently located site and would not cause an undue detrimental impact upon the occupiers of neighbouring properties. The highway impacts could be satisfactorily mitigated. It is considered that the proposed development is acceptable subject to the necessary planning obligations and conditions.

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 development hereby permitted shall be carried out in accordance with the attached schedule of plans.
Reason: For the avoidance of doubt and to accord with the terms of the planning application.

3. The net sales area of the retail store shall be limited to a maximum of 2,993 square metres. Of this floor space, no more than 2,394 square metres shall be used for the display and sale of convenience goods and no more than 599 square metres shall be used for the display and sale of comparison goods.
Reason: In the interests of maintaining the viability and vitality of the allocated hierarchy of centres in accordance with the National Planning Policy Framework.
4. The retail store hereby permitted shall not be sub-divided to form more than one retail unit.
Reason: In the interests of maintaining the viability and vitality of the allocated hierarchy of centres in accordance with the National Planning Policy Framework.
5. Prior to the commencement of development a Construction Environment Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with approved CEMP, which shall include:

 - The control of noise and dust during the development process;
 - Traffic management and signage during construction;
 - Enclosure of phase or sub-phase development sites;
 - Provision for all site operatives, visitors and construction vehicles loading, parking and turning within the site during the construction period;
 - Arrangements during the construction period to minimise the deposit of mud and other debris on to the adjacent highway;
 - The safe means of access of construction traffic to the site;
 - Routing agreement for construction traffic; and
 - Hours of operation of building works

Reason: In the interests of securing a satisfactory impact upon the highways system and neighbour amenity in accordance with the requirements of the National Planning Policy Framework.
6. Details and/or 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 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.
7. Details and/or samples of the proposed boundary treatment shall be submitted to and approved in writing by the Local Planning Authority, implemented prior to the occupation of the buildings hereby permitted 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.

8. Notwithstanding the details submitted, full details of the surface treatments to the car park, access roads and pedestrian routes shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development hereby permitted being first brought into use and retained thereafter.
Reason: In the interests of highway safety in accordance with the requirements of the National Planning Policy Framework.
9. A scheme shall be submitted to and approved in writing by the Local Planning Authority which specifies the sources of noise on the site whether from fixed plant or equipment or noise generated within the buildings and the provisions to be made for its control and the approved scheme shall be implemented prior to the commencement of the use hereby permitted and retained thereafter.
Reason: To protect the amenities of nearby occupants from noise and vibration amenity in accordance with the advice contained in the National Planning Policy Framework.
10. Notwithstanding the information submitted, full details of the proposed cycle storage shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the first occupation of the store hereby permitted and retained thereafter.
Reason: In the interests of securing a satisfactory standard of development in accordance with the requirements of Local Plan Policies E20 and E40.
11. Notwithstanding the details submitted, full details of CCTV covering the application site shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development hereby permitted being first brought 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.
12. Notwithstanding the details submitted, full details of the position and specification of the proposed external lighting shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details, be fully implemented prior to the first occupation of the development hereby permitted and retained thereafter.
Reason: In the interests of the amenities of neighbouring properties in accordance with the requirements of the National Planning Policy Framework.
13. Prior to the first occupation of the development hereby permitted, a travel plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be fully implemented within two

months of the first occupation of the development hereby permitted and retained thereafter.

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

14. No development shall take place until a surface water drainage scheme 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 be fully implemented prior to the first occupation of the development hereby permitted and retained thereafter.

The scheme shall also include:

- Evidence of Anglian Water maximum surface water discharge rate and location
- Full detailed surface water based calculations to ensure adequate surface water drainage facilities based on Anglian Water maximum discharge rate for all events up to and including 0.5% (1 in 200) plus climate change.
- An assessment of overland flood flows.
- Details of the programme for implementation of the surface water drainage system.
- Details of how the scheme shall be maintained and managed after completion for the lifetime of the development.

Reason: To prevent the increased risk of flooding, both on and off site in accordance with the requirements of the National Planning Policy Framework.

15. No development shall take place until a scheme that includes the following components shall be submitted to and approved in writing by the Local Planning Authority:

- A) A preliminary risk assessment which has identified:
- all previous uses.
 - potential contaminants associated with those uses.
 - a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site.
- B) A site investigation scheme, based on (A) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- C) The results of the site investigation and detailed risk assessment referred to in (B) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- D) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (C) are complete and identifying any

requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Reason: To ensure the protection of controlled waters in accordance with the National Planning Policy Framework.

16. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.
Reason: To ensure that any unforeseen contamination encountered during development is dealt with in an appropriate manner in accordance with the requirements of the National Planning Framework.

17. No infiltration of surface water drainage into the ground 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 unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.
Reason: To ensure that infiltration systems such as soakaways do not increase the potential for contaminant migration. Soakaways should not be located in areas of potential contamination. This is to ensure accordance with the requirements of the National Planning Policy Framework.

18. Prior to the commencement of development, a scheme to install the underground tank(s) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the full structural details of the installation, including details of: excavation; the tank(s); tank surrounds; associated pipework; and monitoring systems. Development shall be carried out in accordance with the approved details, be fully implemented prior to the first use of the development hereby permitted and retained thereafter.
Reason: To ensure the protection of controlled waters in accordance with the National Planning Policy Framework.

19. No development shall take place until further details of the site access to Kingsthorpe Road has been submitted to and approved in writing by the Local Planning Authority. The further details shall provide particulars of the new pedestrian crossings, signalised junction; improvement works on Kingsthorpe Road, details of the bus stops and shelters, and details of the retaining structures and Gabions. The development shall be carried out in accordance with the approved details in accordance with a programme of implementation that is subject to the written approval of the Local Planning Authority.

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.

20. Prior to the first occupation of the development hereby permitted, the following works shall be fully implemented.
- Footway connections with Kingsthorpe Road and Studland Road in accordance with drawing ref 16833-SK1003D.
 - The car park circulating aisles, the car parking spaces and parking spaces for those with disabilities and parent and child priority,
 - The store service access off Studland Road in accordance with drawing ref 16833-SK1003D.

All vehicle parking spaces, access roads, circulation space and footways shall be retained for their designated use throughout the life of the development.

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.

21. Notwithstanding the details submitted, full details of the reinstatement of vehicular crossovers to footway shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details, fully implemented prior to the development hereby permitted being first brought into use and retained thereafter.

Reason: In the interests of highway safety in accordance with the requirements of the National Planning Policy Framework.

22. Notwithstanding the details submitted, full details of trolley bays shall be submitted to and approved in writing by the Local Planning Authority. 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 Local Plan Policy E20.

23. The anti-ram raid bollards as shown on drawing 16833_SK400B shall be fully implemented prior to the first use of the development hereby permitted.

Reason: In the interests of securing a satisfactory standard of development in accordance with the requirements of Local Plan Policy E40.

24. All deliveries to the development hereby permitted shall be made between the hours of 7am and 11pm only.

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

25. All planting, seeding or turfing comprised in the approved details of landscaping as show on drawings 4819/ASP2a Rev. A; 4819/ASP2b

Rev.A; and 4819/ASP2c Rev. A shall be carried out in the first planting and seeding seasons following the occupation of the buildings 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.

Informative notes:

Convenience Goods are defined as goods that include foods, pet food, drinks, cleaning products, toiletries, newspapers and magazines and non-durable household goods.

Comparison Goods are defined as goods that include, 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 household appliances, tools and other miscellaneous accessories, 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, musical instruments, plants and flowers, pets and pet related products, books and stationary, greetings cards, audio-visual, photographic and information processing equipment, appliances for personal care, jewellery, watches and clocks, petrol, tobacco and tobacco products and financial services.

10. BACKGROUND PAPERS

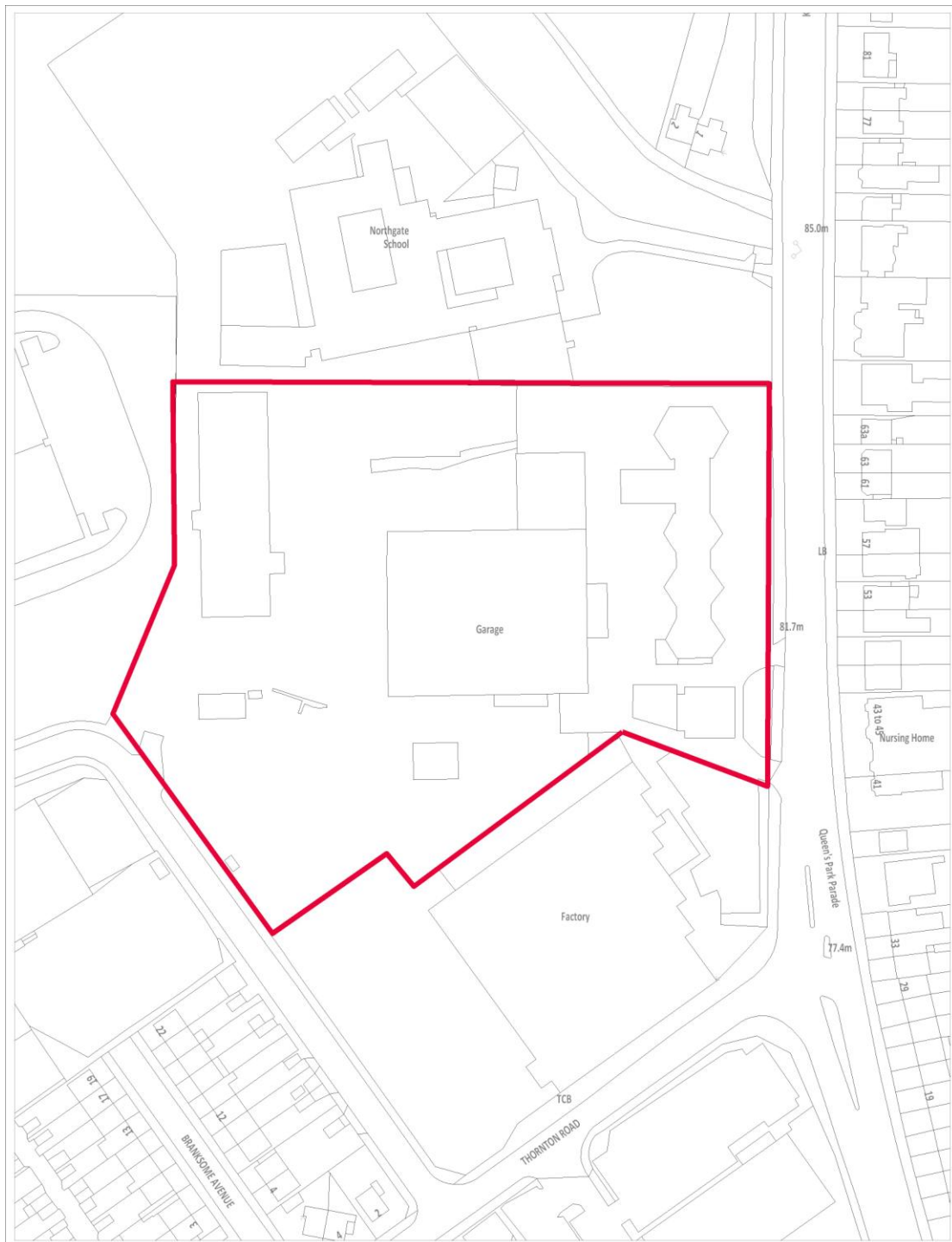
10.1 N/2013/0170

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.



Name: Planning
 Date: 14th October 2013
 Scale: 1:1250
 Dept: Planning
 Project: Committee

Title

W Gross Ltd site, Kingsthorpe Road

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