



PLANNING COMMITTEE: 10th June 2014
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Susan Bridge

N/2013/1143: Outline application for the demolition of existing structures and redevelopment for flexible mixed uses within use classes: A1 retail, A3 cafes and restaurants, A4 drinking establishment, A5 hot food takeaway and D2 assembly and leisure, access, parking, landscaping and associated works - all matters reserved except access at former gas holder site, Towcester Road

WARD: Castle

APPLICANT: National Grid
AGENT: Savills

REFERRED BY: Head of Planning
REASON: Major retail development and requires S106 agreement

DEPARTURE: YES

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 APPROVAL IN PRINCIPLE subject to the following:

(i) Prior finalisation of a Section 106 agreement to secure a financial contribution towards improvements of the pedestrian environment in the form of enhanced paving to Horsemarket in accordance with CAAP Policies 25 and 26;

(ii) The conditions as set out in Section 9 of this report, and for the following reason:

Whilst the proposal does not comply with Policies 11, 25 and 26 of the Central Area Action Plan, and there are sequentially preferable sites

available, it is considered that a departure from policy is acceptable in this instance and that other material considerations mitigate the failure of the sequential test, to enable the wider objectives of the CAAP to be realised, subject to the additional mitigation which would be provided in the form of town centre enhancements.

2. THE PROPOSAL

2.1 Outline application for redevelopment for a range of large retail units that can be used for either food or non-food uses up to a maximum of 3,902m², with the following maximum possible gross floorspace under each category:

- Discount Foodstore – Maximum of 1,700m² restricted to a single discount operator
- Bulky Goods A1 Retail – Maximum of 3,902m²
- Class A1 Non-Food Retail – Maximum of 2,276m²
- Class A3 Cafés and Restaurants – Maximum of 650m²
- Class A5 Drive Through Cafés and Restaurants – Maximum of 557m²

The total number of catering uses is proposed by the applicants to be restricted by condition to three units overall, with a maximum of one restaurant and one coffee shop but no restriction on the number of drive thrus.

- Class A4 Drinking Establishment – Maximum of 836m²
- Class D2 Gym – Maximum of 1,394m² (1,115sqm net) provided within 1 unit only.

2.2 The precise configuration of each element of the floorspace would be determined under the reserved matters applications.

2.3 A total of 160 car parking spaces is also proposed.

2.4 Under this outline application all matters are reserved except access.

3. SITE DESCRIPTION

3.1 The site comprises the relatively flat site of a former gasholder, recently demolished. The site is adjacent to the River Nene to the north and beyond this is another site owned by National Grid, which still contains operational gas infrastructure. To the east is the established B&Q store and car park and to the west, across Towcester Road, are the established St James and Nene Valley Retail Parks. The site is

located some 660m from the defined primary shopping area and is therefore in an out-of-centre location.

- 3.2 The site comprises part of St. Peter's Waterside, a key part of the Northampton Waterside Enterprise Zone.

4. PLANNING HISTORY

- 4.1 N/2013/0697 – Prior Notification application for the dismantling of two gasholders and associated buildings – method of demolition approved 25th July 2013.
- 4.2 N/2014/0210 – Environmental improvement works with associated site clearance and restoration of land – Approved 25/04/14

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 Development Plan for the purposes of this application comprises the Northampton Local Plan 1997 saved policies, Northampton Central Area Action Plan 2012, and whilst not yet adopted, weight can be attributed to the Submitted West Northamptonshire Joint Core Strategy (as subsequently modified).

5.2 National Policies

National Planning Policy Framework (NPPF) in general and specifically the following paragraphs:

- Paragraph 17 sets out the core principles of planning including the promotion of sustainable developments; seeking to achieve high quality buildings, a good standard of amenity and that planning be a plan lead system that provides a practical framework for the determination of planning applications.
- Paragraph 20 requires that planning decisions should reflect changing business needs.
- Paragraph 23 states that retailing is a main town centre use and such centres should be the primary location for retailing.
- Paragraph 24 requires that a sequential test be applied to applications for town centre uses which are not in an existing centre and not in accordance with an up to date local plan.
- Paragraph 26 states that an impact assessment is required for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan and which exceed a locally set floorspace threshold (this being set at 1,000m² by Policy 11 of the CAAP).
- Further to these points, Paragraph 27 directs refusal of

applications that have failed to satisfy the sequential test or would have a significant adverse impact on planned investment in centres or on the vitality and viability of the town centre.

5.3 Northampton Central Area Action Plan

The Central Area Action Plan (CAAP) was adopted in 2013 following an Examination in Public. The CAAP is therefore an up-to-date development plan within the meaning of the NPPF. The following are relevant to the consideration of this application:

Vision for the centre of Northampton – A new focus for the waterside enhancing a long neglected asset as a new destination for employment, living and leisure with a new marina at its heart.

Strategic Objective SO1 – Regeneration, expanding retail, town centre facilities and the scale of employment opportunities in the town centre.

Policy 1 – Promoting Design Excellence: All development to have a high design standard and positively contribute to the character of the area.

Policy 11 – Town Centre Boundary: The town centre will be the preferred location for main town centre uses, with the exception of retailing where the Primary Shopping Area will prevail, followed by edge of centre uses.

Policy 12 – Definition of Primary Shopping Area: The main focus for shopping activity within the Borough.

Policy 25 – The Waterside: Will be transformed into a positive asset for Northampton, focus on pedestrian access and a more natural water's edge.

Policy 26 – The Waterside: Brampton Branch St Peter's Way: Development focussed on commercial office floorspace, enhancements to pedestrian access and development which addresses the waterside. It makes provision for a publicly accessible square adjacent to the river as a focal point for ancillary retailing, cafes, restaurants and bars.

Policy 36 – Infrastructure Delivery: All new developments to provide appropriate on site and off site infrastructure to mitigate the impact of development.

5.4 Other Material Considerations

Submitted West Northamptonshire Joint Core Strategy (as subsequently modified)

Weight can be given to the West Northamptonshire Joint Core Strategy (JCS), this would be significant where a policy has received few representations and unresolved objections are not considered likely to have a significant bearing on the strategy of the Plan. The JCS provides an up to date evidence base and considers the current Government requirements for plan making, being prepared in full conformity with the NPPF. The plan has been the subject of an examination in public and the findings of the Inspector are awaited.

In particular this document establishes a hierarchy of centres (Policy S2) and requires a sequential approach to retail development location (Policy S9). Policy E2 identifies the priority given to new office floorspace provision on sites identified within the Northampton CAAP, and Policy E3 sets out the role that the Enterprise Zone will have in encouraging start up and existing business development.

6. CONSULTATIONS/ REPRESENTATIONS

The comments received are summarised as follows:

- 6.1 **NBC Environmental Health** – would suggest conditions regarding site investigation for contamination and noise.
- 6.2 **NBC Arboricultural Officer** – The trees are of poor quality and not considered suitable for retention. Accordingly the need for a robust and detailed landscaping scheme is essential.
- 6.3 **NBC Urban Designer** – The Design and Access Statement lacks detail on how the development ‘fits’ with the context of wider proposals in the Waterside area on adjacent sites.
- 6.4 **Natural England** – Natural England has published standing advice on protected species, which should be applied (this has been applied and indicates a requirement for reptile and breeding bird surveys).
- 6.5 **Environment Agency** – Have reviewed the revised FRA and have no objection if a planning condition is included in any planning permission requiring drainage details to be submitted.
- 6.6 **Highway Authority** – Have reviewed the revised transport assessment and confirmed that it is fit for purpose. Have concerns about the indicative layout, regarding the internal access road, visibility splays and layout of the service yard, which will need to be resolved at the reserved matters stage.
- 6.7 **Canals and River Trust** – There is no requirement to consult the Canals and Rivers Trust in our capacity as statutory consultee.
- 6.8 **County Council Development Management** – requests a contribution towards Fire and Rescue costs, as a result of the increased fire risk

and potential for collisions as result of the development ,the installation of a sprinkler system in the development, fire hydrants and channels for broadband installation.

- 6.9 **County Council Archaeological Adviser** – advise that a condition is required for a scheme of archaeological work as is appropriate.
- 6.10 **Health and Safety Executive** - The proposed development is entirely within the consultation distance of the holder station and mostly within the inner zone. As such PADHI+ advice would be that there are sufficient reasons to advise against the granting of planning permission, on safety grounds. HSE's records indicate that National Grid has mothballed the gasholder on this site. However, we have no record of hazardous substances consent for the site being revoked. As the applicant for planning permission is also the hazardous substances consent holder revocation can proceed without difficulty or delay. HSE will therefore continue to advise against the granting of planning permission for the proposed development in application N/2013/1143 until the hazardous substances consent for the Northampton (South) Gasholder Station has been revoked. However, HSE is prepared to withdraw this advice if a suitably worded condition is attached to the planning permission which would prevent the development being occupied until the hazardous substances consent has been formally revoked.

7. APPRAISAL

- 7.1 The issues to consider are the acceptability in principle of the proposed retail development, including its impact on the town centre, as well as the suitability of the design and the impact on the highway network.

Principle of Development

- 7.2 The National Planning Policy Framework promotes competitive town centre environments and requires policies to recognise town centres as the heart of their communities and to support their viability and vitality. It goes onto require local planning authorities to apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. It suggests that town centre uses should be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. It provides that when considering edge of centre and out of centre proposals preference should be given to accessible sites that are well connected to the town centres.
- 7.3 In line with the NPPF, the policies within the Central Areas Action Plan direct town centre uses to the town centre. It identifies the town centre boundary as the preferred location, with the exception of retailing where the Primary Shopping Area will prevail, followed by edge of town centre sites. The application site is adjacent to the Town Centre

Boundary, but some distance from the Primary Shopping Area and as such it is considered that it is an out-of-centre location

- 7.4 CAAP policy 25 relates to the waterside area in general and therefore includes the application site. This sets out a number of criteria which should be delivered by development in this area, including the following: *Safe, continuous, high quality public footpath/cycle network along and across the water's edge; an effective environmental and recreational link across and between the Central Area and wider West Northamptonshire strategic green corridor; wherever possible create a more natural water's edge and enhance bio-diversity; opportunities for greater access to use the river and canal for a wide range of recreational purposes; buildings and spaces that overlook and positively address the water's edge and surrounding frontages.*
- 7.5 CAAP Policy 26 relates to 'The Waterside: Brampton Branch St Peters Way' site. This is formed by 4 distinct parcels of land: the application site to the south of the river; an area further north bound by the river, St Peters Way and Towcester Road; a small parcel of land bound by Tanner Street and St Peters Way; and a linear parcel bound by St Peters Way and Foot Meadow. The policy calls for a development primarily focussed on commercial office space and also sets out a number of criteria which should be met by development on the site as a whole, including *"A publicly accessible square adjacent to the river as a focal point for ancillary retailing, cafés, restaurants and bars"*.
- 7.6 The applicants have argued, through their agents, that the proposal should be considered as ancillary retailing, as this represents only a small proportion of the overall floorspace area as covered by Policy 26 (3,902m² out of a total of 43,000m², which is 0.9%). However, whilst the floor area does represent a small proportion when set out in these terms, the overall site area represents a much larger proportion of the wider Policy 26 site and cannot be considered ancillary. Furthermore, the development as set out in the indicative layout provided with the application is of a retail park which does not provide a publicly accessible square and which turns its back on the river. This is an outline application with all matters other than access reserved, meaning that the envisaged square could potentially be provided when details are submitted at reserved matters stage. However, the fact remains that the uses as proposed cannot be considered as being ancillary to an office development, and would clearly draw the majority of their custom from the general public, whilst also drawing some custom from office workers.

The Sequential Assessment of Alternative Sites

- 7.7 The NPPF directs that a sequential test should be applied to applications for main town centre uses not in an existing centre and not in accordance with an up to date local plan.

- 7.8 The site is not in an existing centre (identified as primary or secondary shopping areas or a district or local centre) and as set out elsewhere in this report does not accord with adopted policy as the proposal is not for ancillary retail. It is therefore necessary for a sequential assessment to be undertaken, and within this consideration must be given to the possibility of disaggregating the various uses proposed, a principle which has been established in caselaw.
- 7.9 The proposal is not straightforward in that flexible uses are proposed, with a maximum floorspace of 3,902 square metres. Within this maximum floorspace various Use Classes are also proposed. The parameters in Paragraph 2.1 set out the maximum floorspace for each Use Class.
- 7.10 The applicants have submitted a sequential assessment, which considers vacant shop units within the borough which potentially could be utilised for the proposed retail and leisure uses, and which are in a sequentially preferable location, i.e. within the town centre or a district or local centre.
- 7.11 The sequential assessment considered sites within the town centre and the St James and Kingsthorpe district centres.
- 7.12 As part of this test, consideration should also be given to the disaggregation of the uses proposed, that is to say considering whether the different proposed uses could be located at separate locations however, it is considered in this case that this is complicated by the fact that these uses may not all form part of the final development.
- 7.13 In analysing the units available, the majority of those identified in the submitted sequential test have a small floorspace and could not accommodate any of the proposed units.
- 7.14 However, since the submission of the application and the associated sequential test, there have been changes in the vacancies of shops in the town centre, in particular the closure of House of Fraser and the relocation of Next and Primark into this store, which leaves the current stores of these two companies vacant. These would represent sequentially preferable locations for the proposed comparison goods floorspace, which are available. Therefore it must be concluded that the application fails the sequential test.
- 7.15 The NPPF states at Paragraph 27 that where an application fails to satisfy the sequential test, it should be refused.
- 7.16 Case law has determined that failure of the sequential test need not result in a refusal, the extent and consequence of the breach of the sequential test are capable of being outweighed by other material considerations, such as the economic benefits the development would bring to the area. This is discussed later in this report.

The Potential Impact on the Town Centre

- 7.17 The application is in outline form for a range of uses with no end-user in mind. The purpose of the application is therefore to establish the principle of retailing on the site. The impact assessment submitted by the applicant in support of the application has been prepared with a generic mix of uses. In the reports submitted with the application, it is concluded that convenience and comparison goods impact from the proposed development is expected to have no harmful effects on the town centre, whether configured as a bulky goods store or standard retail food and non-food, unrestricted A1 units.
- 7.18 The food element of the application at 1,700sqm gross is of a size that could be generally expected to be occupied by a limited discount retailer such as Aldi or Lidl, but could potentially be occupied by other retailers. To ensure only a limited discounter occupies the unit, the applicant is willing for this to be restricted by condition, and such a condition is proposed. It is considered that this format, on its own, would have a limited impact on the town centre and other near-by identified centre such as St. James and Far Cotton. However the nature of the proposal is such that this element of the scheme cannot be considered in isolation from the remainder.
- 7.19 The application as originally submitted proposed a non-food floorspace of 3,902m². This was a cause for significant concern as this would have had a significant impact on the town centre. This element has, therefore, been amended to a maximum of 2,276m² of open A1 non-food retail but with a maximum of 3,902m² for bulky goods, which therefore means that the whole of the development could consist of bulky goods.
- 7.20 Whilst this is a reduced figure, the 2,276m² of open A1 non-food floorspace is still of concern in relation to the impact on the town centre, especially as this could be a single unit.
- 7.21 Also of concern is the potential for a range of uses, including café and restaurant uses as well as retail, which could provide an alternative destination for all needs to the town centre.
- 7.22 The proposal is, on the basis of the application as submitted, considered likely to cause harm to the town centre in terms of trade diversion particularly in the event of a single unrestricted non-food A1 operator. In addition, by providing out of centre floorspace which would not only compete with the town centre on its own, it will reinforce the already strong performance of the wider area to the south of the river as a retail / leisure destination in its own right, contrary to the NPPF and the strategic objectives of the CAAP.

- 7.23 In order to clarify the extent of this impact the proposals have been assessed by independent retail consultants and it has been determined that the cumulative impact of this and other committed developments would equate to a 5.9% loss of trade to the town centre. Such impact whilst not immaterial, would not give rise to significant impact in NPPF terms.
- 7.24 The situation is further complicated by the currently outstanding inspector's decision on the Rushden Lakes application. If this is approved the town centre would be in a much weaker position, and the loss of trade as a result of this proposal would be more significant. However, as the decision on the Rushden Lakes application may be several months away it would be unreasonable to further delay the determination of the current proposals.

Wider Benefits of the Proposal

- 7.25 The failure of the sequential test and the impact of the development needs to be balanced with the potential wider benefits of the proposal.
- 7.26 The applicants submit that the proposed development is required as "enabling" development, which would facilitate the development of other land in the applicants' ownership in accordance with CAAP Policy 26.
- 7.27 In this respect a legal agreement, outside of the planning process, has been entered into between WNDC and National Grid. Following the abolition of WNDC this has transferred to the Council. This provides for the demolition of redundant gas holders, completion and assembly of the St Peter's Way Site for onward disposal for offices in accordance with CAAP Policy 26, remediation and marketing of the remainder of the National Grid landholdings, thereby enabling these key sites within the Enterprise Zone to come forward for development ahead of the timetable which would have been in place if forward funding had not been made available. It is considered that these proposals build on the development demand arising from the station project and the University of Northampton Innovation Centre at Black Lion Hill.
- 7.28 It has been confirmed by the applicants that National Grid is incurring significant costs in undertaking works associated with clearing the gasholder sites and is argued by them that the application proposal represents the only opportunity for enabling development to facilitate to comprehensive regeneration of the National Grid sites. The applicants have also provided some information on the viability of office and residential uses, asserting that these will not bring about an acceptable level of return, sufficient to justify the expense associated with the demolition and remediation of the sites.
- 7.29 It is therefore accepted on this basis that the elements of the proposal would represent enabling development and would provide wider economic and environmental benefits.

Section 106 contributions

- 7.30 Whilst it has been accepted that the proposal would represent enabling development, it is considered necessary to offset the impacts on the town centre as a result of the development and to provide some of the wider benefits as set out in the CAAP.
- 7.31 In order to enhance the pedestrian environment to promote walking between the site and the Town Centre improvements to Horsemarket are required in the form of enhanced public realm. This will assist in improving the attractiveness of the town centre, which will assist in addressing the trade diversion concerns mentioned above. The contributions towards these works would be set at 50% of the paving cost.
- 7.32 Comments from County Council Development management request contributions for Fire and Rescue, the provision of sprinkler systems and the provision of channels for future broadband installation. There is, however, no policy basis to require these.

Design of the Development

- 7.33 The application is made in outline only, with all matters reserved other than access. The detailed design will, therefore, be the subject of a reserved matters application. An indicative design has nevertheless been submitted as part of this application.
- 7.34 This shows a traditional retail park, accessed by means of a private road off Towcester Road and consisting of individual units located around a central car park.
- 7.35 As referred to above, Policy 26 refers to ancillary retail on the site in the form of a publicly accessible square, which is a very different form of development to that proposed.
- 7.36 Policies 25 and 26 also focus on the need for public access to the water's edge and for buildings to positively address the waterside. This is not provided for in the indicative layout.
- 7.37 However, it would be possible, at reserved matters stage, for a design to be submitted which would more closely match policy aspirations. It is suggested that any approval should include a condition to this effect.

Impact on the Highway Network

- 7.38 In respect of the potential impact on the highway network, the transport assessment submitted by the applicants has been considered by the Highway Authority and is considered acceptable.
- 7.39 The Highway Authority has raised concerns regarding the details of the internal parking and vehicle manoeuvring layout, and the access to the car park from the internal private road. However, as this is an outline

application with all matters other than the access being reserved, these issues can be resolved at the reserved matters stage.

- 7.40 Possible additional pedestrian crossing locations have been also been indicated, the comments from the Highway Authority confirm that these are acceptable. These would have to be secured by an agreement with the Highway Authority, and in order to ensure that these are provided a Grampian condition is proposed.

Flood Risk

- 7.41 The site is located within Flood Zone 3a, which is defined as being at a high risk of flooding. Guidance in the NPPF seeks to direct many forms of development away from such zones; however it also defines “less vulnerable” uses which are compatible with such a location. This includes shops, restaurants and assembly and leisure uses, as proposed in this case. The location of the development within the flood zone is therefore acceptable in principle.

- 7.42 It is nevertheless necessary for the flood risk associated with the development to be assessed. In this regard a Flood Risk Assessment was submitted with the application, and subsequently revised, which assesses the flood risk associated with the site and sets out the drainage strategy, this has been considered by the Environment Agency and the revised version is considered by them to be acceptable, subject to the conditions as proposed.

Health and Safety

- 7.43 The site was until recently an active gas storage facility and is a contaminated site which will require remediation. Conditions will be required which will ensure remediation of the site.
- 7.44 The site also has an active consent for the storage of hazardous substances. Advice has been taken in this regard and it has been confirmed that the consent would automatically lapse on the sale of the site by National Grid.

8. CONCLUSION

- 8.1 National and Local Policy is clear that town centre uses should be located in the Town Centre. The proposed site is not in the town centre and due to its proximity to the Primary Shopping Area it is considered out-of-centre. Due to the retail nature of the proposal and its location the impact on the Town Centre has been assessed along with an assessment of other sequentially preferable sites. To this end there are more sequentially preferable sites and an impact on the Town Centre has been identified. However, case law determines that this does not need to be the overall determining factor and with this in mind other material considerations have been balanced against these issues. The site forms part of a larger development site within the

CAAP, whilst policy 26 does allow for some ancillary retail space the proposed scheme is by no means ancillary in nature. However, the development of this site as proposed will for the reasons discussed above help realise the aspirations of Policy 26 in the round and will bring about both environmental and economic benefits that outweigh the impact on the town centre and the failure of the sequential test.

9. CONDITIONS

(1) Approval of the details of the appearance, landscaping, layout and scale ("the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: This permission is in outline only granted under Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995.

(2) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

(3) The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or, if later, before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

(4) This approval shall be in respect of the access to the site only and does not include approval of the internal access and vehicle manoeuvring arrangements which shall be submitted in revised form, as part of the reserved matters applications.

Reason: For the avoidance of doubt and to secure a satisfactory standard of development in accordance with Policy 1 of the Northampton Central Area Action Plan.

(5) The landscaping details to be submitted as part of the reserved matters applications shall include, as part of the proposals a landscaping strategy for the river frontage.

Reason: To ensure compliance with Policy 26 of the Northampton Central Area Action Plan which requires softening of the heavily engineered banks of the river and easier access to the water's edge.

(6) Notwithstanding the submitted indicative drawings, the reserved matters submission for the appearance, layout and scale of the development shall endeavour to deliver where practicable the objectives of CAAP policies 25 and 26, in particular the provision of public access to and positive addressing of the water's edge.

Reason: To ensure compliance with Policies 25 and 26 of the Northampton Central Area Action Plan.

(7) 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 NPPF.

(8) 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 building 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 NPPF.

(9) Prior to the commencement of any construction work on site (Including demolition), a full ecological survey of the site shall be undertaken, the results of which shall be submitted to and approved in writing by the Local Planning Authority. Should any protected species be identified on the site (as defined under the Wildlife and Countryside Act 1981 (as amended) and the Protection of Badgers Act 1992), a scheme for the Protection of these species shall be submitted to and approved in writing by the Local Planning Authority with the ecological survey, and implemented in accordance with the approved scheme and retained thereafter.

Reason: In the interests of wildlife and nature conservation in accordance with the

(10) Prior to submission of reserved matters applications a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, should be submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include:

- Full detailed surface water calculations and drawings to ensure adequate surface water drainage facilities on site all events up to and including 0.5% (1 in 200 AEP) plus climate change.
- If the outfall of the attenuation facility is likely to be submerged in 0.5% (1 in 200 chance) rainfall event then within 24 hours of top water level being attained in a 0.5% (1 in 200) probability flood event the regulation facility must be capable of storing 80% of the additional run-off arising from a 10% (1 in 10) probability flood.
- SUDs features on site to be in accordance with Table 12.1 of the Northampton Level 2 SFRA.
- An assessment of overland flood flows.
- 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 NPPF.

(11) No development approved by this planning permission, shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- 1) 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.
- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The results of the site investigation and detailed risk assessment referred to in (2) 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.

4) 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 (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason To protect and prevent the pollution of controlled waters. In accordance with the NPPF.

(12) No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To protect and prevent the pollution of controlled waters In accordance with the NPPF.

(13) 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 any infiltration drainage system such as soakaways are not located in potentially contaminated ground, which may increase the potential risk posed to groundwater. In accordance with the NPPF.

(14) No development shall commence until a scheme for the provision of additional pedestrian crossings has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use until the crossings have been laid out and constructed in accordance with the approved details.

Reason: In the interests of Highway and Pedestrian Safety, in accordance with the NPPF.

(15) No part of the development on the site shall be occupied until the hazardous substances consent relating to the Northampton (South) Gasholder Station at Towcester Road has been revoked in its entirety in accordance with the Planning (Hazardous Substances) Act 1990 as amended, and written confirmation has been issued by the Hazardous Substances Authority.

Reason: In the interests of public safety, in accordance with the NPPF.

(16) No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded, in accordance with NPPF Paragraph 141.

(17) The total floor space of the development shall not exceed 3,902 sqm (gross internal) including any mezzanine.

Reason: To define the permission and to prevent any additional adverse impact on the town centre, in accordance with the NPPF.

(18) Any sale of convenience goods from the development shall be limited to a single unit of which the floor space shall not exceed 1,700 sqm (gross internal) and shall be no less than 850 sqm (gross internal) in any single unit. The sale of comparison goods from such a unit shall be limited to no more than 20% of the net sales area.

Reason: To define the permission and to prevent any additional adverse impact on the town centre, in accordance with the NPPF.

(19) The unit as defined in condition 18 and hereby permitted shall be occupied as a Limited Assortment Discounter only. For the avoidance of doubt this is defined as follows –

- The convenience goods sold from the store shall consist of predominantly (i.e. no more than 50%) own label products.
- The range of convenience goods product lines sold from the store shall not exceed 2,000 lines.

- No separate franchises shall operate within the store.
- There shall be no separate service counters within the store.
- The store shall not incorporate a cafeteria or restaurant.
- The store shall not sell tobacco products, newspapers.

Reason: To define the permission and to prevent any additional adverse impact on the town centre, in accordance with the NPPF.

(20) No more than 3,902 sqm (gross internal) shall be used for bulky goods retailing with a minimum unit size of no less than 750 sqm gross internal. The total number of units in this use shall not exceed 5.

Reason: To define the permission and to prevent any additional adverse impact on the town centre, in accordance with the NPPF.

(21) The bulky goods floorspace shall be used only for the sale of furniture; carpets; floor coverings; DIY products including materials and accessories; home improvement products including fabrics and furnishings; glassware; cookware; kitchen utensils; white electrical goods; auto motive and cycle parts and accessories; pet food and accessories; garden tools, products and accessories; outdoor recreational equipment; and arts and crafts materials.

Reason: To define the permission and to prevent any additional adverse impact on the town centre, in accordance with the NPPF.

(22) No more than 2,276 sqm (gross internal) shall be used for unrestricted comparison goods retailing with a minimum unit size of 750 sqm (gross internal). The total number of units in this use shall not exceed 3..

Reason: To define the permission and to prevent any additional adverse impact on the town centre, in accordance with the NPPF.

(23) No more than 650 sqm (gross internal) shall be used for Use Class A3 with a minimum unit size of 139 sqm (gross internal). The total number of units in this use class shall not exceed 3 of which no more than 1 unit should comprise a restaurant and no more than 1 unit should comprise a coffee shop.

Reason: To define the permission and to prevent any additional adverse impact on the town centre, in accordance with the NPPF.

(24) No more than 836 sqm (gross internal) shall be used for Use Class A4 with a minimum unit size of 279 sqm (gross internal). The total number of units in this use class shall not exceed 2

Reason: To define the permission and to prevent any additional adverse impact on the town centre, in accordance with the NPPF.

(25) No more than 557 sqm (gross internal) shall be used for Use Class A5 with a minimum unit size 139 sqm (gross internal). The total number of units in this Use Class shall not exceed 3.

Reason: To define the permission and to prevent any additional adverse impact on the town centre, in accordance with the NPPF.

(26) The total number of units in use classes A3, A4 and A5 shall not exceed 3.

Reason: To define the permission and to prevent any additional adverse impact on the town centre, in accordance with the NPPF.

(27) No more than 1394 sqm (gross internal) shall be in use class D2 with a minimum unit size of 750 sqm (gross internal). The total number of units in this use class shall not exceed 1.

Reason: To define the permission and to prevent any additional adverse impact on the town centre, in accordance with the NPPF.

10. BACKGROUND PAPERS

10.1 Application File N/2013/1143.

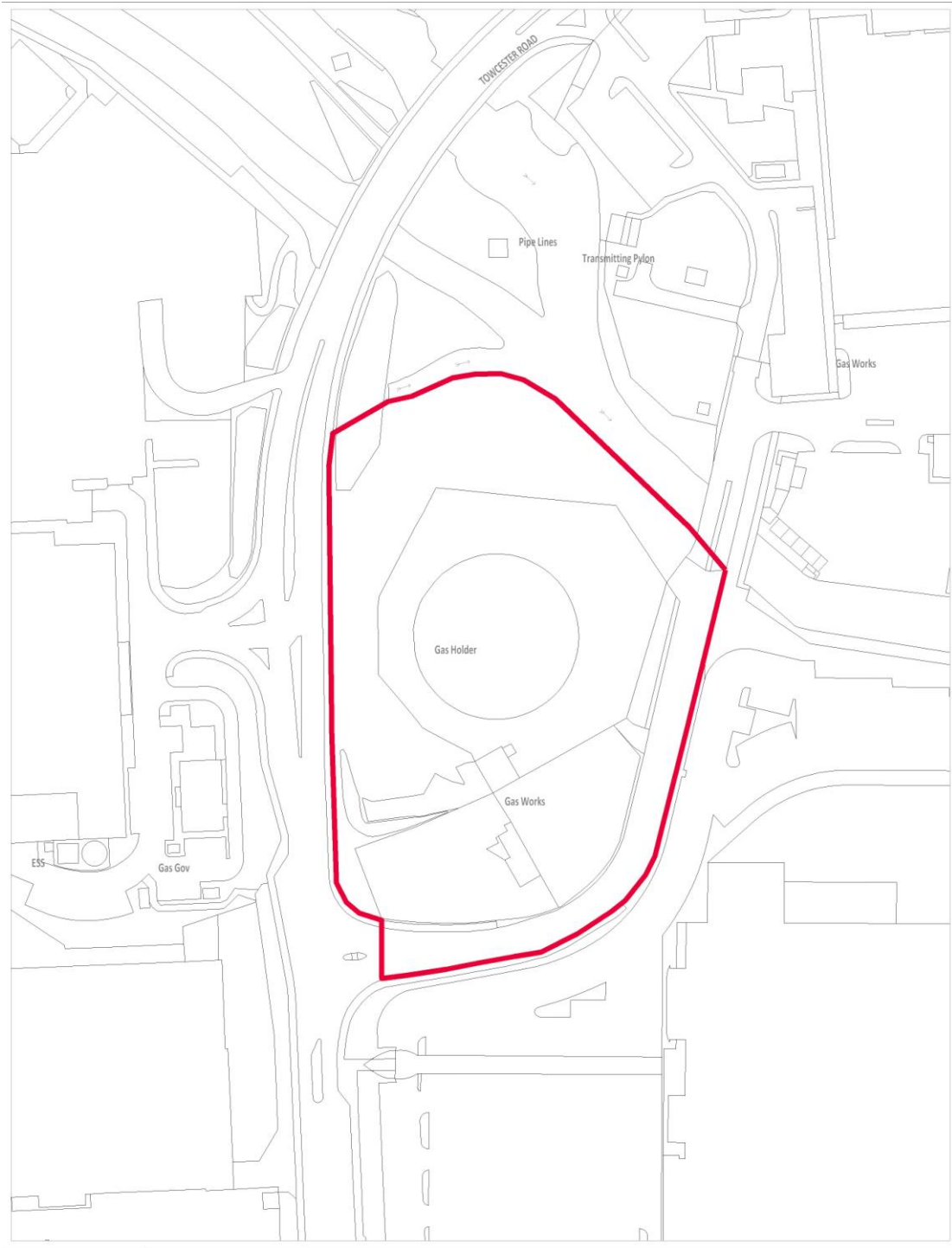
11. LEGAL IMPLICATIONS

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.

TMiller 30 May 14



Name: **Planning**
Date: **18th February 2014**
Scale: **1:1250**
Dept: **Planning**
Project: **Committee**

Title

Former Gas Holder Site, Towcester Road

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