



PLANNING COMMITTEE: 16th December 2014
DIRECTORATE: Regeneration, Enterprise and Planning
DIRECTOR: Steven Boyes

N/2014/0596: Outline planning application for mixed use development of land adjacent to Sixfields Stadium to include single storey retail buildings (13,380sqm), single storey buildings for use within classes A3, A4 and A5 (695 sqm) with associated car parking areas, petrol filling station, residential development of up to 255 units comprising of 2-3 storey town houses and 4 storey apartment blocks. Extension at first floor level of the existing West stand to form a conference centre together with a linked 4 storey up to 100 bedroom hotel, landscaping and open space.

WARD: St James

APPLICANT: County Developments Northampton Ltd.
AGENT: Douglas & Warner Professional Services

REFERRED BY: Director- Regeneration, Enterprise and Planning

REASON: Major Development requiring S106 agreement and Council owned land

DEPARTURE: NO

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 APPROVAL IN PRINCIPLE subject to the following:

- a) prior referral of the application to the Secretary of State;

b) the completion of an appropriate and reasonable Section 106 legal agreement, the heads of terms of which are to be outlined in the Addendum Report;

c) planning conditions as attached to this report;

d) delegated authority be granted to the Director- Regeneration, Enterprise and Planning, in consultation with the Chair, to satisfactorily resolve the following issue:

- The impact on the local road network being demonstrated as acceptable and any associated Planning Obligation or necessary planning conditions in relation to transport improvement;

e) as the consultation period will expire on 18th December 2014 that delegated authority be granted to the Director- Regeneration, Enterprise and Planning to resolve any matters if not already raised in the Planning committee report.

2. THE PROPOSAL

2.1 Members will recall that this application was reported to the 29th October meeting of the Planning Committee where it was resolved to approve the application in principle subject to the prior referral of the matter to the Secretary of State; the completion of an appropriate and reasonable Section 106 legal agreement; appropriate conditions and the satisfactory resolution of the following matters:

- The impact of the retail and leisure elements of the application being demonstrated to be compliant with policy;
- The impact on the local road network being demonstrated as acceptable;
- Issues of ground contamination being shown as capable of being adequately remediated;
- The objection from the Environment Agency being adequately addressed;
- Demonstration that any ecological impacts can be satisfactorily addressed; and
- The holding objection from Sport England being satisfactorily addressed.

2.2 A copy of the report and addendum presented to Members previously are appended for information and set out the details of

the proposal, the nature of the site, the relevant planning policies and the consideration of the relevant planning matters.

- 2.3 The purpose of this current report is to update Members on the progress of this application and to seek a decision from the Committee on the recommendation outlined above.
- 2.4 A clarification has been provided in respect of an element of the application. 695 square metres of retail floorspace is indicated on the masterplan adjoining the foodstore unit. It has been confirmed by the applicants that this floorspace is to be used for purposes falling within Classes A3 (Restaurants and Cafes), A4 (Drinking Establishments) and A5 (Hot Food Take-aways).

3 APPRAISAL

Retail & Leisure

- 3.1 Further to the considerations set out in the 29th October Committee report the applicant has submitted further information in respect of the retail and leisure elements of the scheme. This has been examined by the Council's consultant and it is now considered that the sequential test required by the NPPF has been met as there are no sites within the established town centre which could reasonably accommodate the development proposed. It is also considered that there are no suitable sites which are located in greater proximity to the central area which could be classed as sequentially preferable.
- 3.2 In terms of the impact of the retail development on the vitality and viability of the town centre this can be assessed in two categories.
- 3.3 Firstly, the impact of the convenience retailing from the site, ie. the proposed food store, is considered acceptable due to previously 'committed' developments not coming forward and consequently there being a restricted impact on the town centre as a result.
- 3.4 Secondly, is the more complex matter of the impact from the retailing of comparison goods. It is considered that approximately 20% of the turnover of the comparison goods retailing proposed as part of the application would be diverted from the town centre. This represents approximately 2% of the town centre's trade. In conjunction with other 'committed' developments in the Borough, and the Rushden Lakes development, it is considered that the cumulative diversion of trade away from the town centre would be approximately 9.8%. This level is not in itself considered to be significantly adverse and is based on the assumption that only

'bulky goods retailing' would be taking place. Consequently a condition would be required to restrict the range of goods and services to be sold to those which could be classified as 'bulky goods'. Conditions would also be required to restrict the quantities of floorspace and to prevent subdivision of the units.

3.5 A formal objection to the application has been received on behalf of the Northampton Shopping Centre Limited Partnership, the operators of the Grosvenor Centre. This objection is on the basis of:

- The significant amount of open A1 floorspace in an out of centre location;
- The proposal is contrary to guidance and policy at national and local level;
- The retail impact is significant and warrants the refusal of the application;
- Sequentially preferable sites exist to accommodate the development; and
- The benefits of the development do not outweigh the harm.

The letter also recommends that robust planning conditions should be imposed on any planning permission.

3.6 To respond to this objection, as outlined above it is considered that the retail impact assessment and sequential test carried out by the applicants are adequate and conform with the relevant policies, and demonstrate that the retail impact would not be significantly adverse and that no sequentially preferable sites exist. This is not only the view of officers but also of the independent consultant employed to advise on this matter. To some degree the interpretation of the significance of the retail impact and the benefits of the scheme are subjective and is a matter of balance. As outlined above, conditions are proposed in relation to the retail development and as such any development would not be for "open A1 floorspace".

Highways

3.7 In terms of the impact on the local road network the applicants have been involved in discussions with the Highway Authority. The conclusion of these was that further work was required to be undertaken to more fully assess the impact of the development. This work has been submitted to the Highway Authority and is considered to be inadequate in demonstrating that the impacts of

the development can be mitigated satisfactorily. As such the Highway Authority currently objects to the application.

- 3.8 It is, however, considered that with further work by the applicants this issue could be satisfactorily addressed and indeed discussions have taken place between the applicants and the Highway Authority to this end with the applicants agreeing to undertake further survey and modelling work. An update on the progress regarding this matter will be provided to Members at the Committee meeting.

Contamination

- 3.9 It is considered by the Council's Environmental Health team that appropriate conditions can be imposed to satisfactorily address the issue of ground contamination. These are included within the list of conditions later in this report.

Environment Agency

- 3.10 The Environment Agency have confirmed that on the basis of additional work undertaken by the applicant there are no objections to the application subject to conditions.

Ecology

- 3.11 Further information has been submitted with regard to ecology matters and this is considered to be adequate to allow conditions to be imposed to adequately address the ecological impact.

Sport England

- 3.12 The addendum report for the 29th October Committee meeting, which is attached for Member's information, outlined that their holding objection had been removed.

Viability/Section 106

- 3.13 Discussions are currently taking place between the applicant and officers with regard to the viability of the scheme and the amount of money which could be available for a Section 106 package. It is anticipated that an update on this will be presented to Members in the Addendum Report.

4. CONCLUSION

- 4.1 It is considered that significant progress has been made in terms of addressing the matters outstanding at the time of the 29 October Planning Committee meeting, especially in terms of

addressing the objection of the Environment Agency and demonstrating that the likely retail impact on Northampton Town Centre would not be significantly adverse. It is acknowledged that, at the time of writing this report, there are two issues outstanding, the impact on the road network and the details of the Section 106 agreement. However it is believed to be realistic that the further outstanding matters will be addressed sufficiently in time to provide updates to the Planning Committee.

5. CONDITIONS

1. 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.

2. The development hereby permitted shall be begun either before the expiration of five 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.

3. Approval of the details of the access, 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 4(1) of the Town and Country Planning (Development Management Procedure) Order 2010.

4. The development hereby permitted shall only be carried out in accordance with the general zones identified on the indicative site masterplan.

Reason: To ensure the site is developed in the way envisaged by the Local Planning Authority to ensure a satisfactory form of development in accordance with Policy E20 of the Northampton Local Plan.

5. Prior to the submission of any reserved matters application, a detailed phasing plan for the development that identifies stages at which each element of the proposed development shall be commenced, completed and made available for occupation, shall be submitted to and approved in writing by the Local Planning

Authority. The development shall be implemented in full accordance with the approved details.

Reason: For the avoidance of doubt and to ensure that appropriate infrastructure, mitigation and facilities are in place in a timely manner to support the proposed residential community.

6. No development shall take place in each phase of development until details of the materials to be used in the construction of the external surfaces of the buildings to be constructed within that phase have been 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 the visual amenity of the area in accordance with Policy E20 of the Northampton Local Plan.

7. Prior to the commencement of construction works on site for each phase, details of the existing and proposed ground levels and finished floor levels of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.

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

8. i) No development shall take place until a desktop study, including a site walkover, in respect of possible contaminants within the site is completed and the need for a site investigation is determined. The scope and methodology of the desk top study and the site investigation report shall be submitted to the Local Planning Authority for approval.

ii) No development shall commence until such time as a comprehensive site investigation and appropriate risk assessments addressing soil, groundwater, surface water and gas have been carried out. The results shall be used to produce a method statement for any remedial works (and a phasing programme), which shall be submitted to the Local Planning Authority for approval before development commences.

iii) All remedial works found to be required under Condition 8ii 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).

iv) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Condition 8ii and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition 8ii, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Condition 8iii.

Reason: To ensure the effective investigation and remediation of contaminated land sites and in the interests of health and safety and the quality of the environment in accordance with the advice contained in the National Planning Policy Framework.

9. Full details of all external lighting shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction work on site for each phase, implemented concurrently with the development and retained thereafter.

Reason: To secure a satisfactory standard of development in accordance with Policy E20 of the Northampton Local Plan.

10. Before development commences a scheme for air quality mitigation shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed scheme.

Reason: In the interests of the quality of the environment in accordance with the advice contained in the National Planning Policy Framework.

11. Any static sources of noise introduced to the proposed retail sites shall meet the target criteria for noise generation specified in Table 5 of the submitted report SJC/615930/R8-ACO at the façade of the nearest noise sensitive premises.

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.

12. Before development commences for each phase a scheme shall be submitted to and agreed in writing by the Local Planning Authority that specifies any non external static sources of noise on the site and the provisions to be made for its control. The

scheme agreed shall be implemented prior to the development coming into use and the applicant shall demonstrate that the scheme agreed has achieved its design criteria, and shall be retained thereafter.

Reason: To protect the amenities of nearby occupants from noise and vibration in accordance with the advice contained in the National Planning Policy Framework.

13. Before the A3, A4 and A5 uses hereby permitted are first brought into use a scheme for the control of odour shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason: To protect the amenities of nearby occupants from odour in accordance with the advice contained in the National Planning Policy Framework.

14. Before development commences of the proposed residential units the applicant shall submit for approval in writing by the Local Planning Authority a scheme of acoustic protection measures for housing as specified in Table 3 of the submitted report SJC/615930/R8-ACO. The development shall only be carried out in accordance with the agreed scheme.

Reason: To protect the amenities of nearby occupants from noise and vibration in accordance with the advice contained in the National Planning Policy Framework.

15. 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:
 - i. The control of noise and dust during the development process;
 - ii. Traffic management and signage during construction;
 - iii. Phasing;
 - iv. Provision for all site operatives, visitors and construction vehicles loading, parking and turning within the site during the construction period;
 - v. Arrangements during the construction period to minimise the deposit of mud and other debris on to the adjacent highway;
 - vi. The safe means of access of construction traffic to the site;
 - vii. Routing agreement for construction traffic; and
 - viii. 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.

16. Before the retail development and A3,A4 and A5 uses hereby permitted are first brought into use details of the hours of opening of these shall be submitted to and agreed in writing by the Local Planning Authority. The development shall only operate in accordance with the approved scheme thereafter.

Reason: To ensure the development operates in a satisfactory way in the interests of residential and visual amenity to accord with Policy E20 of the Northampton Local Plan.

17. Before development commences for the retail element of the proposal, a scheme for the management of the service areas of the retail development, including, but not exclusively, details of the timing of deliveries and method of outside storage, associated with the retail development shall be submitted to and agreed in writing by the Local Planning Authority. The development shall only operate in accordance with the agreed scheme.

Reason: To ensure the development operates in a satisfactory way in the interests of residential and visual amenity to accord with Policy E20 of the Northampton Local Plan.

18. Before development commences for the retail element of the proposal, a scheme for the management of the car parking areas, including, but not exclusively, details of any paraphernalia to be erected and the installation of CCTV, associated with the retail development shall be submitted to and agreed in writing by the Local Planning Authority. The development shall only operate in accordance with the agreed scheme.

Reason: To ensure the development operates in a satisfactory way in the interests of residential and visual amenity to accord with Policy E20 of the Northampton Local Plan.

19. A minimum of 10% of the total number of dwellings shall be constructed to the Local Planning Authority's mobility standards in accordance with further details to be submitted to and approved in writing by the Local Planning Authority and implemented concurrently with the development and thereafter retained as such.

Reason: To ensure the provision and retention of dwellings(s) suitable for use by people with disabilities in accordance with Policy H17 of the Northampton Local Plan.

20. Details of the provision for the storage of refuse and materials for recycling shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of

development of each phase, implemented prior to the occupation or bringing into use of the building(s) and thereafter maintained.

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

21. Prior to the commencement of development an ecological report, including 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. The ecological report should make provision for the protection or replacement of habitats and provide for ecological enhancement of the site. 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 advice contained in the National Planning Policy Framework.

22. The Class A1 retail floorspace hereby permitted shall not exceed 13,380 sq m Gross Internal Area (GIA). This shall be provided in no more than three units (“the foodstore unit” and “the two non food units”; together “the units”) as indicated on the Site Masterplan and in the submitted Retail Assessment. The “foodstore” unit shall not exceed a maximum floorspace of 6,330 sq m GIA. The two “non food” units shall not exceed a combined maximum floorspace of 7,050 sq m GIA.

Reason: To ensure the retail development is of the scale envisaged to safeguard the viability of Northampton Town Centre in accordance with the National Planning Policy Framework.

23. Within the “foodstore” unit referred to in condition 21 the convenience goods sales area shall be restricted to a maximum of 2,675 sq m net and the comparison goods sales area shall be restricted to a maximum of 1,440 sq m net.

Reason: To ensure the retail development is of the scale envisaged to safeguard the viability of Northampton Town Centre in accordance with the National Planning Policy Framework.

24. The two “non food” units referred to in condition 22 shall each have a minimum floorspace of 1,950 sq m GIA and shall only be used for the sale of the following goods and services:

DIY
Gardening
Furniture
Carpets and floor coverings
Electrical goods
Car and cycling accessories
Pictures, frames and prints;
Pets, pet accessories, pet care and advice;
Hobbies, toys and crafts;
Baskets, wicker work and country crafts;
Christmas decorations and trees;
China and glassware;
Kitchen accessories;
Outdoor and country pursuits items and equipment e.g. fishing, equestrian, hiking, climbing etc;
Camping equipment and supplies.

Reason: To ensure the retail development is of the scale and nature envisaged to safeguard the viability of Northampton Town Centre in accordance with the National Planning Policy Framework.

25. None of the units shall be amalgamated, or subdivided to form separate units and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting or amending that Order with or without modification), no mezzanine or other form of internal floor to create or extend an upper floor level shall be constructed in any of the units.

Reason: To ensure the retail development is of the scale and nature envisaged to safeguard the viability of Northampton Town Centre in accordance with the National Planning Policy Framework.

26. The remaining 695 square metres of retail floorspace, as indicated on the Site Masterplan shall only be used for purposes within Classes A3, A4 or A5 of the Town and Country Planning Use Classes Order 1987 (as amended). Notwithstanding the provisions of this Order or the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting or amending that Order with or without modification) there shall be no change of use to any use within Class A1 of the Town and Country Planning Use Classes Order 1987 (as amended).

Reason: To ensure the retail development is of the scale and nature envisaged to safeguard the viability of Northampton Town Centre in accordance with the National Planning Policy Framework.

27. Notwithstanding the provisions of Article 3(1) of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification), no premises shall be used for the purposes of a house of multiple occupation.

Reason: To enable the Local Planning Authority to assess the implications of a house of multiple occupation in this location in accordance with Policy E20 of the Northampton Local Plan.

6. BACKGROUND PAPERS

- 6.1 N/2014/0596.

7 LEGAL IMPLICATIONS

- 7.1 None

8. SUMMARY AND LINKS TO CORPORATE PLAN

- 8.1 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: Location Plan
Date: 7th October 2014
Scale: 1:3250
Dept: Planning
Project: Planning Committee

Title

Land Adjacent to Sixfields Stadium

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