

PLANNING COMMITTEE: 29th October 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 (14,075sqm) 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, land at Sixfields Stadium, Edgar Mobbs Way

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 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.

A further report will be presented to the Committee at a future meeting, most likely that of the 18th November, to outline the progress made on addressing these matters and to therefore allow Members to make a final decision on their resolution.

2. THE PROPOSAL

- 2.1 The application seeks outline planning permission for a mixed use development. This would involve a retail development of 14,075 square metres with associated car parking areas and a petrol filling station. Also a residential development of up to 255 units (comprising 167 houses of two and three storeys and 88 flats in four storey blocks). It is also proposed to develop a conference centre and hotel which would be linked to the west stand of the football stadium. Landscaping and open space would be provided.
- 2.2 All matters are reserved for future consideration, however an indicative masterplan has been submitted which shows the retail development being accessed from Weedon Road/Tweed Road and Walter Tull Way. The retail development would have one retail unit of 6,330 sqm which has been identified as a food store (supermarket). Two small retail units are shown attached to this which would have a combined size of 695 sqm. Two further non-food retail units of 5,100 and 1,950 sqm are also indicated.
- 2.3 The residential development is shown as being accessed from three points on Edgar Mobbs Way and would occupy the lower portion of the site. A pedestrian link is shown between the residential and the retail areas.
- 2.4 It is proposed to link the first floor of the rear of the west stand of the stadium to the conference facility which would see the existing ground level concourse/car parking immediately behind the stand remain. The

conference facility would then link to a four storey hotel building providing 80 bedrooms.

- 2.5 As the application proposes “development outside town centres” (retail and leisure) exceeding 5,000 sqm it is required under The Town and Country Planning (Consultation) (England) Direction 2009 to be referred to the Secretary of State before a decision may be issued by the Local Planning Authority.

3. SITE DESCRIPTION

- 3.1 The application site is in distinct parcels due to the difference in land levels. The upper part of the site, which would be the location of the retail development, is somewhat ‘L’ shaped adjoining Walter Tull Way, Weedon Road and Tweed Road. At present part of the site is a vacant site used as overflow car parking, while the north eastern element is a household recycling centre.
- 3.2 The lower part of the site sits approximately three to four metres lower, with a sloping grass bank between the two levels, and forms overgrown scrubland adjacent to Edgar Mobbs Way which runs across the southern boundary. Directly to the west is Sixfields Stadium with its car parking area sitting to a higher level to the west.
- 3.3 This area is a former land fill, as evidenced by a number of ventilation pipes and was allocated within the Local Plan as a Development Site. The site is within the Enterprise Zone with the surrounding area generally being characterised by various commercial uses. On the opposite side of Edgar Mobbs Way is Stortons Pits Nature Reserve, which is a Local Nature Reserve.

4. PLANNING HISTORY

- 4.1 N/2013/1048 Planning permission granted for extension of east stand of stadium including erection of conference/banqueting suite in November 2013. Planning permission N/2014/0889 was granted in September 2014 to allow different plans to be used in the development including the removal of the conference/banqueting facility.

5. PLANNING POLICY

5.1 Development Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The current Development Plan comprises the saved policies of the Northampton Local Plan 1997.

5.2 National Policies

The National Planning Policy Framework (NPPF) sets out the Government's overarching approach to planning. It encourages sustainable development and requires good quality design as well as setting out the need to build a strong economy and deliver a wide choice of quality homes. The NPPF also aims to ensure the vitality of town centres.

5.3 Northampton Local Plan

Policy E18 (Nature Conservation) requires development to have no adverse effect upon the nature conservation value of Local Nature Reserves.

Policy E20 (New Development) requires development to be well designed and in keeping with its surroundings and ensuring adequate standards of amenity.

Policy E40 (Crime and Vandalism) requires development to pay adequate regard to the need to deter crime and vandalism.

Policy H7 (Housing Development Outside Primarily Residential Areas) requires proposals to secure a satisfactory residential environment; in keeping with the surrounding area and would not prejudice the function of the area.

Policy H17 (Mobility Housing) requires 10% of dwellings on schemes of ten or more units to be built as 'mobility housing'.

5.4 Northampton Central Area Action Plan (CAAP)

The CAAP aims to regenerate the town centre and as such defined 'town centre' development should be located within the area of the CAAP.

Policy 14 of the CAAP sets targets of 61,000 sqm of gross comparison retail floorspace and 4,500 sqm of gross convenience floorspace to be provided by 2026 in the Town Centre.

5.5 Supplementary Planning Guidance

Northamptonshire County Parking Standards SPG 2003

Planning out Crime in Northamptonshire SPG 2004

Planning Obligations SPD 2013

5.6 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 Inspector's report on the examination into the JCS was published on 7th October 2014. The Inspector concluded that the main modifications made to the report (which were subject to public consultation and submitted in January 2014) satisfy the requirements of Section 20(5) of the Planning and Compulsory Purchase Act 2004 and meet the criteria for soundness in the NPPF.

Policy S2 sets out the hierarchy of centres and defines Northampton as the regional town centre.

Policy S9 (Distribution of Retail Development) states that retail floor space will be accommodated firstly within town centres and when not in the town centre proposals will be subject to a sequential approach and an impact assessment to ensure no negative impact on the town centre.

Policy S10 (Sustainable Development Principles) requires high standards of sustainable design and accessibility.

Policy C2 (New Developments) states that all new development in Northampton should maximise travel choice from non-car modes and should be supported by a transport assessment and travel plan.

Policy E7 (Tourism, Visitor and Cultural Industries) indicates that such development will be supported where they contribute to regeneration; strengthen the tourism offer; benefit local communities and businesses and do not harm the natural or built environment.

Policy H1 (Housing Density and Mix and Type of Dwellings) requires new housing development to provide a mix of types, sizes and tenures. Development is also required to make the efficient use of the location and character of the site; the character of the surrounding area; accessibility and amenity.

Policy H2 (Affordable Housing) requires 35% affordable housing provision on sites of 15 dwellings or more within Northampton.

Policy INF1 (Infrastructure Delivery) states that new development will be supported by and provide access to infrastructure.

Policy N1 (The Regeneration of Northampton) places a focus on the town centre and central area for retail and leisure development. It also focuses on employment development through regeneration and redevelopment of the Enterprise Zone.

Policy N2 (Northampton Central Area) emphasises the focus for development within the central area.

6. CONSULTATIONS/ REPRESENTATIONS

Comments received are summarised as follows:

- 6.1 **NCC Highways** have commented that the Transport Assessment and Travel Plan submitted with the application are insufficient to allow them to form a view on the application.
- 6.2 **NBC Environmental Health** have commented on noise, air quality and contamination. Conditions are recommended with regard to noise (both in terms of the noise generated by the development and protecting future residents from external noise). An air quality assessment is required which has not yet been produced. With regard to the issue of contamination it is considered that the broad principle of remediation has been shown as being possible, however the detail of how this is to be achieved needs to be looked into further.
- 6.3 **NBC Community Safety** request CCTV coverage of the commercial element of the scheme and a contribution towards monitoring and maintenance of £3,000 per annum, for ten years.
- 6.4 **Northamptonshire Police** have raised several design and detailed issues concerning the indicative layout.
- 6.5 **Sport England** have submitted a holding objection due to insufficient information being submitted to understand the application in relation to the athletics track/playing field within the application site to the rear of the east stand of the stadium.
- 6.6 **NCC Development Management** have requested a contribution of £992,906 towards primary education; £689,064 towards secondary education; £23,460 towards fire and rescue for the residential element of the scheme and a contribution of £55,678 towards libraries. A contribution towards fire and rescue for the commercial element of the scheme would be required if sprinklers are not to be installed.
- 6.7 **Highways Agency** have not commented on the Transport Assessment.

- 6.8 **Natural England** have referred to their standing advice which requires LPAs to fully understand the impact on Local Nature Reserves.
- 6.9 **Nene Valley Nature Improvement Area** do not object to the principle of development but have comments on the need for landscaping to be incorporated within the development.
- 6.10 **National Grid** do not object but highlight equipment in the vicinity.
- 6.11 **Western Power** have no observations.
- 6.12 **NBC Housing Strategy** have commented on the need for affordable housing to be provided.
- 6.13 **NBC Urban Design** have made several comments regarding the indicative layout of the development and in particular the residential element of this.
- 6.14 **NHS** request a contribution of £158,355 towards health provision.
- 6.15 **Environment Agency** recommend the refusal of the application on the basis that the submitted Flood Risk Assessment is inadequate, particularly in terms of addressing surface water run off and attenuation

7. APPRAISAL

Background

- 7.1 The application site sits within a Development Site for mixed use proposal as defined in the Local Plan and the surrounding area has been intensively developed over the last twenty years with a variety of commercial/leisure uses including Sixfields Stadium, the home of the town's professional football club. The site is also within the Northampton Waterside Enterprise Zone
- 7.2 Aspects of the development, the hotel and conference facility, are linked to the stadium and are intended to provide additional income streams for the football club.

Planning Policy

- 7.3 The NPPF generally encourages sustainable development which would have economic benefits, as well as requiring a range of housing to be provided and for local authorities to ensure they have an adequate five year supply of housing to aid the delivery of this.
- 7.4 The NPPF also recognises the need to protect town centres from out of centre development which would harm the role of that centre.
- 7.5 Policies of the Joint Core Strategy are consistent with the NPPF in seeking to promote economic development and housing development

while ensuring that such development is appropriately located and would not compromise the role of designated town centres.

- 7.6 The CAAP set out the Council's objective to revitalise the town centre and to make this the focus for retail and leisure development.
- 7.7 Local Plan Policies which are relevant reiterate to an extent these considerations.

Retail Impact

- 7.8 14,075 sqm of retail floor space is proposed as part of the application. 6,330 sqm of this would be for a food store. Due to this scale of retail development, as outlined previously, the application must be referred to the Secretary of State as it is "out of centre" development.
- 7.9 The NPPF and the emerging policies of the JCS require that outside an established town centre proposals for retail, and indeed leisure, development require an impact assessment to be carried out and for a sequential test to be applied to make sure that development is appropriately located and will not be to the detriment of the established centre.
- 7.10 A retail impact assessment, incorporating a sequential test, has been submitted with the application and the Council has employed an external consultant to evaluate this. The consultant has concluded that while there may be a case to justify the development, in particular the possible need for a further food store, there are flaws in the analysis conducted and that consequently there needs to be further work undertaken to satisfactorily demonstrate the retail impact of the scheme would not be adverse and would not conflict with the advice of the NPPF, the policies of the JCS or indeed the Council's own aspirations for the town centre as set out in the CAAP.

Highways

- 7.11 The Highway Authority have raised concerns over the lack of information provided within the submitted Transport Assessment and that, presently, this does not allow for a judgement to be formed on the likely impact which the development would have on the road network in the vicinity. At present the applicant is in discussion with the Highway Authority regarding this matter.
- 7.12 Concerns have also been expressed regarding the layout within the housing element of the application. The application is in outline only and the layout indicative and it is therefore considered that this issue can be considered and addressed at a detailed stage.
- 7.13 The Highways Agency has, so far, expressed the view that the development is unlikely to impact on the strategic road network.

Character of Area/Design

- 7.14 The application site is on two distinct levels. The upper level which would be the site for the retail element of the application would see the continuation of Walter Tull Way which has a number of commercial uses. The site also fronts Weedon Road and Tweed Road which are commercial in nature. Consequently it is not considered that the principle of large scale retail buildings being developed on the site would detrimentally impact upon the character of the area and would, indeed, complement surrounding land uses.
- 7.15 The lower level of the site would be the location for the residential element of the development. This portion of the site has a distinctly different character with the Stortons Pits Nature Reserve on the opposite side of Edgar Mobbs Way contributing to a more open and undeveloped nature. In this context the principle of residential development on this lower section is considered broadly acceptable.
- 7.16 However, consideration would need to be given at a detailed stage as to the design of the scheme, particularly how it fronts Edgar Mobbs Way and the nature reserve, as well as to landscaping to ensure the assimilation of the development into its surroundings.

Contamination/Environmental

- 7.17 As part of a detailed scheme for the site consideration will also need to be given as to how the residential development relates to the retail element of the application in environmental terms as well as to other surrounding commercial land uses. In terms of the principle of the development, which is what is currently being considered, it is considered that this can work and as such the application is considered acceptable from this perspective.
- 7.18 In terms of considering the principle of the application the more significant issue from an environmental perspective is the matter of ground contamination. The site was formerly used for landfill and consequently is significantly contaminated. The development of retail units on such a site is not too much of an issue. However the development of dwellings in this context is, potentially, a major concern due to the potential risks to the health of future residents.
- 7.19 Reports have been submitted with the application which indicate that the ground conditions existing at the site could, potentially, be satisfactorily remediated so as not to provide a risk to the health of future residents of the development. However it is considered that further information needs to be provided around this issue and consideration given as to the mechanisms required to secure the necessary remediation.

Wildlife/Ecology

- 7.20 The ecology report submitted with the application identifies the potential for protected species to exist within the site and also identifies

the possibility of the site being interconnected with the nearby nature reserve. It is considered that the impact of the development from this perspective needs to be understood in more depth prior to granting planning permission and discussions are currently taking place with the applicant regarding the potential for an ecology strategy for the site.

Sport England

- 7.21 Sport England have currently submitted a holding objection to the application on the basis of the loss of the athletics track and football pitch adjacent to the Sixfields Stadium which is within the western part of the housing section of the application site. If a Local Planning Authority is minded to grant planning permission where Sport England objects it is required to refer the matter to the Secretary of State.
- 7.22 The loss of the athletics track and football pitch was originally proposed as part of the application to extend the east stand of Sixfields Stadium and to erect a conference/banqueting facility. Replacement facilities were required to be provided by means of a condition. While this condition has not formally been agreed at present it is intended that a new athletics facility will be provided at Moulton College and a planning application for this is currently being considered by Daventry District Council. The football pitch was previously used by Northampton Ladies FC who have subsequently found a new home in Daventry.
- 7.23 Consequently it is considered that a mechanism exists through the previous planning permission to secure alternative provision and it is hoped that, as a result, Sport England will remove their holding objection shortly.

Flooding/Drainage

- 7.24 A Flood Risk Assessment has been submitted as part of the application. The Environment Agency have commented that this is unacceptable and in particular that it does not adequately address the issue of surface water run-off and attenuation. The applicants are currently addressing this matter with the Agency and it is hoped to provide an update to Members at the Committee meeting.

Section 106/Viability

- 7.25 The County Council have requested Section 106 contributions totalling £1,761,108 towards education, libraries and fire and rescue. The Council's Community Safety team have requested the provision of CCTV and a contribution towards this of £3,000 per annum for 10 years. Also the NHS has requested a contribution of £158,355 towards health provision.
- 7.26 In addition to these requests there is the policy requirement for 35% of the residential units to be affordable. The issue of public open space should also be addressed in a Section 106 agreement. In addition it is

possibly the case that issues arising from the on-going consideration of various aspects of the application, for example, highway and ground contamination matters, may result in further requirements to be included within any Section 106 agreement.

- 7.27 The NPPF sets out that Local Planning Authorities should not seek Section 106 contributions where it is demonstrated that such contributions would render the scheme unviable. A viability assessment has been submitted with the application and the Council has appointed independent consultants to evaluate this. At present it has not been verified that the submitted financial details are accurate and consequently the exact amount of money available to form a Section 106 package has not been established. It is, however, anticipated that owing to the considerable ground remediation, as outlined previously, which is required that the package of Section 106 contributions will not be able to fulfil all of the requirements.

8 CONCLUSION

- 8.1 It is considered that in very broad terms the application could potentially be seen as complying with the NPPF in terms of promoting economic development and providing a range of housing and the contribution it would make towards the requirement for a five year supply of housing within the Borough. It would also potentially, create a number of jobs within the Enterprise Zone as well as potentially supporting the EZ through providing hotel and conference facilities. In addition the development would see derelict and contaminated land brought into productive use.
- 8.2 However the potential benefits of the development need to be weighed against the risk of adverse impacts in terms, particularly, of the impact on Northampton town centre, the impact on the local road network and the potential risks to public health from ground contamination.
- 8.3 It is accepted that there are a number of matters which need to be resolved and that the information being presented to Committee is, unfortunately, less than comprehensive. However it is considered that if it can be demonstrated that the potentially unacceptable impacts are actually acceptable, or can be suitably mitigated, then the development can have significant benefit in accordance with the wider aims of the Council, and that delegation to officers to resolve those outstanding issues, within a set time frame, is the most appropriate way to deal with this matter.

9. CONDITIONS

- 9.1 It is not at this point considered practical to provide a list of possible conditions owing to the extent of matters requiring further consideration.

10. BACKGROUND PAPERS

10.1 N/2014/0596.

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.

APPENDIX