



PLANNING COMMITTEE: 2nd September 2015
DIRECTORATE: Regeneration, Enterprise and Planning
DIRECTOR: Steven Boyes

N/2015/0473: Variation of Condition 17 of planning permission N/2013/1143 to increase the maximum amount of floorspace that may be occupied by Limited Assortment Discount Foodstore to 2,800 metres at former gas holder site, Towcester Road

WARD: Castle

APPLICANT: Lidl UK
AGENT: Bifinger GVA

REFERRED BY: Director of Regeneration, Enterprise and Planning
REASON: Major development and legal agreement required

DEPARTURE: Yes

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 APPROVAL IN PRINCIPLE subject to the following:

(i) Prior finalisation of a deed of variation to the existing Section 106 agreement in respect of application N/2013/1143 to secure the previously agreed appropriate financial contribution towards improvements of the pedestrian environment in the form of enhanced paving to Horsemarket in accordance with CAAP Polices 25 and 26;

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

The proposed increase in floorspace to be permitted for use by a limited assortment discounter would have no additional impact on the vitality and viability of the town centre than the previously consented scheme for this site, subject to compliance with the conditions imposed.

(iii) As consultation period will not expire until the 17th of September, it is recommended that delegated authority be given to the Director of Regeneration, Enterprise and Planning to resolve any additional issues raised in comments received not dealt with in the report and issue planning permission after the consultation period has expired, following the completion of the legal agreement.

2. THE PROPOSAL

- 2.1 Outline planning permission N/2013/1143 for the redevelopment of the former gas holder site off Towcester Road for flexible mixed uses (up to 3,902m² floorspace) was granted in July 2014, following finalisation of a S106 agreement to secure improvements to pedestrian link to the town centre.
- 2.2 Condition 17 of the planning permission specifies that “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 m² (gross internal) and shall be no less than 850 m² (gross internal) in any such single unit. The sale of comparison goods from such a unit shall be limited to no more than 20% of the net sales area”. The reason for imposing this condition is to prevent any additional adverse impact on the town centre.
- 2.3 The current proposal is for a variation of Condition 17 to allow the creation of up to 2,800m² of floorspace to be occupied by Lidl, a limited assortment discounter. This represents an increase of 1,100m² over and above the previous floorspace permitted in this use.
- 2.4 It has also been proposed by the applicant to add a further a condition which would restrict the overall use of the site, in the event that the floorspace occupied by the Limited Assortment Discounter (LAD) exceeds the previous limit of 1,700m². This would have the effect of removing various options permitted under the original permission including units comprising bulky goods, unrestricted comparison goods and uses in Use Classes A4 (drinking establishment) and D2 (assembly and leisure). Instead, this would limit the development of the site to a LAD and one other unit, in either Use Class A3 (café/restaurant) or A5 (hot food takeaway) for a unit of between 139m² and 400m².
- 2.5 The maximum floorspace overall would therefore be reduced from the 3,902m² originally permitted to no more than 3,200m².

3. SITE DESCRIPTION

- 3.1 The site comprises the relatively flat site of a former gasholder, which has now been demolished. The site is adjacent to the River Nene to the north and beyond this is a site previously associated with the gasholder use, which still contains operational gas infrastructure. To the east is the established B&Q store and car park. 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 of the town centre 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/2013/1143 - Outline application for the demolition of existing structures and redevelopment for flexible mixed uses within Use Classes A1 Retail, A3 Cafes, A4 Drinking Establishment, A5 Hot Food Takeaway and D2 Assembly And Leisure, access, parking, landscaping and associated works - all matters reserved except access - Approved 17-07-2014.

N/2014/0210 - Environmental improvement works with associated site clearance and restoration of land - Approved 25-04-2014.

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 adopted West Northamptonshire Joint Core Strategy (2014), Northampton Local Plan (1997) saved policies and Northampton Central Area Action Plan (2013).

5.2 National Policies

The National Planning Policy Framework (NPPF) sets out the current aims and objectives for the planning system and how these should be applied. In delivering sustainable development, decisions should have regard to the mutually dependent social, economic and environmental roles of the planning system. The NPPF should be read as one complete document. However, the following sections are of particular relevance to this application:

- 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 led system that provides a practical framework for the determination of planning applications.
- Paragraph 20 requires that planning decisions should reflect changing business needs.
- Paragraph 21 states that town centres should be the heart of communities and that there should be an appropriate level of retailing in the centre in order to meet the needs of the locality.
- Paragraph 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 West Northamptonshire Joint Core Strategy (2014)

The West Northamptonshire Joint Core Strategy (JCS) provides an up to date evidence base and considers the current Government requirements for plan making as it has been prepared in full conformity with the NPPF. Policies of particular relevance are:

Policy S2 - establishes a hierarchy of centres.

Policy S9 - requires a sequential approach to retail development location.

Policy E2 - identifies the priority given to new office floorspace provision on sites identified within the Northampton CAAP.

Policy E3 - sets out the role that the Enterprise Zone will have in encouraging start up and existing business development.

5.4 Northampton Central Area Action Plan 2013

The Central Area Action Plan (CAAP) provides specific planning policy and guidance for the town centre and adjoining areas where significant regeneration and investment is proposed in the period up to 2026 and is in conformity with the objectives of the NPPF. Relevant policies and objectives include:

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.

6. CONSULTATIONS/ REPRESENTATIONS

The comments received can be summarised as follows:

6.1 **Police Crime Prevention Design Adviser** – No objections.

6.2 **Environment Agency** – No objections.

- 6.3 **Local Highway Authority** – Following initial comments that the proposal would result in a considerable increase in vehicle movements to the site, now content that the potential for additional traffic impacts has been addressed and that the proposed changes would not have a significant detrimental effect on the immediate highway network.
- 6.4 **Environmental Health** – No objections but require conditions previously imposed to be repeated re. noise and site investigation / decontamination. As the store would increase in size the impact on air quality would need to be considered.
- 6.5 The application was notified to adjoining occupiers and by means of site and press notices, one representation was received from a Northampton resident asking that the potential to link cycle and pedestrian ways via this site is taken into consideration.

7. APPRAISAL

Principle of Development

- 7.1 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 on to 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 requires 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. 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.
- 7.2 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.
- 7.3 CAAP Policies 25 and 26 relate to the site and Policy 26 allows for ancillary retailing.
- 7.4 The above policies formed part of the consideration of the outline application which was approved in July 2014, and which this current application proposes to vary. It was concluded in approving the outline application, that whilst the development was contrary to development plan policy in that the level of retailing proposed was not ancillary, and there were sequentially preferable locations, the wider benefits of the proposal as an enabling development outweighed these concerns and it was concluded that on balance, the proposal was acceptable.
- 7.5 The original planning permission sets limits of floorspace by a number of conditions, as follows:

Use	Max. Floorspace	Min. Unit Size	Max. Unit Size
Total floorspace (including mezzanine)	3,902	-	-
Limited Assortment Discounter (Use Class A1)	1,700	850	1,700
Bulky goods sales (Use Class A1)	3,902	750	-
Unrestricted comparison goods (Use Class A1)	2,276	750	-
Class A3 (restaurant/coffee shop)	650	139	-
Class A4 (drinking establishments)	836	279	-
Class A5 (Hot Food Takeaway)	557	139	-
Class D2 (Non-residential institutions)	1394	750	-

- 7.6 There are further controls on the maximum number of units in each of the use classes, which in the case of a LAD means there can only be one such unit.
- 7.7 However, there is no minimum number of units of any type specified. This means that the site could be occupied by only one unit, which could be in any of the approved use classes. Alternatively there are a range of different scenarios involving the mix of uses which could be provided.
- 7.8 The use of a LAD is defined by one condition, which limits the total comparison goods floorspace to 20%, and by a second which sets out the range of goods which can be stocked. If the total floorspace is increased, the floorspace which could be used to sell comparison goods would also increase but the other restrictions as stipulated by the second planning condition would remain in place.
- 7.9 The current application proposes to vary Condition 17 of the permission by increasing the floorspace for a LAD from 1,700m² to 2,800m². To offset this impact, a further condition has been proposed by the applicants which would stipulate that if the size of the LAD exceeds 1,700m², the only other unit which would be permitted on the site would be a single unit in Use Class A3 (café/restaurant) or A5 (hot food takeaway), of between 139m² and 400m². This would also have the effect of limiting the overall floorspace to 3,200m². In the event that the LAD did not exceed 1,700m², the original conditions would still apply and the overall maximum floorspace would remain unchanged, as would the maximum and minimum sizes for the other units.
- 7.10 The issue to consider is, therefore, whether the proposed increase in floorspace for a LAD, including the proportionate increase in comparison goods floorspace, would result in increased impact of the development in comparison to that previously approved, to the extent that the development as amended would no longer be acceptable, due to the impact on the town centre.

- 7.11 In respect of the retail impact, the arguments put forward on behalf of the applicants relates to the operating model of a LAD, which involves a limited range of goods but a larger format store which allows more space for customers to manoeuvre and greater numbers of individual product lines. This means that in spite of the larger floorspace, the impact on the town centre would not be increased to an unacceptable degree. This argument has been examined by an independent retail consultant regularly consulted by the Council. The consultant's view was that this assessment was essentially correct. On this basis it was considered that allowing the proposed increase in floorspace, specifically for a LAD with this larger operating format, would not result in any greater impact than if the originally approved scheme were to go ahead.
- 7.12 It is not possible to require a specific store format by condition; however, a condition is recommended that would mean that the store would only be occupied by a LAD. The applicant has also proposed an additional planning condition (Condition 27 below) to restrict the level of total floorspace to 3,200m² only should a LAD operator with a total floor space of 2,800m² decide to occupy the site. It is considered that the overall effect on the town centre would be acceptable with this development option. This would also address the concerns with regard to increased traffic generation to the site and the associated impact on air quality, as raised in consultation responses from the Local Highway Authority and Environmental Health.
- 7.13 As this proposal is materially different from the previously approved scheme, the prospect of whether the development can be located in a sequentially preferable location also needs to be considered. The JCS identifies the allocated centres in Northampton as being the town centre, Kingsthorpe, Weston Favell, Far Cotton, Kettering Road, St James and Wellingborough Road. Of these locations, Weston Favell can be discounted as the applicant is already operating a centre in this location.
- 7.14 There are no sites within Kingsthorpe, Far Cotton, Kettering Road, St James and Wellingborough Road that can accommodate the quantum of proposed development and these can be discounted from the sequential assessment.
- 7.15 Whilst it is accepted that it is an objective of the JCS and the CAAP to improve the level of convenience and comparison goods retailing within the town centre, the two sites allocated for future supermarkets in the CAAP are not currently available and as such can also be discounted. The Greyfriars site is has been cleared and it is an aim of the Council that this site be developed for a mixed use retail and leisure scheme. At this point, plans for the redevelopment of the site are at an embryonic stage and therefore it is not possible to ascertain whether the proposed development could realistically be accommodated on this particular site. As such, the Greyfriars site can be discounted as a sequentially preferable location for the purposes of this specific application.
- 7.16 In respect of the outline permission as originally approved, a contribution was required through a legal agreement for highway improvement works between the site and the town centre, to promote walking in the form of enhanced public realm. It is considered that this would still be necessary, as the development would have a similar impact on the town centre to the previous approval, which would therefore require a similar level of mitigation.
- 7.17 In respect of other potential concerns, it should be noted that the application as originally made was in outline with all matters reserved except for access. The

current application is simply for the variation of a condition and therefore this would remain the case.

- 7.18 Therefore the detailed design of the building and the layout of the site, including the issue of connectivity of paths through the site, as raised by the one objector, are still to be considered, by means of a reserved matters application.

8. CONCLUSION

- 8.1 The proposed variation of condition would, subject to the further condition proposed, result in the development having no greater an impact on the town centre than the original scheme.

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 5(1) of the Town and Country Planning (Development Management Procedure) Order 2015.

(2) Application for approval of the reserved matters shall be made to the Local Planning Authority before 17th July 2017.

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

(3) The development hereby permitted shall be begun either before 17th July 2017, 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) Works shall be carried out in full accordance with the recommendations of the Ecological Surveys submitted with the application viz Extended Phase 1 Habitat Survey 28th June 2012; GCN Presence / Absence Survey May – June 2013 and Bird and Bat Scoping and Dusk Surveys Report 21st May 2013, 4th June 2013 and 6th June 2013 and for the avoidance of doubt shall include the carrying out of a Water Vole Survey prior to any work within 5 metres of the river bank, which is to be submitted to and approved in writing by the Local Planning Authority prior to any such works.

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

(9) 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.

(10) 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.

(11) 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.

(12) 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.

(13) No development shall commence until a scheme for the provision of additional pedestrian crossings, as indicated on drawing number 12852-110 Revision B, 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.

(14) 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.

(15) 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 the NPPF.

(16) The total floor space of the development shall not exceed 3,902 sqm (gross internal) including any mezzanine. If the Convenience Goods store exceeds 1,700 sqm (gross internal), the only other development that shall take place under this permission shall be a restaurant/café or takeaway of a minimum of 139 sqm (gross internal) and a maximum of 400 sqm (gross internal).

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

(17) Any sale of convenience goods from the development shall be limited to a single unit of which the floor space shall not exceed 2,800 sqm (gross internal) and shall be no less than 850 sqm (gross internal) in any such 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.

(18) The unit as defined in Condition 17 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. more than 50%) own label products.
- The range of convenience goods product lines sold from the store shall not exceed 2,500 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.

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

(19) 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.

(20) 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; garden tools, products and accessories; outdoor recreational and leisure 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.

(21) 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.

(22) 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.

(23) 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.

(24) 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.

(25) 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.

(26) No more than 1,394 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.

(27) Notwithstanding the provisions of Conditions 16, 19, 21, 22, 23, 24 and 26, in the event that the Limited Assortment Discounter unit as defined in Conditions 17 and 18 exceeds 1,700 sqm (gross) floorspace, only one additional unit (the 'second unit') may be constructed on the site. The second unit shall comprise either a Class A3 (Food and Drink) or Class A5 (Hot Food Takeaway) unit and, in either case, shall have a minimum floorspace of 139 sqm (gross) and a maximum floorspace of 400 sqm (gross).

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

Informative Notes:

A Limited Assortment Discounter (LAD) is a retailer as defined in Part 1 of The Groceries Market Investigation (Controlled Land) Order 2010 and for the avoidance of doubt includes a Convenience Goods Retailer, which sells a limited ranged of Convenience Goods at a low price.

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

Comparison Goods are defined as goods that include, but shall not be limited to, clothing, shoes and other footwear, DIY products, furniture and furnishings, carpets and other floor coverings, household textiles, major household appliances (whether electrical or not), small electric household appliances, tools and other miscellaneous accessories, glassware, tableware, household utensils, non-prescription medical goods and other pharmaceutical products, therapeutic appliances and equipment, perfumes, bicycles, recording media, games, toys, hobbies and craft materials, tools and equipment, musical instruments, plants and flowers, pets and pet related products, books and stationary, greetings cards, audio-visual, photographic and information processing equipment, appliances for personal care, jewellery, watches and clocks, petrol, tobacco and tobacco products and financial services.

10. BACKGROUND PAPERS

10.1 Planning application files N/2013/1143 and N/2015/0473

11. LEGAL IMPLICATIONS

11.1 None.

12. SUMMARY AND LINKS TO CORPORATE PLAN

12.1 In reaching the attached recommendations regard has been given to securing the objectives, visions and priorities outlined in the Corporate Plan together with those of associated Frameworks and Strategies.



Name: Site Location Plan
Date: 18th August 2015
Scale: 1:3000
Dept: Planning
Project: Planning Committee

Title
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