1. **APPROVAL IN PRINCIPLE** subject to the conditions below and for the following reason:

The proposed development would result in the delivery of residential accommodation whilst the proposed retail unit would have a neutral impact upon the viability and vitality of the hierarchy of centres within Northampton. In addition all elements of the proposal would have a neutral impact upon visual and neighbour amenity and highway safety. The proposal therefore complies with the requirements of the National Planning Policy Framework and Local Plan Policies E19, E20, E40, H7 and T12.

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

i) A financial payment to fund highways improvements at the junction between Kingsthorpe Road and Mill Lane adjacent to the Cock Hotel; and/or the Kingsthorpe Road corridor to Regents Square;

ii) A payment to fund the maintenance of new bus shelters;

iii) On site affordable housing

iv) A payment for the provision of health care;

v) A payment for the provision of education facilities;
vi) A payment to fund the provision, improvements to connections and/or enhancements to areas of public open space within the vicinity of the site;
vii) Construction worker training opportunities; and
viii) The Council’s monitoring fee subject to the Director of Regeneration, Enterprise and Planning being satisfied the monitoring fee is necessary and of an appropriate scale.

1.3 It is also recommended that in the event of the Section 106 Legal Agreement not being completed within three calendar months of this Committee meeting, in addition to being able to grant planning permission as recommended above, the Director of Regeneration, Enterprise and Planning be given delegated authority to either refuse or finally dispose of the application (at his discretion) on account of the necessary mitigation measures have not been secured in order to make the proposal acceptable in line with the requirements of Northampton Local Plan Policy E19 and the National Planning Policy Framework.

2. THE PROPOSAL

2.1 The site benefits from planning permission (reference: N/2014/0629) to erect 54 dwellings of mixed type and a food store. Building works have commenced on site. The permission was subject to a number of conditions covering wide range of matters. One of these conditions (no. 2) specified the approved drawings that the development was to follow. The developer now seeks to change the approved plans in order to allow for small extensions to the store entrance and back of house facilities. In addition, alterations to the store loading bay, the introduction of roof mounted photovoltaic cells and car park reconfiguration are proposed.

3. SITE DESCRIPTION

3.1 The surrounding land uses include various dwellings to the east and west (in Kingsthorpe Road and Studland Road) and commercial activity to the west. Retail developments are located to the south of the site and a school and parkland to the north. The application site is located approximately 400m south of the Kingsthorpe Centre, which contains two supermarkets (Waitrose and Asda) and is approximately 1,300m north of the town centre. The site is also 1,000m north of the former Barrack Road Sorting Office, for which planning permission has been granted for a supermarket.

3.2 The site is directly adjacent to Kingsthorpe Road, which serves as one of the main routes into the town centre. The site is approximately 360m south of the Cock Hotel Junction. The site and those areas to the west are allocated in the Northampton Local Plan as being an existing business area. The remainder of immediate vicinity is either unallocated or allocated for residential use.

4. PLANNING HISTORY

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

4.2 N/2013/0170 – Application for a new foodstore with ancillary office accommodation; petrol filling station; on-line delivery service; service area and recycling centre; new signalled highway access junction; highways infrastructure and utilities; car parking spaces and landscaping – Approved and unimplemented.
4.3 N/2014/0629 – Erection of 54 dwellings of mixed type and tenure; a new foodstore with 90 customer car parking spaces; a new signalled highways access junction – Approved and part implemented.

5. **PLANNING POLICY**

5.1 **Development Plan**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. 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 the Northampton Central Area Action Plan (2013).

**National Policies**

5.2 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.

5.3 Paragraph 21 states that town centres should be the heart of communities and that there should be an appropriate level of retailing in the centre in order to meet the needs of the locality. Paragraph 24 of the NPPF requires that the consideration of alternative sequentially preferable sites. Retail impact should also be assessed and Paragraph 27 requires that town centre uses that do not pass the sequential assessment or would be likely to have a significant adverse impact upon centre viability and vitality should be refused.

5.4 In addition to the assessment of the above matters, the NPPF requires that new developments are of a high quality design, which secures a good standard of amenity for all existing and future occupiers of land and buildings (paragraph 17). The same paragraph also requires the effective reuse of previously developed land and focuses significant developments on sites that are sustainable.

5.5 Paragraph 34 requires developments that are likely to generate a significant amount of movement be located in positions where the need for travel is minimised. This is expanded upon in paragraph 35, where the creation of safe and secure road layout are required which minimise conflicts between pedestrians, cyclists and traffic.

5.6 Of particular note to residential proposals is that Paragraph 49 requires that proposals for housing should be encouraged within the context of promoting sustainable development. The same paragraph also states that in instances where a five year housing land supply cannot be demonstrated (which is the case in Northampton), any relevant Development Management policies cannot be considered to be up to date. Paragraph 14 requires that in instances where the development plan is silent or out of date, the overarching aim of providing sustainable development should be used to determine planning applications.
In terms of providing additional housing, it is incumbent that planning decisions provide a variety of housing types in order to meet the wide range of differing needs for housing (paragraph 50).

Paragraph 35 states that, where practicable, developments should be designed with a safe and secure layout that reduced the potential for conflicts between pedestrians and traffic. Paragraph 50 requires that new developments provide a wide choice in new homes. The NPPF also requires that new developments be of a good quality design (paragraph 56).

**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 of the submitted JCS identifies Northampton as performing the role of a regional town centre and allocates further district and local centres. The policy also requires that the viability and vitality of these centres should be maintained. Policy S9 of the JCS reiterates the sequential approach in the location of retail developments.

Policy S1 of the JCS states that new developments would be concentrated primarily in and adjoining the existing principal urban area of Northampton. Of particular relevance to this application, Policy S4 requires the provision of about 28,470 new dwellings within the Northampton Related Development Area (NRDA) between 2011 and 2029. Policy S10 requires that new developments be located in a position where services and facilities can be accessed by walking, cycling or public transport.

Policy H1 requires that a mixture of house types are provided, which should be of varying sizes, types and tenures. Policy H2 also requires that at least 35% of developments of 15 or more dwellings should be made available for occupation as affordable housing. In addition to these matters, Policies INF1 and INF2 requires that developments provide sufficient infrastructure to mitigate the impacts of development.

**Northampton Central Area Action Plan 2013**

The application site is not situated in the Central Area; however, Policy 12 of the CAAP identifies a primary shopping area and for this to become the prime focus for retailing in Northampton. Policy 11 states that developments for town centre uses (such as retailing) should be subject to an impact assessment when the quantum of development is in excess of 1,000 square metres. Policy 14 of the CAAP also requires that an additional 40,700 net square metres of comparison retailing and 3,000 net square metres of convenience retailing be provided in the Central Area during the plan period up to 2026.

**Northampton Local Plan 1997 (Saved Policies)**

Due to the age of the plan, the amount of weight that can be attributed to the aims and objectives of this document are diminished, however, the following policies are material to this application
5.15 Policy B14 seeks the retention of allocated business sites for employment purposes (Use Classes B1, B2 and B8) unless it can be demonstrated that the proposed redevelopment would generate significant employment and community benefits.

5.16 Of additional note, Policy E20 states that new buildings should be of an appropriate design and Policy T12 necessitates that new developments have sufficient manoeuvring space for commercial vehicles. Policy H17 requires the provision of a suitable level of housing for people with disabilities.

5.17 Appendix 15 is also of some relevance as it provides a schedule of 66 recognised shopping centres (outside of the town centre) but does not distinguish between any of these in terms of scale or hierarchy. This list of centres is relevant to the sequential assessment of the proposed development.

5.18 Supplementary Planning Documents

Northamptonshire County Parking Standards SPG 2003
Planning out Crime in Northamptonshire SPG 2004

6. CONSULTATIONS/ REPRESENTATIONS

6.1 63 Queens Park Parade – sought clarification regarding nature of the application.

6.2 Environmental Health (NBC) – No objections.

6.3 Highway Authority (NCC) – No objections.

7. APPRAISAL

7.1 Whilst it is accepted that the proposal involves the construction of a retail unit in an out of centre location and housing on a site that has been allocated in the Local Plan for commercial functions, as planning permission has recently been granted for a comparable development and that building works have commenced on site, there is a significantly strong fall-back position. Although the form of the retail unit would change, there would be no increase in the proportion of the building used for the display and sale of goods. It concluded that the development is acceptable in principle. The primary matter for consideration is the impact of the proposed changes from the previously approved scheme.

7.2 The alterations to the exterior of the building comprise the extension of the store entrance (on the southern elevation) and the back of house facilities (on the eastern elevation). These proposed extensions represent a proportionately small increase in the overall footprint of the building and as such would not significantly impact upon the character and appearance of the building. Conditions would be retained that would ensure that the development is constructed from appropriate materials. The separation distances between the proposed amendments and existing buildings are generally significant and as such, there would be a neutral impact upon the amenities of surrounding properties. It is not envisaged that the alterations would result in an increase in noise levels.

7.3 The applicant also proposes an increase in the size of the refuse storage to serve the loading bay which, by reason of its limited proportions and secluded position means that there would be no undue impact upon amenity. The introduction of
roof mounted photovoltaic cells would also have a neutral impact upon amenity, whilst improving the sustainable credentials of the development.

7.4 The reconfiguration of the car park is intended to improve the ease of movement of vehicles and pedestrians around the car park. In addition, the parking spaces for use by customers with disabilities and parents with small children would be relocated so that they are closer to the store. These amendments have resulted in a reduction of car parking spaces from 90 to 89, however, no objections have been received from the Highway Authority and therefore it is considered that the revised parking provision is acceptable.

7.5 As there are no alterations to the residential element of the proposal or the access from Kingsthorpe Road, these elements of the development remain acceptable.

7.6 The proposed revisions would represent a new ‘chapter’ of the site’s planning history, it is necessary to complete a new Section 106 Legal Agreement in order to secure the necessary infrastructure and mitigation. This would be the same Heads of Terms and amounts as the legal agreement associated with the extant permission and would include matters including affordable housing, highway improvements, health care, open space, primary and secondary education and construction worker training opportunities.

8. CONCLUSION

8.1 It is considered that the proposed amendments do not have a significant impact upon the character and impacts of the proposed developments and subject to the applicant entering into a Section 106 Legal Agreement to secure the necessary infrastructure and mitigation the proposed revisions are acceptable.

9. CONDITIONS

9.1 (1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

(2) The development hereby permitted shall be carried out in accordance with the attached schedule of approved plans.

Reason: For the avoidance of doubt and to ensure conformity with the Planning Application.

(3) The development hereby permitted shall be carried out in accordance with the details contained within he Geotechnical and Geo-environmental reports (references: 14-198 XRP001 and 14-198-XRP002); the Underground Fuel Tank Removal and Contingency Strategy (reference: 14-0198 XRP003); and the report of the removal of underground storage tanks (reference: 14-0198 XRP004).

Reason: In the interests of securing a satisfactory standard of development by mitigating any contamination in accordance with the requirements of the National Planning Policy Framework.

(4) 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 and where remediation is necessary a remediation scheme must be prepared 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.

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.

(5) No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: To ensure that infiltration systems such as soakaways do not increase the potential for contaminant migration. Soakaways should not be located in areas of potential contamination. This is to ensure accordance with the requirements of the National Planning Policy Framework.

(6) The development hereby permitted shall be carried out in accordance with the site level details contained on drawing 17192-5-100a.

Reason: In the interests of residential and visual amenity in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy.


Reason: In the interests of securing a satisfactory standard of development in terms of highway safety, in accordance with the requirements of the National Planning Policy Framework.

(8) The reinstatement of existing vehicular crossovers to footways shall be carried out in accordance with the details shown on drawings 26557/100/001 Rev. D, 26557/100/006 Rev. D, 26557/100/007 Rev. C, 26557/100/008 Rev. C, 26557/100/010 Rev. A, 26557/500/004 Rev. C, 26557/700/001 Rev. C, 26557/1100/001 Rev. C, 26557/1200/001 Rev. D and 26557/1300/001 Rev. E and fully implemented prior to the development hereby permitted being first bought into use and retained thereafter.

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

(9) The surface treatments to the car park, access roads and pedestrian routes as shown on drawing Y11A480P1004A shall be fully implemented prior to the development hereby permitted being first bought into use and retained thereafter.
Reason: In the interests of highway safety in accordance with the requirements of the National Planning Policy Framework.

(10) Prior to the first occupation of the retail development hereby permitted, the following works shall be fully implemented:

i) Foootway connections and vehicular access between the store and Kingsthorpe Road in accordance with drawing 17192/1001E; and

ii) The car park circulating aisles, the car parking spaces and parking spaces for those with disabilities and parent and child priority.

All vehicle parking spaces, access roads, circulation space and footways shall be fully implemented prior to the first use of the retail unit hereby permitted and retained for their designated use throughout the life of the development.

Reason: In the interests of securing a satisfactory standard of development in terms of highway safety, in accordance with the requirements of the National Planning Policy Framework.

(11) The retail unit hereby permitted shall be constructed in accordance with the Construction Environment Management Plan as submitted to the Council on the 25th August 2015.

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.

(12) The retail unit hereby permitted shall be constructed in accordance with the materials described on drawing Y11A48-P1201.

Reason: In the interests of visual amenity and to ensure that the development will harmonise with its surroundings in accordance with Policy E20 of the Northampton Local Plan.

(13) Full details of the method of the treatment of the external boundaries of the retail unit shall be submitted to and approved in writing by the Local Planning Authority, implemented prior to the occupation of the unit hereby permitted and retained thereafter.

Reason: To ensure that the boundaries of the site are properly treated so as to secure a satisfactory standard of development in accordance with Policy E20 of the Northampton Local Plan.

(14) The hard and soft landscaping in respect of the retail development shall be carried out in accordance with the details included on drawings Y11A48-P003, Rev. B and 5458/ASP005.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy.

(15) All planting, seeding or turfing comprised in the approved details of landscaping approved pursuant to Condition 14 shall be carried out in the first planting and seeding seasons following the occupation of the building or the
completion of the development, whichever is the sooner, and which shall be maintained for a period of five years; such maintenance to include the replacement in the current or nearest planting season whichever is the sooner or shrubs that may die are removed or become seriously damaged or diseased with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

(16) Notwithstanding the details submitted, any external plant and equipment serving the retail unit shall meet Laeq of at least 6dB below the minimum background level (LA90, 1 hour).

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

(17) The acoustic noise barriers as shown on drawings 17192/1001E and 17192/1003B shall be fully constructed prior to the first occupation of the retail unit hereby permitted and retained thereafter.

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

(18) The cycle storage as shown on drawings Y11A48-P1003a and AD5901 shall be provided prior to the first occupation of the store hereby permitted and retained thereafter.

Reason: In the interests of securing a satisfactory standard of development in accordance with the requirements of Local Plan Policies E20 and Policy S10 of the West Northamptonshire Joint Core Strategy.

(19) Notwithstanding the details submitted, full details of CCTV covering the retail unit site shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development hereby permitted being first brought into use and retained thereafter.

Reason: In the interests of securing a satisfactory standard of development in line with the requirements of Policy S10 of the West Northamptonshire Joint Core Strategy.

(20) The retail unit lighting specification as shown on drawings Y11A48-P1003a, B2629 E3 P2 and details submitted on the 5th August 2015 shall be fully implemented prior to the first occupation of the development hereby permitted and retained thereafter.

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

(21) Prior to the first occupation of the retail unit hereby permitted, a travel plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be fully implemented within two months of the first occupation of the development hereby permitted and retained thereafter.
Reason: In the interests of promoting more sustainable means of travel in accordance with the requirements of the National Planning Policy Framework.

(22) The retail unit hereby permitted shall only be open to customers between the hours of 8am and 10pm on any day on Mondays to Saturdays and 10am and 5pm on Sundays.

Reason: In the interests of neighbour amenity in accordance with the requirements of the National Planning Policy Framework.

(23) Deliveries shall only be made to the retail unit hereby permitted between the hours of 6.30am and 10pm on any one day on Mondays to Saturdays and 8.30am and 5pm on Sundays.

Reason: In the interests of neighbour amenity in accordance with the requirements of the National Planning Policy Framework.

(24) The net sales area of the retail store shall be limited to a maximum of 1,140 square metres. Of this floor space, no more than 912 square metres shall be used for the display and sale of convenience goods and no more than 228 square metres shall be used for the display and sale of comparison goods.

Reason: In the interests of maintaining the viability and vitality of the allocated hierarchy of centres in accordance with the National Planning Policy Framework.

(25) The retail development hereby permitted shall not be sub-divided to form more than one retail unit.

Reason: In the interests of maintaining the viability and vitality of the allocated hierarchy of centres in accordance with the National Planning Policy Framework.

(26) The retail unit hereby permitted shall be constructed in accordance with the Construction Environment Management Plan as submitted to the Local Planning Authority on the 25th August 2015.

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.

(27) The residential development hereby permitted shall be carried out in accordance with the materials specification dated the 15th July 2015 (reference: RR/CIR.M.0261).

Reason: In the interests of visual amenity and to ensure that the development will harmonise with its surroundings in accordance with Policy E20 of the Northampton Local Plan.

(28) The residential development shall be carried out in accordance with the boundary treatments as shown on drawing MPD 57 P 01 Rev. A and shall be fully implemented prior to the first occupation of the development hereby permitted and retained thereafter.

Reason: To ensure that the boundaries of the site are properly treated so as to secure a satisfactory standard of development in accordance with Policy E20 of the Northampton Local Plan.
(29) Prior to the first occupation of the residential development hereby permitted, the following works shall be fully implemented:

- Footway connections and vehicular access between the store and Kingsthorpe Road and Studland Road in accordance with drawing 17192/1001E.

All vehicle parking spaces, access roads, circulation space and footways shall be fully implemented prior to the first use of the residential development hereby permitted and retained for their designated use throughout the life of the development.

Reason: In the interests of securing a satisfactory standard of development in terms of highway safety, in accordance with the requirements of the National Planning Policy Framework.

(30) The development shall be carried out in accordance with the hard and soft landscaping scheme as shown on drawings 5458/ASP001 Rev. C, 5458/ASP002 Rev. C, 5458/ASP003 Rev. C, 5458/ASP004 Rev. C and 5458/ASP005 Rev. C.

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

(31) All planting, seeding or turfing comprised in the details of landscaping approved pursuant to Condition 30 shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and which shall be maintained for a period of five years; such maintenance to include the replacement in the current or nearest planting season whichever is the sooner or shrubs that may die are removed or become seriously damaged or diseased with others of similar size and species, unless the Local Planning Authority gives written consent to any variation

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

(32) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no additional windows shall be installed in the northern elevation of the proposed units on Plots 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, and 44 as shown on drawing 17192/1001E.

Reason: To safeguard the privacy of adjoining properties in accordance with Policy E20 of the Northampton Local Plan.

(33) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no additional windows shall be installed in the southern elevation of the proposed units on Plots 2 and 3 as shown on drawing 17192/1001E.

Reason: To safeguard the privacy of adjoining properties in accordance with Policy E20 of the Northampton Local Plan.
(34) The refuse storage arrangements as shown on drawing MPD 57 P 02 shall be fully implemented prior to the first occupation of Plots 24 and 25 and retained thereafter.

Reason: In the interests of securing a satisfactory standard of development in accordance with the requirements of the National Planning Policy Framework.

(35) The glazing and ventilation to Plots 42, 43, 44, 45, 46 and 47 (as shown on drawing 17192/1001E) shall be carried out in accordance with technical specifications as submitted to the Council on the 15th July 2015 (reference: RR/CIR.M.0261) prior to the first occupation of the relevant dwellings and retained thereafter.

Reason: In the interests of securing a satisfactory standard of development in accordance with the requirements of the National Planning Policy Framework.

Informative Notes:

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

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

10. BACKGROUND PAPERS

10.1 N/2014/0629

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.