



Applicants:

Aldi Stores Limited

Application No:

09/0077/FULWNS

Date Registered:

08/07/2009

Expiry Date:

07/10/2009

Grid Ref:

Ward:

Towcester

# Northampton UDA Planning Committee Paper

Director of Planning Services

Date of Committee Meeting: 13 July 2010

Agenda Item: 5

**Description :** Erection of a Class A1 Food Retail store and associated car parking.

**Address:** 582-592 Wellingborough Road, Northampton, NN3 3JB

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## 1. Recommendation

1.1 That the application be **APPROVED** subject to:

- *Delegated authority being given to the Director of Planning and Services or appointed officer to issue the planning permission pursuant to negotiating, finalising and entering into the Section 106 agreement*
- *The conditions set out in the report*
- *Resolution of highway issues delegated to the Director of Planning Services.*

Reason: The proposal is acceptable on the basis that the site brings back into use a prominent brownfield site within the urban area of Northampton. The impact of this proposal is not considered to unduly affect the regeneration opportunities of Northampton town centre and Weston Favell District Centre.

The proposal is in accordance with policies 1, 2, 3 and 22 of the East Midlands Regional Plan and with the guidance contained within PPS1: Delivering Sustainable Development, PPS4: Planning for Sustainable Economic Growth and PPG13: Transport.

The document is also considered to be in accordance with the following policies of the Northampton Local Plan 1997 namely, policies E20,E40, T11 and T12.

## 2. Summary

- 2.1. The scheme proposal is for an out of centre retail application. A detailed assessment of the application has been undertaken in

relation to its retail impacts. There are no available, suitable or viable sequential sites and the impact on the existing centres is considered acceptable subject to the conditions outlined in the report.

- 2.2. The proposal is appropriately designed for its location. The impact on surrounding residential properties is acceptable subject to the conditions outlined in the report.
- 2.3. There are some issues to be addressed relating to access to the adjacent land. It is proposed that consent only be issued once the access point into the adjacent land facilitates the use of the site for residential use.

### 3. Description of Proposal

- 3.1. The application is for full planning permission for the erection of a new supermarket, with a gross internal floorspace of 1,553m<sup>2</sup>, of which 1,125m<sup>2</sup> net would be retail sales area. The majority of the retail floorspace would be for the sale of food goods (i.e. convenience retailing). The net floorspace is proposed to be split between 85% and 15% between convenience and comparison goods respectively. The proposed user of the site is Aldi which operates as what is referred to as a “Deep Discount Retailer”, the other trader that falls into this bracket is Lidl. These stores are characterised through the limited number of lines that are stocked compared to a conventional retailers.
- 3.2. The proposed store would have 75 car parking spaces, which would be located to the east of the proposed store. This would be accessed via Wellingborough Road to the north. The layout of the proposed store would see the main customer entrance located to the north east of the building. The delivery point would be located towards the rear of the property, adjacent to the southern boundary.
- 3.3. The proposed building is a single store building with a height at the highest point of the ridge being 8m high. The walls of the building are primarily white rendered panels with kingspan roof panels. The columns and plinth blockwork are proposed to match the public house colour.

### 4. Description of Site

- 4.1. The application site is located on the periphery of Weston Favell Village and was previously occupied by a variety of businesses relating to car dealerships and repair. It forms a 0.68ha parcel of land at the western end of the former car dealership site abutting Park Way Local Centre as identified in the Local Plan. The site itself is located within primarily a residential area. Beyond the site, other commercial uses include a large public house to the west of the site and a small convenience store/newsagents, which is located at the junction between Park Way and Church Way.
- 4.2. There is a strong frontage created by the residential dwellings that front onto Wellingborough Road, along with the Public House adjacent to the application site. These make a significant and positive contribution to defining the character of this section of Wellingborough Road. Opposite the site is a residential care home and to the rear of the proposed retail building are two-storey residential properties.
- 4.3. The site is approximately 1km from the Weston Favell Centre, which is located to the east of the site and approximately 3km from the Town Centre to the west. Although not forming part of the current proposals and lying outside the application boundary,

the applicant's Design and Access Statement indicates housing as a potential future use of the rest of the former car dealership site to the east of the application site.

## 5. Policy Considerations

### 5.1. WNDC Purpose:

Under S136(1) of the Local Government Planning and Land Act 1980, WNDC as an Urban Development Corporation has a statutory "objective" to deliver the regeneration of the area. The Secretary of State has determined that WNDC should have development control powers for certain types of development in order to carry out its objective.

### 5.2. National Policy:

The following Planning Policy Statements and Guidance Notes should be taken into consideration in the determination of this application.

PPS1: Delivering Sustainable Development

PPS1: Delivering Sustainable Development: Planning and Climate Change

PPS4: Planning for Sustainable Economic Growth

PPG13: Transport

PPS22: Renewable Energy

PPS23 – Planning and Pollution Control

PPG24: Planning and Noise

## 6. Development Plan:

- 6.1. 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 of the East Midlands Regional Plan, the saved policies of the Northamptonshire County Structure Plan and Northampton Local Plan 1997.
- 6.2. On 27<sup>th</sup> May 2010 the Secretary of State (Rt Hon Eric Pickles) wrote to local planning authorities announcing his intention to abolish Regional Plans. Officers observations are set out below and have informed the consideration of the issues in this report -
- 6.3. -The RSS remains part of the development plan (until abolished) and is the most recent development plan document for the purpose of s.38(5) of the 2004 Act.
- 6.4. -The remaining development plan is out of date (which affects the weight to be given to it) and WNDC is required to resolve any differences between competing development plan documents "in favour of the policy which is contained in the last document to be adopted, approved or published" (s.38(5))
- 6.5. -The clear intention in the Pickles letter is to abolish mandatory housing targets and is a material consideration for the purposes of s.38(6) 2004 Act.
- 6.6. -The intention to abolish the Regional Plan can be a material considerations but should not be given the same weight as a formal step under the 2004 Act to abolish the Regional Plan or create transitional measures.

- 6.7. -It is for WNDC to decide to what extent the spatial planning priorities identified in the relevant Regional Plan policies continue (by reference to the evidence base which led to the adoption of the relevant policies) to be material to the determination of the application and what weight those spatial planning priorities should be given in each case.

The relevant documents are as follows -

**East Midlands Regional Plan 2009**

Policy 1 – Regional Core Objectives

Policy 2 – Promoting Better Design

Policy 3 – Distribution of New Development

Policy 11 – Development in the Southern Sub Area.

Policy 22 - Regional Priorities for Town Centres & Retail Development

Policy MKSM SRS Northamptonshire 3 - Northampton Central Area

**Northampton Borough Local Plan**

E20 – New Development

E40 – Planning and crime and anti-social behaviour

T11 – Commercial uses in residential areas

T12 – Development requiring servicing

**7. Other non-statutory documents**

- 7.1. WNDC Planning Principles (February 2009): Set out in this document are WNDC's three corporate objectives: 1. To deliver development and infrastructure that enables regeneration and growth in Northampton, Daventry and Towcester; 2. To ensure that new development is supported by appropriate jobs, infrastructure and town centre regeneration; 3. To ensure that new development meets the Government's design quality and environmental standards and is integrated into existing communities.
- 7.2. WNDC Planning Obligations Strategy (December 2008) sets out the corporation's approach to Planning Obligations. The approach to planning obligations is currently being reviewed in the light of the Community Infrastructure Levy Regulations 2010.
- 7.3. **Supplementary Planning Guidance**  
Northamptonshire County Parking Standards SPG 2003  
Planning Out Crime in Northamptonshire SPG 2004
- 7.4. **Other Relevant Local Documents**
- 7.5. Northampton Town Centre Retail Strategy (May 2008) prepared by CACI Ltd for Northampton Borough Council.
- 7.6. West Northamptonshire Retail Study 2008 to 2026 (February 2009) prepared by CACI Ltd for West Northamptonshire Joint Planning Unit.

**8. Relevant Planning History**

- 8.1. The site was previously occupied for many years by a car dealership, however the use has ceased and the site cleared and levelled. The site is currently vacant.

## 9. Consultation

### 9.1. Northampton Borough Council

The site was considered by Northampton Borough Council's Planning Committee on the 17 November 2009. The Committee resolved that the Council should raise strong concerns regarding :

- The applicant should carry out a rigorous sequential investigation of District and Local Centre sites. Including further justification as to why Northampton Town Centre should not form part of the sequential investigation.
- That the design of the proposed store does not fully take into account the high quality of design and general character of the development in the vicinity of the site.
- The level of car parking proposed is considered to be high and as such a reduction in the proposed level of parking should be sought to a maximum of 62 spaces.
- A condition restricting the use of the unit to convenience retail, plus a clearly defined and limited comparison element (15% of sales area).
- A condition preventing sub-division that would allow smaller units to be accommodated within the unit.
- A condition or legal agreement to prevent the unit being used other than by a "Limited Assortment Discounter".
- Conditions outlining noise management, times of delivery, lighting details, contamination, car park access and pedestrian mobility through the site.

### 9.2. Following changes to the scheme the site was reported again to Northampton Borough Planning Committee on the 12 January 2010. The Committee resolved that the Council would object to the proposal unless WNDC secures:

- A legal agreement preventing the store from being occupied by anyone other than a "Limited Assortment Discounter".
- A condition limiting the level of comparison goods retailing to not exceeding 15% of the sales area.
- A condition preventing the future sub-division of the proposed store.

### 9.3. Should WNDC be minded to approve the application then it should be subject to conditions outlining noise management, times of delivery, lighting details, contamination, car park access and pedestrian mobility through the site.

### 9.4. NCC Archaeology: *(Comments 16 September 2009)* There are no known areas of archaeology within the proposed development area. The area is also likely due to its previous use to contain extensive ground disturbance, from the tanks etc. Therefore no objection was raised.

### 9.5. NCC Growth Management: No comments received

### 9.6. NCC Sustainable Transport: *(Comments received 26 October 2009 - 30 June 2006)* Highways Access

The following comments were made on the scheme –

### 9.7. The County Council commented on the initial plans that if the rest of the site is to be used for residential purposes then the access road layout would not be acceptable and

the whole site would have to be served by an adoptable road serving both development areas. An additional road junction off Wellingborough Road would not be allowed. They also suggested changes to the approach to cycle parking and pedestrian movement within the proposals.

9.8. There have been extensive negotiations to address the issues surrounding the proposed highway approach to ensure that the adjacent land can be accessed for a number of uses and that movement within the development. A proposed solution has been suggested by the County Council on the 20 June 2010.

9.9. - Highway Improvement Works would be required as a result of the application, which also include remedial and reinstatement works as required and be subject to a Section 278 agreement. The County Council have outlined this would require a grampian condition to secure the highway works.

#### 9.10. Infrastructure Requirements

The County Council have requested contributions towards meeting the transportation needs of the development through more sustainable modes of transport.

-£27-£30k of a commuted sum to maintenance of real time displays at the nearby bus stops.

- A section of shared cycleway on the eastern approach from Fir Tree Walk to Booth Lane, together with creation of two advanced stopping lanes at the Booth Lane traffic lights, having an estimated cost of £70k.

- A length of cycle lane from Booth Lane traffic lights to Abington Park Crescent traffic lights, having an estimated cost of £8.5k.

-Further improvements at the above traffic light junctions are considered necessary although not presently costed. Therefore the difference between the above costings and the £102k contribution would become a 'ring fenced' part contribution, to be used as necessary towards improving access infrastructure to the development.

9.11. Anglian Water: No comments received

9.12. English Heritage: No comments received.

9.13. Environment Agency: *(Comments received 14 May 2010)*:

The Environment Agency has no objection to the proposed development, as submitted, subject to the imposition of the following conditions on any subsequent planning permission granted. The conditions relate to the potential for contamination and addressing the potential impact on water pollution. The conditions request a petrol interceptor, contamination assessment and if contamination is found a remediation strategy.

9.14. Northants Fire and Rescue: No comments received

9.15. Highways Agency: *(Comments received 22 September 2009)*: The provision of an Aldi store here could be regarded as a fairly natural extension to the existing centre, and that the new development will enhance the range of local facilities and enable people to have access to a broader range of shops and services in close proximity to where they live. This is consistent with the Highway Agency's aspiration for sustainable development and with the wider planning policy criteria.

9.16. The Highways Agency has no objections to the proposal subject to the LPA procuring a robust travel plan.

9.17. Natural England: No comments received

9.18. Northants Police: (*Comments 28 August 2009*): Abington and Weston Joint Action Task Group – They have asked that any planning permissions in this area only be granted after due consideration to measures aimed at reducing the instances of crime and disorder have been recommended by the planning officers.

9.19. (*Comments 2 October 2009*) There is no objection in principle to the application. However, there are serious concerns regarding the potential for crime and anti-social behaviour in and around the site of the proposed store. The lack of a physical barrier to entry out-of-hours is likely to result in the location being used as a gathering place for youths, in particular under the entrance canopy, which will afford shelter. The most effective method to prevent problems would be to erect an appropriate style of fence and gates to secure the site out-of-hours. A properly erected fence would reduce the need for some of the below measures, particular areas of concern are:

- the white panelled walls are a potential graffiti target.
- The large glazed areas should be fitted with laminated glass, and anti-ram raid bollards installed across the shop 'front'.
- Fire escapes should be specified to the Loss Prevention Certification Board standard, LPS1175 SR2.
- Roller shutters (again, to LPS1175 SR2) should be fitted to all vulnerable doors and the main entrance when the store is closed.
- The trolley bay should be secured out-of-hours, or a coin-operated system installed.
- Rainwater goods should be concealed, so as to deny access to the roof.
- Consideration should be given to the installation of smoke generation equipment linked to the intruder alarm system to offer protection to the cash office.
- Any soft landscaping should be defensive (i.e. 'spiky'), adjacent to vulnerable areas.

## 10. Notifications and Responses

### 10.1. Neighbours

Neighbour notification letters were sent out to close proximity neighbours and no site notices were erected adjacent to the site. The application was also advertised in the local press by virtue of being classified as a major development. No response was received and can be summarised as follows:

10.2. There was a relatively large amount of general support from the local population to the store. Much of this came in the form of cards that were provided by the applicant along with an informative leaflet.

10.3. A number of concerns have been raised by local residents these are primarily :

- traffic generation in Weston Favell village and the Wellingborough Road.

- design of the building
- there is no retail need for the development.
- the site could attract anti-social behaviour
- negative impact on property values
- the need to maintain appropriate levels of landscaping
- concerns over the impact of the lighting proposed from the scheme.

10.4. **Others**

10.5. **Drivers Jonas on behalf of Legal and General** (*comments received 28 September 2010*)

Legal and General consider that the application does not meet the requirements of national planning policy and if permitted, the application would have a detrimental impact on the vitality and viability of the existing Northampton town centre. For these reasons the application should be refused.

10.6. Need for development - The Northampton Town Centre Retail Strategy (May 2008) makes reference to potential qualitative benefits associated with the provision of a new major foodstore to the town centre at the eastern end of Abington Street. They consider that there is a greater need for a foodstore in the town centre rather than an out-of-centre location.

10.7. Existence of other convenience stores - Need in this area of Northampton is already fulfilled by numerous other retail convenience stores in the area.

10.8. Scale of development – Legal and General consider that a supermarket of the proposed size would be more appropriately located in a District Centre. It is considered that locating a food store of 1,553 sq m adjacent to the Wellingborough Road local centre will upset the existing hierarchy of retail centres in Northampton.

10.9. Sequential Approach to Site Selection – Legal and General consider that the assessment should include sites which are located in Northampton town centre.

10.10. Impact upon existing centres - Legal and General considers that the addition of an Aldi store, which is located within 10 minutes drive time of Northampton town centre will add to the cumulative impact of out of centre retail developments in Northampton town centre.

10.11. Accessibility - Concerns have been raised with the application proposals with regard to transport and we urge the Council to carefully consider these, particularly as the site is located in a predominantly residential area.

*(Comments received 18 February 2010)*

10.12. Legal and General continued to have the following concerns –

10.13. Impact - The applicants continue to assert that 15% of the store's floorspace should be used for the sale of comparison goods. We do not consider that the applicant has accurately modelled the potential impact of the proposal on existing retail provision within the catchment area.

**Scale**

- 10.14. The proposals will result in a significant increase in retail floorspace provision and turnover of the centre, which is not appropriate for a local centre of this size.
- 10.15. Sequential Test - WNDC need to carefully consider this as the application should be refused if it does not meet this test.
- 10.16. Lidl (Comments received 14 September 2009)  
There are omissions within the Planning and Design Statement.
- Safeway was absorbed into the Morrisons operation in 2004.
  - Omission of Sainsburys Local on Wellingborough Road.
  - Omission of consented extension of Lidl on Octagon Way.
- 10.17. In the view of Lidl the applicant fails the PPS6 tests on the following grounds –
- There is no need for the development, the Lidl foodstore is only 0.5 miles away.
  - Following a household survey it was apparent that 69% resided in the immediate surrounding area. This undermines the need for a further store within 1 mile of the existing “Limited Assortment Discounter”.
  - Customers in the catchment need only travel half a mile to visit the Lidl store. The very nature of discount foodstores is that a predominantly qualitative need is met by this type of retail offering, which is adequately met by the existing Lidl store.
  - They disagree with the statement “it is unlikely that the Lidl store is capable on its own of meeting that (deep discount) demand without “overheating”.
  - The applicants operate a 10 minute drive time with regards to their catchment area since Limited Assorted Discounter applications tend to focus on a 5 minute drive time in major towns/cities. They suggest this implies that the trade draw for this potential store would need to be larger to even begin to justify a need.

## 11. Evaluation

- 11.1. The key considerations relate to, principle of development, contamination, sustainable transport, vehicular access and servicing, design, landscaping, noise and planning out crime.
- 11.2. Principle of Development  
Retail
- 11.3. A fundamental area of assessment in terms of the principle of development is the acceptability of the proposed retail use within its national, regional and local policy context. The applicant has provided a Planning and Retail Statement to support the application.
- 11.4. Retail consultants were instructed in March 2010 by West Northamptonshire Development (WNDC) to review the retail planning aspects of the documents supporting the planning application. These documents are attached at appendix one, or comprise the following:
- ‘Planning Supporting Statement Including Retail Assessment’, dated August 2009.
  - Letter to WNDC dated 5 November 2009, which includes amendments to the quantitative need and impact forecasts in the August 2009 report.
  - ‘Retail Assessment Further Update’, dated February 2010; which provides an assessment of how the proposed development complies with PPS4.

- 11.5. In addition consultation responses, set out earlier in this report have been received from Northampton Borough Council, Lidl and Drivers Jonas (on behalf of Legal and General) in relation to the principle of retail use on this site.
- 11.6. National Policy Position
- 11.7. The national policy context is set out within *Planning Policy Statement 4 – Planning for Sustainable Economic Growth (2009)*. This policy statement was published on 29 December 2009 replacing *Planning Policy Statement 6: Planning for Town Centres (2005)*. At the point the application was submitted the relevant national policy was PPS6 (2005) and there was a draft of PPS4 entitled *Planning Policy Statement 4: Planning for Prosperous Economies (2008)*. Therefore the applicant was contacted on 21 January 2010 to submit revised information that took into account PPS4 which was duly received on the 3 February 2010.
- 11.8. The main national policy consideration against which this application will be considered is PPS4 (2009). PPS4 is accompanied by extensive guidance on need, impact and the sequential approach this is referred to in the consideration of this application.
- 11.9. The key national policy tests that must be followed as set out in PPS4 are as follows-
- *Policy EC10: Determining planning applications for economic development*
  - *Policy EC14: Supporting evidence for planning applications for main town centre uses*
  - *Policy EC15: The consideration of sequential assessments for planning applications for main town centre uses that are not in a centre and not in accordance with an up to date development plan*
  - *Policy EC16: The impact assessment for planning applications for main town centre uses that are not in a centre and not in accordance with an up to date development plan*
  - *Policy EC17: The consideration of planning applications for development of main town centre uses not in a centre and not in accordance with an up to date development plan*
- 11.10. The two principle considerations in terms of retail impact grounds outlined in the policies above is how the application performs against the “sequential assessment” and “impact assessment”.
- 11.11. This work undertaken by AECOM and has informed the development of this report. Attached at appendix a is AECOM observations on the retail aspects of the report.
- 11.12. Sequential Assessment
- 11.13. A sequential assessment (as required by policy EC14) is required for planning applications for main town centres uses that are not in an existing centre and are not in accordance with an up to date development plan. This is the case with this application, the site is classified as a “out of centre” location. PPS4 defines these location as “*Out of centre*” locations are not in or on the edge of the centre but not necessarily outside the urban area. They are not within easy walking distance of the centre and therefore

*unlikely to contribute to linked trips or to share the level of public transport accessibility as the town centre.”.*

- 11.14. The applicant states that the application sites occupies an edge of centre location, directly adjacent to the defined Wellingborough Road (Parkway) local centre. There is some question over the status of the sites allocated within the Northampton Local Plan 1997 as they were selected under now defunct planning policy. Therefore the type of uses of the centres should be considered against the guidance in PPS4. The Parkway Local Centres comprise a small newsagent, public house.
- 11.15. Page 25 of PPS4 sets out the definition of local centres as follows “Local centres include a range of small shops of a local nature, serving a small catchment. Typically, local centres might include, amongst other shops, a small supermarket, a newsagent, a sub-post office and a pharmacy. Other facilities could include a hot food takeaway and launderette. In rural areas, large villages may perform the role of a local centre.”. This definition does not fit the definition as set out in PPS4 and then should be considered as an out of centre location.
- 11.16. Policy EC15 states that in considering sequential assessments required under policy local planning authorities should:
- a. ensure that sites are assessed for their availability, suitability and viability.*
  - b. ensure that all in-centre options have been thoroughly assessed before less central sites are considered.*
  - c. ensure that where it has been demonstrated that there are no town centre sites to accommodate a proposed development, preference is given to edge of centre locations which are well connected to the centre by means of easy pedestrian access.*
  - d. ensure that in considering sites in or on the edge of existing centres, developers and operators have demonstrated flexibility in terms of:*
    - i. scale: reducing the floorspace of their development; format: more innovative site layouts and store configurations such as multi-storey developments with smaller footprints;*
    - ii. car parking provision; reduced or reconfigured car parking areas; and*
    - iii. the scope for disaggregating specific parts of a retail or leisure development,*
    - iv. including those which are part of a group of retail or leisure units, onto separate, sequentially preferable, sites. However, local planning authorities should not seek arbitrary sub-division of proposals*

11.17. Applicants appraisal of Sequential Site

*Octagon Way*

- 11.18. The vacant site at Octagon Way (adjacent to the Lidl store to the north) was considered to potentially accommodate the development. They identified one site, at Octagon Way where 14 new retail units were being constructed. It was claimed that those units are substantially too small to accommodate Aldi’s modest floorspace requirements, with the largest offering some 343 sq m, just over a third of Aldi’s gross

floor area requirement. Therefore, they concluded the site is unsuitable to accommodate the proposed development. In order to accommodate an Aldi store and customer parking, most of the existing units would need to be demolished, a highly unlikely event given that they have just been completed. The applicant examined the extant planning permission for the development, who questioned that the site would be available in any case, since it is owned by Lidl who have an operational store virtually adjoining the site. The applicant concluded there is no prospect whatsoever of Lidl, a direct competitor to Aldi in the deep discount market, selling the site to Aldi.

11.19. The applicant states they broadly agree with the observations and analysis of the West Northamptonshire Retail Study (WNRS). The WNRS suggests the district centre's dominance is undermining the role and function of Northampton town centre.

11.20. *Wellingborough Road (Parkway) Sequential Sites*

11.21. The proposed development directly abuts the existing local centre. There are no sites available within the local centre that could accommodate the proposed foodstore. There are no sites available within the local centre that could accommodate the proposed foodstore. The site has excellent linkages via existing roads and pathways, which could potentially be improved. In this regard the site is sequentially preferable. As set out above the status of the above sites as a local centre is questionable.

11.22. *Other sites*

The applicant concluded in their original Retail Impact Assessment that there are not other sites within designated local centres that are suitable, available and viable to accommodate the proposal. Aldi has a store at Harlestone Road, a short distance from Northampton town centre, which serves the needs of the population living within the town and its environs who seek a deep discount food shopping offer. It would not be viable to locate another Aldi store within Northampton town centre, which could compete directly with the existing store even if a suitable site was available in the town centre to accommodate a second store. They state from the information there are no town centre sites which can meet the PPS6 criteria of suitability, availability and viability.

11.23. Northampton Borough Council resolved at its meeting on the 17 November 2009 that the applicant should carry out a further sequential test investigation of District and Local Centre sites. This was to include further justification as to why Northampton Town Centre should not form part of the sequential investigation. The applicant responded as such on the 9 December 2009 to this request for further information.

11.24. The applicant undertook further work on the local centre sites within the primary catchment area. Those centres are :

- Wellingborough Road Local Centre
- Birchfield Road/Beech Avenue
- Brook Road, Ecton Brook
- Weston Favell District Centre

11.25. *Wellingborough Road Local Centre*

They searched in Wellingborough Road Local Centre and confirmed that there are no suitable, available and/or viable sites to accommodate Aldi sized store plus adequate levels of customer car parking. With reference to the attached plans showing the 5

minute drive time catchments for both the existing and proposed Aldi stores. The applicant stated that the majority of the Wellingborough Road Local Centre is within the catchment area of the existing Aldi store at Harlestone Road.

11.26. *Birchfield Road/Beech Avenue*

The applicant states in respect of Birchfield Rd/Beech Avenue the existing retail and service units are located on all sides of a cross roads and this severely reduces the area actually available to accommodate new development. There are no sites available that would accommodate the scale of the foodstore and car parking proposed on the application site.

11.27. *Brook Road, Ecton Brook*

At Ecton Brook Local Centre, the site is fully occupied by existing development and none of the properties are on the market. To accommodate an Aldi store all of the existing property and land within the centre would have to be acquired and cleared. The centre is not visible, and isolated from the main road network so that the centre serves a relatively discrete and restricted catchment population. The site is therefore no viable for an Aldi store. The applicant noted issues relating to lack of prominence and poor accessibility from main roads affects most of the local centre identified on the Proposals Map within the defined Aldi store primary catchment area.

11.28. *Weston Favell District Centre*

The search found no additional beyond the Octagon Way site that was given consideration in the initial Retail Impact Assessment.

11.29. In the Retail Assessment Further Update (February 2010) they stated there is no substantive difference between the sequential assessment requirements set out in EC15 and those which were in the relevant paragraphs of PPS6. In the original Retail Assessment (August 2009), and out subsequent letter to WNDC dated 9 December 2009 it was the applicant that stated they carried out a thorough and robust assessment of all identified potential alternative, more central sites that could potentially accommodate the Aldi proposals.

11.30. WNDC analysis of the Sequential Assessment

These are our following observations on the sequential test undertaken in the Planning Supporting Statement including Retail Assessment (August 2009) and subsequent correspondence.

11.31. AECOM in their advice to WNDC outlined that the applicant has limited their sequential approach assessment to sites in east Northampton, because that is the catchment area which the proposed new store seeks to serve. They have not included sites in Northampton Town Centre, which is outside the primary catchment for this reason. They have also dismissed it because there is already an Aldi store much closer to Northampton Town Centre. They consider that this is reasonable in this case. This is something that is consistent with the advice provided to Northampton Borough Council by their retail consultants.

11.32. AECOM has outlined that Weston Favell District Centre is the principal centre in east Northampton; and therefore the applicant has looked for sites in that centre capable of accommodating the proposed store. They consider that this is a realistic approach. Therefore the advice is the local planning authority should satisfy themselves that

there are no available sites in or on the edge of the district centre. If no such sites are suitable, available and viable then it is considered that the sequential test would be passed.

- 11.33. In the work undertaken by Northampton Borough Council on the Weston Favell Centre, the only potential site would be within the recently developed Octagon Way. These units, on an individual basis, are too small to support the needs of the applicant. Therefore, if this were to proceed it would require the comprehensive redevelopment of the site. Furthermore, the site is controlled by one of the applicant's main competitors. Given these two factors, it is unlikely that the site would be becoming available in the foreseeable future for such a development as proposed. Therefore it is agreed this site can be discounted on the grounds that the unit sizes are too small to meet the needs of the applicant (not suitable) and unlikely to be available given the ownership of the site (not available).
- 11.34. In terms of the sites at Wellingborough Road (Parkway), Wellingborough Road Local Centre, Birchfield Road/Beech Avenue and Brook Road, Ecton Brook. The view of the advice provided to Northampton Borough Council by its appointed expert is although the sequential test submitted remains a little limited on content it is considered to be satisfactory. The contention that the site would respond to local needs seems reasonable bearing in mind the large residential areas to the north and south of Wellingborough Road in the vicinity of the site combined with proximity of the existing local centre, albeit that it would represent a significant addition to the existing offer provided by the local centre and that it remains likely that some customers would be attracted to the store from further afield.
- 11.35. Based on the information above the site is considered to pass the test set out in PPS4 with no sequentially site being suitable, available and viable.
- 11.36. Impact Assessment  
The requirements of the Impact Assessment are set out in two main policies Policy EC10 and Policy EC16 of PPS4. The main body of this report covers the impact assessment as set out in Policy EC10 which is set out below. These tests are applied to all economic development uses –
- a. *Whether the proposal has been planned over the lifetime of the development to limit carbon dioxide emissions, and minimise vulnerability and provide resilience to, climate change.*
  - b. *The accessibility of the proposal by a choice of means of transport including walking, cycling, public transport and the car, the effect on local traffic levels and congestion (especially to the trunk road network) after public transport and traffic management measures have been secured.*
  - c. *Whether the proposal secures a high quality and inclusive design which takes the opportunities available for improving the character and quality of the area and why it functions.*
  - d. *The impact on economic and physical regeneration in the area including the impact on deprived areas and social inclusion objectives*
  - e. *The impact on local employment.*

- 11.37. The national policy states that in advance of development plans being revised to reflect PPS 4, an assessment of impacts in policy is necessary for planning applications for retail and leisure developments below 2,500 square metres which are not in an existing centre and not in accordance with an up to date development plan that would be likely to have a significant impact on other centres. It is our view this case would apply to the application being considered in this instance. This has been agreed by the applicant through the submission of the Retail Impact Assessment. The Impact Assessment covers in terms of retail impacts covers six main tests in Policy EC16, these are as follows -
- a. *the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal*
  - b. *the impact of the proposal on town centre vitality and viability, including local consumer choice and the range and quality of the comparison and convenience retail offer*
  - c. *the impact of the proposal on allocated sites outside town centres being developed in accordance with the development plan*
  - d. *in the context of a retail or leisure proposal, the impact of the proposal on in-centre trade/turnover and on trade in the wider area, taking account of current and future consumer expenditure capacity in the catchment area up to five years from the time the application is made, and, where applicable, on the rural economy*
  - e. *if located in or on the edge of a town centre, whether the proposal is of an appropriate scale (in terms of gross floorspace) in relation to the size of the centre and its role in the hierarchy of centres*
  - f. *any locally important impacts on centres under policy EC3.1.*
- 11.38. This report runs through each of the different elements of the impact test in turn.
- 11.39. To understand the above there is to need to assess expenditure capacity and how well existing stores are trading to get an accurate view of impact. This is work that AECOM have covered in some detail to enable the corporation to consider the application. The key findings are as follows –
- 11.40. Convenience Expenditure Capacity – AECOM have assessed that convenience goods expenditure capacity before Aldi in 2012 would be about £10.0m compared with the applicant’s estimate of £17.3m and post Aldi would be about £6.16m compared with the applicants estimate of £13.7m. Therefore the conclusion is that whilst the applicant has over-estimated expenditure capacity there is morethat sufficient expenditure capacity to support the proposed Aldi store by 2012.
- 11.41. Comparison Goods – AECOM agree that the scale of comparison goods sales in Aldi compared with available comparison goods expenditure in the PCA would be insignificant.
- 11.42. Retail impact – AECOM have advised that total sales from the store would be about £5.1m compared to the £4.7m suggested by the applicant.
- 11.43. Retail Impact – In terms of where the diversion of trace would come from the following locations
- 11.44. -the applicant estimated that 40% of Aldi’s trade would be drawn from Tesco Extra at Weston Favell; whereas AECOM consider that about 20% would be more realistic.
- 11.45. -the applicant estimated that 20% of Aldi’s trade to be drawn from Lidl at Weston Favell. AECOM consider that at least 20% of Aldi’s sales would be diverted from Lidl.

- 11.46. - AECOM has advised it is more realistic to assume that 10% of Aldi's sales rather than the 5% would be diverted from the convenience goods retailers in Northampton Town Centre catchment most of which is clawback from the Aldi at St James.
- 11.47. - AECOM estimate about 20% of Aldi's sales to be drawn from Morrison's at Kettering Road rather than the 13% assumed by the applicant.
- 11.48. - In summary AECOM advise that the impact on Northampton Town Centre would be slightly more but still insignificant.
- 11.49. - In summary AECOM advise that none of the impacts would be great enough to cause any existing food-store or centre to close or give serious cause for concern.
- 11.50. - The Lidl at Weston Favell would undoubtedly suffer the greatest impact but this store should be well able to continue to benefit from the substantial attractive power of the Tesco Extra superstore and other shops and stores at Weston Favell District Centre.

***a. the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal***

- 11.51. The principle areas to consider are the impact that this scheme considers the impact on existing, committed and planned public or private investment in Northampton are Northampton Town Centre and Weston Favell District Centre.
- 11.52. In terms of Northampton Town Centre a significant amount of investment is going into the town centre from both the public and private sector. The vulnerability of Northampton Town Centre is well documented in the Northampton Town Centre Healthcheck and the West Northamptonshire Retail Study. In terms of committed and planned public and private investment the key project would be the delivery of the Grosvenor Centre project.
- 11.53. In terms of the nearby Weston Favell District Centre the undermining of this centre would be a key consideration. The evidence base as set out in the West Northamptonshire Retail suggests that the Weston Favell District Centre is performing well,
- 11.54. In terms of the advice provided by AECOM the advice to the corporation is that "we do not think the impacts would be sufficient to put at risk to put at risk any existing, committed or planned public or private investment in Northampton."

***b. the impact of the proposal on town centre vitality and viability, including local consumer choice and the range and quality of the comparison and convenience retail offer***

- 11.55. The government guidance indicates that committed and planned investment and impacts on the town centre turnover provide a good indication of the overall effects of a proposal on the vitality and viability of town centres. Particularly if it forms part of the development plan strategy.
- 11.56. There will be a certain amount of trade draw from the town and district centre stores as set out above. This is considered in more detail under stage d of the Impact Test. A

material consideration in assessing this application is the West Northamptonshire Retail Study 2008 to 2026 – Final Report (March 2009) that was produced by CACI on behalf of the West Northamptonshire Joint Planning Unit.

- 11.57. In conclusion the advice of AECOM is “We do not think there would be any significant impacts on the vitality and viability of any town or district centre. There would be an increase in consumer choice and competition, as a result in introducing a second discount supermarket in east Northampton.”.

*c. the impact of the proposal on allocated sites outside town centres being developed in accordance with the development plan*

- 11.58. It is not expected that this proposed development would have a detrimental impact upon developments proposed in the development plan. The good practice guidance for PPS4 sets out that where the plan is out of date, it will be necessary to consider proposals against the sequential approach and impact considerations in national policy. The age of the local plan and sites contained within it would put it into this category. Therefore the proposal is considered to meet this element of the Impact Assessment. It is the view of AECOM “that this criterion does not apply”.

*d. In the context of a retail or leisure proposal, the impact of the proposal on in-centre trade/turnover and on trade in the wider area, taking account of current and future consumer expenditure capacity in the catchment area up to five years from the time the application is made, and, where applicable, on the rural economy*

- 11.59. The associated government guidance outlines the market position and turnover potential of the proposal are key considerations. It is identified that the key factors affecting judgements about where it will draw its trade from are determined by :

- the intended market sector/role, on the basis that “like affects like”, so the centres currently serving the intended catchment population will experience the greatest impact; and
- distance, on the basis that consumers will generally use the nearest centre/facility which meets their needs in terms of quality/convenience etc.

- 11.60. The guidance outlines that unless there is clear evidence of a significant impact on turnover likely to undermine the vitality and viability of the centre, the negative effect of trade diversion needs to be balanced against any positive town centre or wider impact as part of reaching an overall judgement. The guidance sets out there are five steps to be followed against which the scheme will be assessed.

- 11.61. *Step 1: Establish base/design years, and determine what is being assessed.*

- 11.62. The advice of AECOM is that in applying the method WYG has undertaken calculations for a base year of 2009, for a design year of 2012, and for longer term future years of 2014 and 2016. If permitted, the new store extension would be likely to open by the end of 2010 or early 2011, so the “design year” for assessing quantitative need and impact should be 2012. Therefore the applicants forecasts for 2014 and 2016 are therefore too far ahead to be relevant and we have disregarded them.

- 11.63. *Step 2: Examine “no development” scenario i.e. what will happen if the development does not take place ?*
- 11.64. Where through an extant permission or permitted development rights it is argued that there is a “fall back” position which may be implemented if the current proposal is not accepted. In the case of the Aldi site, there is no extant planning consent that could be implemented and hence if permission was not granted there is no other development consented to take it’s place.
- 11.65. *Step 3: Assess turnover and trade draw i.e. what turnover will the development generate and where will it come from ?*
- 11.66. AECOM has assessed the turnover of the Aldi store would be about £5.1m based upon 71% of the net sales area being comparison goods (about £3.85m convenience goods and about £1.25m comparison goods)..
- 11.67. *Step 4 : Assess Impact*
- 11.68. *Step 5 : Consider the consequences of impact on existing centres facilities*
- 11.69. There will be substantial diversion of trade from Lidl in Weston Favell District Centre. However, AECOM consider that this store should be able to withstand the likely impact and would not close. The impact on Weston Favell District Centre as a whole would not be high enough to give serious cause for concern.
- e. if located in or on the edge of a town centre, whether the proposal is of an appropriate scale (in terms of gross floorspace) in relation to the size of the centre and its role in the hierarchy of centres*
- 11.70. The applicant claims the Aldi store would be on the edge of the Wellingborough Road (Parkway) Local Centre. AECOM has outlined it is therefore stretching a point for the applicant to describe the proposed. Aldi as an edge-of-centre store, which would strengthen this local centre. In reality, Aldi would function mainly as an out-of-centre store, attracting much of its trade from vehicles using Wellingborough Road. This criterion is therefore of limited application in this case. It is the view of the local planning authority that the site is out of centre therefore is not subject to this part of the test.
- f. any locally important impacts on centres under policy EC3.1.*
- 11.71. No specific local impacts are identified within the local development plan. Therefore limited weight is to be given to this part of the assessment. The governments good practice identifies on page 62 that such stores “can compliment other types of local convenience retailing and provide a positive contribution in areas of social deprivation by providing accessible low cost convenience goods.”.
- 11.72. AECOM are not aware of any such locally important impact criteria.
- 11.73. In view of the assessment set out in the appendix, we conclude that the proposed Aldi store would pass the retail impact tests in Policy EC16 of PPS4.
- 11.74. Overall conclusion on the principle of retail development

The key policy against whether the proposal is acceptable is Policy 17 of PPS4. This states –

- 11.75. *Policy EC17: The consideration of planning applications for development of main town centre uses not in a centre and not in accordance with an up to date development plan.*
- 11.76. *Planning applications for main town centre uses that are not in an existing centre and not in accordance with an up to date development plan should be refused planning permission where:*
- 11.77. *the applicant has not demonstrated compliance with the requirements the sequential approach (policy EC15); or*
- 11.78. *there is clear evidence that the proposal is likely to lead to significant adverse impacts in terms of any one of impacts set out in policies EC10.2 and 16.1 (the impact assessment), taking account of the likely cumulative effect of recent permissions, developments under construction and completed developments*
- 11.79. Based on the assessment of the application against the sequential test and retail elements of the impact assessment the proposal is considered to be acceptable as outlined in Policy 16 of PPS4. Therefore it is considered to pass the above “gateway” policy in relation to the principle of retail. The non-retail impacts of the policy are considered in greater detail below.
- 11.80. The above is in accordance with the advice received from AECOM that concluded that the proposed Aldi store would pass the retail aspects of the impact test in Policy EC16 of PPS4. It would have the beneficial effect of increasing local consumer choice and competition between retailers in east Northampton. As a discount supermarket, it would provide an additional opportunity for purchasing lower priced food and a limited range of discounted comparison goods, thus benefitting social inclusion. Subject to meeting the sequential approach we see no retail planning reason under PPS4 why it should not be granted planning permission.
- 11.81. **PPS 4 Policy EC10 – Determining Planning Applications for Economic Development**
- a. Whether the proposal has been planned over the lifetime of the development to limit carbon dioxide emissions, and minimise vulnerability and provide resilience to, climate change.*
- 11.82. The applicant has outlined that Aldi’s approach is to minimise carbon dioxide emissions in that Aldi only use environmentally friendly, energy efficient freezers and lighting. Aldi’s new generation of stores are constructed with a delivery ramp, sheltered canopy and dock leveller system which means products can be unloaded by drivers without any external activity such as forklift trucks, cages or scissor lifts.
- 11.83. Officers consider proposing to secure through a legal agreement, should this application be approved, a Sustainability Strategy to be submitted that details the achievement of BREEAM ‘Very Good’ for the food store. A minimum of 10% renewable energy generation should be secured through the condition. Independent post-construction assessment should also be secured to ensure that the development is constructed in accordance with the submitted details.

- 11.84. The applicant has accepted the principle the practice of requesting a sustainability strategy is accepted.
- 11.85. Subject to the above conditions being met the application is considered to meet this part of the impact test is met.

*b. The accessibility of the proposal by a choice of means of transport including walking, cycling, public transport and the car, the effect on local traffic levels and congestion (especially to the trunk road network) after public transport and traffic management measures have been secured.*

- 11.86. Although the site is in an out of centre location it is in close proximity to a high-frequency bus service. The site is in close proximity to bus stops, with the closest bus stop for buses travelling in a westerly direction being approximately 40m away from the application site.
- 11.87. In terms of bus stops for buses travelling in an easterly direction, the nearest bus stop is within 55m of the site, although this would necessitate crossing Wellingborough Road and therefore it is likely that customers would elect to use the pedestrian crossing adjacent to The Trumpet public house. This would entail a walk of approximately 135m from the application site.
- 11.88. As a result, it is considered that the proposal is located within a relatively sustainable location and offers potential to reduce the dominance of private cars as means for undertaking journeys.
- 11.89. The site lies in close proximity to residential properties so there will be an element of walk-in trade. The applicant has agreed to contribute £131,000 towards the improvements to nearby bus stops and the introduction of new cycleway infrastructure into the area.
- 11.90. In terms of the Strategic Road Network it should be noted that the Highways Agency have not raised objection to the scheme, therefore any impact on the trunk road network is considered acceptable.
- 11.91. PPG13 states that for food retailing outlets, a maximum provision of one parking space for each 14m<sup>2</sup> of gross floorspace should be provided. Therefore the number of parking spaces allowed under this approach is 110 spaces. The local Northamptonshire County Council SPG seeks to control the amount of car parking to 1 space per 25 sqm which would allow in the region of 62 spaces. It should be noted that no objection has been received from the County Council on the level of car parking. It is our view that the proposed 75 car parking spaces which includes 6 disabled spaces complies with the broad requirements of this national and local policy.
- 11.92. It is noted that the proposal contains the provision of cycle storage in line with the requirements of PPG13.
- 11.93. **Vehicular Access**  
There have been extensive negotiations with Northamptonshire County Council in relation to the vehicular accessing of the scheme. A grampian condition is suggested to

secure works required on Wellinborough Road to facilitate the development. The only outstanding issue is to ensure the proposals can facilitate residential development on the adjacent site by an adoptable highway. The County Council have suggested revised changes it is proposed that this issue be delegated to the Director of Planning Services.

*c. Whether the proposal secures a high quality and inclusive design which takes the opportunities available for improving the character and quality of the area and why it functions.*

- 11.94. Those existing buildings that front onto Wellinborough Road are of a high quality design. Policy E20 of the Northampton Local Plan requires that new developments have a neutral impact on the levels of light, outlook and privacy available to the occupiers of neighbouring properties. By reason of the scale of the proposed building, it is unlikely that there would be a significant detrimental impact upon the amenities of surrounding properties as a result of these considerations.
- 11.95. The proposed retail unit would be set back from the established building line, the area to the front of the site would be used for car parking and therefore the northern and eastern elevations in particular would be prominent within the streetscene.
- 11.96. In order to improve the design of the building, members, along with officers from NBC and WNDC held a design workshop with the developer on the 16 December 2009. Within this meeting, it was established that the prime areas of concern were the northern and eastern elevations, which would have the greatest degree of prominence within the streetscene. Alternative treatments for these elevations were discussed with a general consensus that these should reflect the colours and textures used elsewhere within the locality.
- 11.97. Concerns were raised regarding the design of the roof and in particular its shape. It was recognised that the design had been influenced by an aim to reduce the massing of the building close to the site with residential properties to the south.
- 11.98. Increasing the level of detailing on the northern elevation was also considered necessary in order to reduce the impact on visual amenity. This resulted in revised plans that bring in materials more in keeping with the local area. The revised plans address the concerns raised at the workshop and considered acceptable in design terms.
- 11.99. Landscaping  
The setting of the proposed development would be enhanced through the provision of an improved landscaping scheme. Such an approach is supported through PPS1 and Policy 2 of the Regional Plan and Policy E20 of the Northampton Local Plan. This is to be secured through condition.
- 11.100. Planning out crime  
It is noted that concerns have been raised regarding the car park being used for anti-social activities outside of store opening hours. The Design and Access Statement states that barriers would be installed to prevent this activity from taking place. Therefore, it is

requested that if WDC are minded to approve this application, it be subject to a condition, which would require that these barriers are installed prior to the store being brought into use and are in use during periods where the store is closed to members of the public. Such a condition would also ensure that the proposal complies with Policy E40 of the Northampton Local Plan.

*d. The impact on economic and physical regeneration in the area including the impact on deprived areas and social inclusion objectives.*

11.101. The proposed use will bring back into use a prominent brownfield site that has remained vacant for a number of years. Therefore there are regeneration benefits from bringing forward the development of the site. There have been no recent discussions on other forms of development on the site so there is no alternative scheme to consider. In terms of social inclusion the introduction of an additional new deep discount retailer into the locality will make available affordable food to local residents and provide additional jobs. The development will also provide the opportunity to provide infrastructure such as improved cycle infrastructure provision that will bring additional benefits to local residents. The form of development safeguards that a number of uses can be brought forward on adjacent land.

*e. The impact on local employment.*

11.102. Policy 1 of the East Midlands Regional Plan (2009) sets core objectives for the region that include improving economic prosperity, employment opportunities and regional competitiveness as well as improving accessibility to jobs and services. Policy 3 of the same guidance focuses upon the appropriate distribution of economic activity and states that the development needs of all settlements should be provided for and should contribute to – amongst other things – facilitating access to jobs and services and to strengthening rural enterprise.

11.103. In this case the application would contribute towards economic prosperity through the provision of additional jobs. It is therefore considered that this application is compliant with this part of the impact test and Policies 1 and 3 of the East Midlands Regional Plan.

11.104. **Other matters**

11.105. **Contamination**

The Environment Agency (EA) were consulted upon the application and raised no objection subject to conditions on surface water and contamination. Officers are of the opinion that appropriately worded conditions are an acceptable approach.

11.106. **Noise**

There is a possibility that noise from deliveries will have a notable impact upon the occupiers of residential properties. Whilst, it is noted from the business model, that deliveries are concentrated timewise this could still give rise to neighbouring residential amenity issues, for instance if it was in the middle of the night. As a result of this, it is unlikely that there would be sustained periods of noise to the detriment of residential amenity. In addition, there is likely to be a necessity for certain types of equipment to

be installed at the premises, that have the potential to generate noise which could, if unregulated have an adverse impact upon residential amenity.

- 11.107. It is recommended that the proposal it be subject to a condition, which would require a scheme to be submitted that would agree the likely sources of noise and the means for their control. Such an approach would ensure that the development complies with the requirements of PPG24 – Planning and Noise.
- 11.108. The design of the proposed store could be amended to relocate the delivery area to the front of the site to completely alleviate this issue. However, the increased prominence of the delivering bay would create an incongruous feature within the streetscene. Nonetheless, in the interests of neighbour amenity it is also recommended that a condition be imposed to control / limit delivery hours.

## 12. Planning Obligations

- 12.1. WNDC's adopted Planning Obligations Strategy (POS) and associated review promotes a 'standard charge' approach to attaining planning obligations associated with major new residential or commercial development. This approach varies from the traditional S106 approach by way of allowing for the flexible spending of contributions covering a variety of different initiatives. Monies are therefore not specifically allocated to particular Heads of Terms.
- 12.2. In accordance with the POS, a total financial contribution to be sought from this development was initially calculated at . This figure was calculated by way of adding together £107 per sq m from the proposed retail floor space giving a contribution of £174,045.
- 12.3. The applicant challenged the previous approach outlined regarding planning obligations. Much of this challenged the approach we had set out in our Planning Obligations Strategy (December 2008). This strategy is still the basis for WNDCs approach to securing planning obligations, although post 6 April 2010 it is necessary to have regard to the tests set out in the Community Infrastructure Levy Regulations 2010.
- 12.4. The following is the agreed approach on S106.
- 12.5. **Transport (£131,000)**  
In terms of the transport the contribution is necessary and directly related to the development by virtue of the increased vehicular and pedestrian activity to be generated by the development and the associated demands upon the local highway network. The sum is considered fair and reasonable given that it is balanced against the monetary requests of the local Highway Authority.
- 12.6. Therefore we would still be looking to secure the £131,000 towards transport infrastructure. It is noted that this is based on contributions towards bus stops and foot and cycleway improvements. The points made regarding the contributions towards foot and cycleways not being appropriate is not accepted.
- 12.7. It should be noted that the contributions are being collected to maximise the opportunity to encourage travel by sustainable modes to the store.

**12.8. Town Centre Enhancement including public realm improvements (£43,000)**

Therefore it is proposed that a contribution is made towards town centre enhancements and public realm improvements. The Town Centre Enhancement including public realm improvements contribution is necessary given that the application involves the provision of notable retail floorspace in an “out of centre” location. This contribution would mitigate against the negative effects felt by Northampton town centre and Weston Favell district centre and identified need to regenerate these areas.

12.9. The principle impact of the Aldi store is on the in-centre stores at Weston Favell principally the Lidl and Tesco Extra, this is demonstrated by the work that has been undertaken by AECOM. The work undertaken by AECOM demonstrates that 30% of the trade of the proposed Aldi store will be from the Lidl, Weston Favell and 20% from the Tesco, Weston Favell. In addition there will a draw of 10% from stores within Northampton town centre.

12.10. It should be noted that this contribution will be used to ensure vitality and viability remains within district and town centres in Northampton. It is proposed that the definition of town centre includes Weston Favell District Centre and Northampton Town Centre. The level of contribution is considered proportionate and reasonable in line with the work that has been undertaken on WNDC’s Planning Obligations Strategy.

**12.11. Construction Futures (non-financial)**

The Construction Futures element of the agreement is compliant with the regulation 122 tests. The Corporation’s Board have formally adopted the strategy, and it is considered by officers that the strategy can be properly applied to this development in order to make it necessary in planning terms.

12.12. The obligation would result in apprentices being employed on site, therefore directly related to the development. The level of training sought in this case is considered to be proportionate given that it is calculated on the basis of the predicted cost of development as required by Construction Futures. This principle has been established and agreed at the site that was recently considered for the proposed Aldi in Towcester.

**12.13. Public Art**

The applicant is in agreement to have this as a head within the proposed planning obligation agreement. The precise wording of the obligation can be agreed through progressing the legal drafting.

12.14. This is critical as it has a significant benefit to adding quality and character to an area. There will be the potential to involve local schools and the community in this.

#### 12.15. Sustainability Strategy (non-financial)

It is normal practice for the corporation to secure an obligation requiring the submission of a sustainability strategy. This requires an applicant to demonstrate how the scheme performs against BREEAM and is maximising the opportunity of utilising renewable energy resources. Again this is something that has been accepted at the proposed Aldi scheme in Towcester. BREEAM very good is the minimum that should be achieved.

12.16. In terms of the overall approach whilst the funding will be targeted to the heads outlined above should there be a surplus of funding from one of the areas in line with the pooling approach. WNDC will retain the right to spend the contribution on another head.

#### 12.17. Monitoring Costs

There will also be a need for a contribution of £3,500 towards monitoring of the s106 upon commencement of development.

### 13. Conclusion

- 13.1. The scheme proposal is for an out of centre retail application. A detailed assessment of the application has been undertaken in relation to its retail impacts. There are no available, suitable or viable sequential sites and the impact on the existing centres is considered acceptable subject to the conditions outlined in the report. On this basis the retail tests as set out in PPS 4 are considered to be passed.
- 13.2. In relation to the other impact issues as outlined in PPS the impact on climate change, transport, design, regeneration and local employment the scheme is considered acceptable.
- 13.3. The impact surrounding residential properties are acceptable subject to the conditions outlined in the report. These cover issues including noise, contamination, opening and delivery hours, landscaping, lighting and access barriers.
- 13.4. There are some issues to be addressed relating to access to the adjacent land. It is proposed that consent only be issued once the access point into the adjacent land facilitates residential use. Proposed changes have been suggested by Northamptonshire County Council to facilitate these changes.

### 14. Conditions

- 1) The development hereby permitted shall be begun before the expiration of 3 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 approved plans listed in schedule 1 of this permission.

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3) Prior to the commencement of development a Sustainability Strategy, detailing a method of achievement of BREEAM 'Excellent' for the food store element of the development, the achievement of BREEAM 'Very Good' for the commercial units and the provision of on-site renewable energy to meet a minimum of 10% of the developments overall energy needs and mechanisms for independent post-construction assessment shall be submitted to and approved in writing by the Local Planning Authority. Within a period of 3 months from the first occupation of the development a post construction assessment shall be submitted to and approved in writing by the Local Planning Authority to demonstrate compliance with the approved Sustainability Strategy.

Reason: To ensure the delivery of a sustainable development in accordance with Policy 2 of the East Midlands Regional Plan (2009) and the guidance contained in PPS 1: Delivering Sustainable Development and Planning and Climate – Supplement to Planning Policy Statement 1 and the DDC & SNC Energy and Development SPD (2007).

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

Reason: To secure a satisfactory standard of development.

- 5) Prior to the occupation of the development hereby permitted, full details of the CCTV system to be installed at the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full accordance with the agreed details and maintained at all times thereafter.

Reason: In the interest of creating safer, sustainable communities and residential amenity, reflecting guidance set out in PPS1 and NCC Planning out Crime in Northamptonshire SPG.

- 6) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a detailed scheme of hard and soft landscaping for the site. The scheme shall include indications of all existing trees and hedgerows on the land and details of any to be retained.

Reason: In the interests of amenity and to secure a satisfactory standard of development.

- 7) The food store hereby approved shall be open only between the hours of 0900 and 2000 from Mondays to Fridays and 0830 and 2000 on Saturdays and 1000 and 1600 on Sundays or Bank Holidays.

Reason: To ensure compliance with the details of the application.

- 8) Prior to the first occupation of the premises hereby approved, a travel plan for the site shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be implemented at all times that the development is occupied unless otherwise agreed in writing by the Local Planning Authority.

Reason: To reduce the reliance on the private car.

- 9) Prior to the first occupation of the development an Agreement shall be entered into with the Local Highway Authority under Section 278 of the Highways Act 1980 to secure the provision of the required works on Wellingborough Road as required by Northamptonshire County Council.

Reason: To ensure a satisfactory standard of development.

- 10) All surface water from parking and manoeuvring area shall be passed through a petrol interceptor prior to disposal to groundwater, watercourse or surface water sewer and the interceptor shall be maintained in accordance with manufacturers guidelines.

Reason - To prevent pollution to the water environment.

- 11) Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme 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 site investigation results and the detailed risk assessment (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 (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
- 14.1. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.
- 14.2. Reason: The Site is underlain by the Northampton Sand Formation, which is classified as a Secondary A Aquifer. We agree with the recommendations of the GRM and Scott Wilson Reports that further investigation be undertaken at the site (including the advancement of additional deeper boreholes), to allow an acceptable quantitative risk assessment to controlled waters to be undertaken. Sampling of groundwater should be taken from permanently installed monitoring wells on a minimum of two occasions.

- 12) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To ensure that any unforeseen contamination identified during redevelopment is appropriately dealt with.

- 13) The retail supermarket hereby permitted shall be not more than 1,553 sq m gross floor-space measured externally and no additional floor-space shall be created whether by internal alterations or any other means without the express permission in writing of the local planning authority.

**Reason:** To protect the vitality and viability of town and district centres.[

- 14) The retail supermarket hereby permitted shall not be subdivided to form more than one separate retail unit without the express permission in writing of the local planning authority.

**Reason:** To protect the vitality and viability of town and district centres.

- 15) Not more than 15% of the net retail sales area of the retail supermarket hereby permitted shall be used for the sale of comparison goods as defined in Appendix A of 'Planning for Town Centres – Practice guidance on need, impact and the sequential approach', Communities and Local Government, December 2009.

**Reason:** To protect the vitality and viability of town and district centres.

- 16) The development hereby permitted shall only be used as a deep discount food supermarket, and shall be used for no other purpose within Class A1 of the Town and Country Planning (Use Classes) Order 1987 or any subsequent Order modifying that Order.

Reason: To protect the vitality and viability of the town centre and its prospects for enhancement in accordance with the development plan and in accordance with PPS4: Planning for Sustainable Economic Growth.

- 17) Prior to the commencement of development samples of all proposed external facing materials shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with approved details.

Reason : To ensure that the building is in accordance with surrounding properties and delivers sufficiently high quality design.

- 18) A scheme shall be submitted to and approved in writing by the Local Planning Authority which specifies the sources of noise on the site whether from fixed plant or equipment or noise generated within the building and the provisions to be made for its control and the approved scheme shall be implemented prior to the

commencement of the use hereby permitted and retained thereafter.

Reason : To protect the amenities of nearby occupants from noise and vibration.

- 19) Deliveries to or collection from the premises shall not take place before 0730 or after 2000 hours on Monday – Saturday and 1000-1600 on Sundays or Bank Holidays.

Reason : In the interests of the amenity of adjoining occupiers.



