



Applicants:

Aldi Stores Limited

Application No:

09/0077/FULWNS

Date Registered:

08/07/2009

Expiry Date: 07/10/2009

Ward: Towcester

# Towcester UDA Planning Committee Paper

Report by Director of Planning Services

Date of Committee Meeting: 19/05/2010

Agenda Item: 4

**Description:** Demolition of existing building (use for sale of agricultural supplies) and construction of food store (use class A1) and two commercial units (use class B2)

**Address:** CWG Site, Old Greens Norton Road, Towcester, Northamptonshire, NN12 8AX

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## 1. Recommendation

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

- The Director of Planning Services or appointed officer to issue the planning permission pursuant to negotiating, finalising and entering into the Section 106 agreement (having delegated authority to do so)
- The conditions set out in the report
- The withdrawal of the Highways Agency TR110 Objection

Reason: The proposed development would deliver a sustainable gateway site for Towcester, would meet an identified retail need for discount shopping provision, would diversify the economy and would create approximately 50no. new jobs in compliance with Retained Policies G3, E4, EV1, T2, R1 of the South Northamptonshire Local Plan, 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 securing of the planning obligations identified in this report pursuant to S106 of the Town and Country Planning Act 1990 and in accordance with Regulation 122 of the Community Infrastructure Regulations 2010.

### **Summary**

- 1.2 In terms of retail principle, it is concluded that there are no suitable sequentially preferable sites available that meet the tests outlined in Policy EC15 of PPS 4. As regards impact assessment, the impact would not meet the 'significantly adverse' criteria set out in Policy EC17 of PPS4. The proposed Aldi food store would create 25no. new permanent positions while the proposed business units would be expected to provide jobs for approximately 27no. people. A modern and contemporary design is proposed for both the food store and the commercial units, incorporating metal cladding, rendering and stonework. A total of 94 no. car parking spaces are incorporated across the scheme (75no. to serve the food store and 19no. to serve the commercial units) while the main pedestrian access points are proposed along the Watling Street frontage. An archaeological evaluation has revealed remains that do not represent an over-riding constraint to development providing that adequate provision is made for the investigation and recording of remains.
- 1.3 Various matters are to be dealt with via condition; a Travel Plan is to be secured for each of the premises hereby recommended for approval. A comprehensive landscaping scheme is also secured by condition, as is the provision of a pedestrian footpath along the northern side of Old Greens Norton Road. A Sustainability Strategy will also be required to detail the method of achievement of BREEAM 'Excellent' for the food store element of the development and the achievement of BREEAM 'Very Good' for the commercial units. A S106 agreement is in the process of being drafted. This is expected to secure £165,000 by way of a standard charge in compliance with WNDC's adopted Planning Obligations Strategy. In accordance with the standard charge approach, the spending of monies would be undertaken flexibly under the agreed Heads, which are: Strategic Highway Provision; Transport; Green Infrastructure and Public Realm including Town Centre Enhancement. There is also to be a clause inserted within the S106 relating to WNDC's Construction Futures programme, which provides on-site practical training for individuals for a fixed amount of weeks on new developments in addition to supporting formal college training programmes.

## **2. Description of Site**

- 2.1 The site is bounded along its eastern edge by Watling Street (A5) and along its southern boundary by Old Greens Norton Road, which is positioned perpendicular from the western side of Watling Street. To the north, the site is bounded by a petrol filling station that sits adjacent to a major roundabout where the A5 and A43 cross paths on the northern edge of Towcester.
- 2.2 A variety of commercial uses operate along Old Greens Norton Road. Immediately to the west of the site is located a builder's merchants while directly opposite (to the south) is positioned a recycling depot. In a wider context, on the opposite side of Watling Street there is an existing Tesco's supermarket. This store is setback from the frontage at a notably higher level than the highway; it is therefore not visible from the application site.
- 2.3 The site itself is 0.83 Ha in area and is not allocated for any particular use by the South Northamptonshire Local Plan (1997); it is currently occupied by a commercial operation called Central Wool Growers: the sale and distribution of agricultural supplies. This use operates from a dilapidated and dated warehouse building. The majority of the site has been covered by a concrete hard-standing, which serves as an external storage facility as well as for the parking of cars. The site remains undeveloped along the Watling Street frontage; a number of mature trees are located in this area.

## **3. Description of Proposal**

- 3.1 The proposals involve the clearance and full redevelopment of the site to create a new food store comprising of 1,125 sq m of retail space (Use Class A1) within an overall footprint of 1,650 sq m and 2no. new General Industrial Units (Use Class B2) with a cumulative floor space of 914 sq m. The application states that the food store would create 25no. new permanent jobs, while the industrial units would be expected to provide 27no. jobs based upon the Arup Employment Densities report for English Partnerships (2001).
- 3.2 The food store would be operated by Aldi and would be situated adjacent to the Watling Street frontage of the site, the western elevation being setback approximately 12m from the edge of Watling Street. The Industrial Units would be located to the western side of the site approximately 90m from Watling Street, but would be directly

accessible via Old Greens Norton Road. The Aldi store would roughly cover a 60m by 30m footprint and would be of an approximate height of 6m. The Industrial Units would each cover approximate areas of 12m by 28m and would be of 8m and 7m in height respectively.

- 3.3 A modern and contemporary design is proposed for both the food store and the commercial units, incorporating metal cladding, rendering and stonework. The two elements of the scheme are to have different accessing and servicing arrangements; 2no. separate vehicular access points are proposed along Old Greens Norton Road while a total of 94 no. car parking spaces are incorporated across the scheme (75no. to serve the food store and 19no. to serve the commercial units). The main pedestrian access points are proposed along the Watling Street frontage.

#### **4. Policy Considerations**

##### **4.1 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.

##### **4.2 National Policy:**

The following Planning Policy Statements / 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

PPS9: Biodiversity and Geological Conservation

PPG13: Transport

PPG16: Archaeology and Planning

PPS22: Renewable Energy

PPG24: Planning and Noise

PPS25: Development and Flood Risk

##### **4.3 Development Plan:**

East Midlands Regional Plan: Policies 1, 2, 3, 11, 22, 26, 35, 45, 46, 48

Milton Keynes South Midlands - Strategic Policy 3, Northamptonshire Policy 1

South Northamptonshire Local Plan: Policies G3, E3, E4, EV1, T2, R1

#### 4.4 **Supplementary Planning Guidance:**

NCC Development & Implementation Principles SPD (March 2007)

DDC & SNC Energy and Development SPD (March 2007)

#### 4.5 **Other Relevant Guidance**

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.

WNDC Planning Obligations Strategy (December 2008) – Set out in this document is WNDC's approach to planning obligations.

### 5. **Representations**

5.1 Consultees were consulted upon the initial submission. Additional re-consultations with selected parties occurred at various points throughout the planning process. These related to such matters as alterations to the design and layout of the scheme and to the submission of a revised Planning and Retail Statement.

5.2 South Northamptonshire Council: Initial Comments (11/08/2009): Objects to the development. An independent review of the retail impact assessment should be undertaken. It is considered that a number of developer contributions are required, including £70,000 towards a town centre management and promotion fund, the provision of a formalised cycle route to Belle Baulk, the provision of a crossing on the A5, £75,000 towards the Highway Agency's A43 Corridor Study, and the provision of signage, bus shelters and an extended bus route. Any monies collected must be sufficient to fund these initiatives and must be ring fenced for that purpose.

5.3 The design of the supermarket is inappropriate for the location. It lacks architectural features to break up the mass of the building and does not relate to the character of the locality. The blank Old Greens Norton Road elevation is considered to be

unacceptable. The width of Old Greens Norton Road should be examined to ensure that it is able to accommodate the additional traffic flows whilst a footpath must also be provided along this road to improve pedestrian accessibility. Insufficient room is afforded to the commercial units for the manoeuvring of HGVs. These commercial units should be made available within 6 months of the opening of the supermarket. Insufficient work has been undertaken in relation to archaeology.

- 5.4 *Further Comments (16/12/09):* Continued objection to the application on the grounds of a lack of an independent review of the retail impact assessment. The same list of required developer contributions has been supplied. The area for the servicing of the commercial buildings still does not have sufficient room for the turning, parking and manoeuvring of HGV vehicles. Additional comments supplied, include reference to the footpath along Old Green Norton Road being made available prior to the first use of the store. Also, dedicated right and left turn lanes should be created within Old Greens Norton Road when exiting onto Watling Street.
- 5.5 *Comments received from SNC Environmental Health (14/09/2009) (these comments were submitted separate from the formal SNC response, which was generated via Committee):* The proposal is approximately 500 metres from Towcester's Air Quality Management Area (AQMA) and the applicant has concluded that the proposals are not near enough to have an effect. However, all traffic using the A5 will have to travel through the AQMA and any extra vehicular movements will have an impact. The use of the DMRB (Design Manual for Roads and Bridges) model is inadequate for the complexities of the air quality issues within Towcester. Modelling emissions in Towcester can underestimate emissions by up to 40% because it does not take into account the stop starting of vehicles. A further assessment should be undertaken that fully takes into account the AQMA and reports upon the mitigation measures that will be required to prevent an increase in nitrous oxides and Nitrogen dioxide in the locality of the store.
- 5.6 *Further Comments received from SNC Environmental Health (19/10/09):* It is accepted that the contribution from Aldi to pollution levels in the area will be small. But the fact remains that there will still be vehicles travelling through the AQMA. All development adjacent to the A5 should be requested for a contribution to help put in place actions

to aid the flow of traffic through Towcester to improve Air Quality in the area. If every proposal that comes in is asked to make a small contribution to aid in the resolution of the problem – e.g. towards parking enforcement, structural works and/or education – then hopefully a significant improvement can be made. (A phone conversation with the Environmental Health Officer indicated that a contribution of £25,000 would be appropriate).

- 5.7 NCC Archaeology: Initial comments (23/07/2009): The site is of architectural significance and is likely to provide data on the extra mural settlement of Lactodorum. The Desk Based Assessment (DBA) submitted with the application acknowledges the potential for the site to contain Roman remains. The DBA does not contain sufficient information on which to assess the archaeological potential of the development area. A field assessment should therefore be completed prior to determination.
- 5.8 Further comments (03/11/2009): An archaeological evaluation report has now been received from Northamptonshire Archaeology. 4no. trenches have been excavated within the proposed development area, the number of trenches was limited due to logistical problems associated with the current working site. An area of Roman activity was identified within Trench 4, which gives an indication of the type of remains that may still survive under the northern extent of the site and under the existing bund. The activity has the potential to add to the existent knowledge of activity along Watling Street.
- 5.9 The proposed development will have a detrimental impact upon any archaeological remains present, although it is advised that this does not represent an over-riding constraint upon development (providing that adequate provision is made for the investigation and recording of any remains that are affected). A condition in accordance with paragraph 30 of PPG16: Archaeology and Planning should be attached to any permission granted.
- 5.10 NCC Growth Management: No comments received
- 5.11 NCC Sustainable Transport: Initial comments (12/08/2009): Concerns over the suitability and size of the servicing arrangements for the site. The commercial units

would not be accessible by larger vehicles. The servicing of the food store would involve large vehicles manoeuvring within the area to the front / side of the store where they may be conflict with pedestrians and other vehicles.

- 5.12 Contributions should be made towards improving walking / cycling links to the site from nearby residential areas. Contributions should be made towards extending the bus service to the site and improving bus stop infrastructure in conjunction with the contributions being proposed for the nearby Tescos extension. The applicants should improve the pedestrian access to the commercial units in the form of a footway along the Old Greens Norton Road frontage.
- 5.13 *Further comments (18/12/2009):* No objection to the principle of this proposal on highway grounds. The previous comments made in relation to S106 contributions still stand. The proposed footway along Old Greens Norton Road will be subject to an Agreement with the Highways Authority under Section 278 of the Highways Act 1980.
- 5.14 *Further comments (23/03/2010):* The Transport Assessment could contain further works regarding walking and cycling. The 2010 Cycling Development Plan for Towcester identifies missing links in the Towcester cycle network; for example a more substantial crossing is required across the A43 to join the existing link along the A5. The cycle parking should be re-positioned to within 25m of the main entrance where there is greater natural surveillance. The footway link running through the site should be of a width of at least 3m to allow cyclists to use this link. The link should be protected by Arris rail to prevent vehicles overhanging.
- 5.15 Anglian Water: No comments received.
- 5.16 English Heritage: Responded that it is not necessary for English Heritage to be notified of this application.
- 5.17 Environment Agency: No objection to the application subject to the imposition of planning conditions. A condition should be applied to deal with the risks associated with potential contamination of the site. The desk study submitted with the application is of considerably limited scope. A further condition should be imposed to

ensure that all surface water drainage from parking areas passes through an oil interceptor.

- 5.18 Northants Fire and Rescue: No comments received
- 5.19 Highways Agency: *Initial comments (03/08/2009)*: Following a review of the Transport Assessment it is considered that a commitment to improve public transport service should be made by the applicant while a Travel Plan should be submitted. It is also unclear how the peak hours for AM and PM peak assessment have been derived. Assessment of the A5/ Old Greens Norton Road junction requires further information.
- 5.20 Previous discussions with the applicant has resulted in the agreement with the applicant to make a £75,000 contribution towards the A43 Corridor Study in lieu of the A5/A43 Tove Roundabout. The Local Planning Authority has not yet confirmed their acceptance to this approach. In light of the unresolved transportation issues, there is insufficient information to warrant a substantive response from the HA. A TR110 form directs non-approval of the application at present.
- 5.21 *Further comments (16/12/2009)*: The amended plans do not affect the trip generation of the proposed development. The applicant should consider moving the cycle parking closer to the entrance of the Aldi store to make the use of this mode more attractive and to increase security. Subject to the agreement of a S106 that ring-fences a £75,000 contribution for the Highways Agency and a Travel Plan condition, the Highways Agency would be content to remove the TR110 Holding Objection.
- 5.22 Natural England: *Initial comments (05/08/2009)*: Objects to the application on the basis of inadequate information to demonstrate whether or not the development would have an adverse affect upon species and the ecological interest of the site. Further information is required.
- 5.23 *Further comments (16/10/2009)*: Continue to object. Inadequate information has been provided to demonstrate that the development would not have an adverse effect upon species protected by law. Concerns relate to Bats and their potential presence,

an appropriate survey carried out by suitably qualified persons should be undertaken prior to the determination of the application.

- 5.24 *Further comments (22/10/2009):* Natural England are satisfied, based upon the submitted Bat Survey, that the building shows no evidence of bats internally or externally and has limited bat roost potential. No objection subject to conditions: a further inspection should be undertaken if demolition work is not commenced before April 2012; works should cease immediately should any bat be discovered during demolition.
- 5.25 National Farmers Union: No comments received
- 5.26 Northants Police: *Initial comments (23/07/2009):* No objection in principle, although more information should be submitted to show the arrangements to secure the service yard / unloading bay. Mechanisms to protect from the threat of ram-raiding should be introduced. The overhang at the store entrance may act as a youth meeting point. The car park should be secured by a lockable barrier. CCTV and lighting details are requested.
- 5.27 *Further comments (03/08/2009):* It would appear that all concerns have been addressed in full; no further issues are raised at this time.
- 5.28 Towcester and District Local History Society: The site is of archaeological significance. The application should not be determined without the results of an archaeological evaluation of the development site. Otherwise the application should be refused.
- 5.29 Wildlife Trust for Northamptonshire: *Initial comments (04/08/2009):* The development would involve the removal of some existing vegetation cover and will involve (arguably) a higher level of site activity. It is recommended that at least a Phase 1 Habitat Survey (including a Desk Study exercise) of the application site and its environs is undertaken. The supporting information at present is insufficient. It is recommended that any soft landscaping elements consist of native species.

- 5.30 *Further comments (23/10/09):* The Wildlife Trust is pleased with the preparation of ecological reports. Given the proximity of a Potential Wildlife Site (PWS) to the south, consideration should be given to the potential pollution of watercourses from the proposed developments. In accordance with the findings of the Bat Survey, it is noted that the vegetation along the southern edge of the site is acting as both a commuting route and foraging habitat for bats- this should not be removed as part of this scheme and should be strengthened if possible. Careful consideration should be given to the design and placement of lighting in order to be conducive to the continued activities of bats. These matters might best be dealt with via appropriately worded conditions.
- 5.31 Cllr Rosemary Bromwich: No comments received
- 5.32 Towcester Town Council: Objection because the development will have a direct impact upon traffic movements and will have an adverse effect upon the vitality and viability of the town centre. The development is premature to the future development of Towcester. The design (i.e. wood cladding) is not of a sufficiently high standard for an entrance to the town.

## **6. Notifications and Responses**

- 6.1 Neighbour notification letters were sent out to close proximity neighbours and 3no. 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:
- 6.2 Lidl UK, Wellington Parkway, Magna Park, Lutterworth: The application has not properly addressed the sequential test in accordance with the guidance contained within PPS6. No evidence has been produced to support the applicant's assertion that the existing Somerfield store is not available. Aldi could be more flexible in their business model to accommodate smaller premises; in light of this the Somerfield unit should not be considered to be unsuitable.
- 6.3 Lidl have been in negotiations with a vendor on a more sequentially preferable site, which is unable to be named due to the confidentiality of a forthcoming agreement

for sale. Although there is a qualitative need, the proposed location is wrong for an additional food store and will consolidate an out of town offering.

## 7. Site History

- 7.1 S/2007/0762/P Demolition of existing buildings and construction of food retail store (Use Class A1) and restaurant (Use Class A3/A5) with associated car parking (Refusal)
- 7.2 S/2004/0323/P Erection of a temporary building to accommodate veterinary surgery and change of vehicular access (Approval)
- 7.3 S/2001/1469/P Change of use from warehouse with retail to warehouse/retail and veterinary surgery (Approval)

## 8. Considerations

### **Issues:**

- 8.1 Principle of Development, Employment Considerations, Setting & Visual Impact, Ecology, Archaeology, Residential Amenity, Flood Risk, Contamination, Air Quality, Car Parking, Vehicular Access and Servicing, Pedestrian Access, Landscaping, Crime Prevention, Sustainability, Waste Management, S106

### **Principle of Development**

#### Retail

- 8.2 A fundamental area of assessment in terms of the principle of development is the acceptability of the proposed retail within its national, regional and local policy context. The applicant has provided a Planning and Retail Statement to support the application. This was updated on the 9 February 2010 through the provision of a revised Planning and Retail Statement in the light of PPS4.

#### National Policy Position

- 8.3 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 in January 2010 to submit a revised Retail Statement that took into account PPS4 which was duly received on the 9 February 2010.

8.4 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.

8.5 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*

8.6 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”.

8.7 One of the issues raised by South Northamptonshire Council is the need for an independent retail consultant to assess the Retail Impact Assessment. This work has been undertaken by AECOM and has informed the development of this report. This assessment has been undertaken in the light of the revised Retail Impact Assessment submitted on the 9 February 2010. A further assessment was undertaken by AECOM to consider the impact of the South Northamptonshire Retail Study which was reported to South Northamptonshire Council’s Cabinet on the 12 April 2010. This assessment of the impact of the South Northamptonshire Retail Study is included at Appendix One.

### Sequential Assessment

- 8.8 A sequential assessment (under 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 “out of centre” locations as *“locations 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.”* The applicant accepts the site is in an “out of centre” location.
- 8.9 National policy 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.*
- 8.10 The applicant agreed the scope of the sequential assessment with planning officers at South Northamptonshire Council, who requested that the assessment considers the

potential to locate the store in the Moat Lane area of the town centre, Towcester Vale (the proposed urban expansion to the south of Towcester) and the Somerfield store (now operated by Co-Op). It is our view there are no additional sites that need to be tested.

The assessment of these locations with regard to the sequential test is set out below.

### Moat Lane

- 8.11 In PPS 4 terms the Moat Lane site would be considered a sequentially preferable site as it would be a town centre site.
- 8.12 The applicant concluded that there are no available sites in the Moat Lane area. They conclude the site is likely to appeal to small-scale, local high-quality specialist retailers, with offices or residential above and that Moat Lane would not be suitable for the proposed foodstore.
- 8.13 The conclusions that have been drawn in relation to Moat Lane are considered reasonable. There has been significant progress made with development proposals for this site led by public sector agencies including West Northamptonshire Development Corporation and South Northamptonshire Council. The Corporation are in detailed pre-application discussions and South Northamptonshire Council have publicly committed to move their existing operation to the site. Extensive public consultation has been undertaken with the community in the development of the scheme proposals. The introduction of a building with the footprint of an Aldi supermarket would not be desirable on the Moat Lane site due to the space constraints on the site.
- 8.14 The Moat Lane site is subject to an adopted Supplementary Planning Document – Moat Lane Planning Brief (October 2007). The guidance notes accompanying PPS4 encourage local planning authorities to consider whether there are any policy pre-conditions to bringing forward the site and in addition policy restrictions. The site therefore clearly fails the policy test as to whether it is suitable or available. If in theory a supermarket of the scale proposed was provided on the site then the development could be viable given the lack of other deep discount traders within the area. Based upon the information provided the Moat Lane site is not a suitable site for the development proposed and therefore can be discounted.

### Towcester Vale (Proposed Urban Extension)

- 8.15 In PPS4 terms the Towcester Vale site would be sequentially the same as the application site as it would be an out of centre site.
- 8.16 The applicant has concluded it seems highly unlikely that the local centre accommodating a supermarket would be developed for a further 4 to 6 years, given the need to complete significant infrastructure works, including the by-pass, first. As the urban extension is yet to have planning consent this statement is considered to be realistic.
- 8.17 It was indicated by the applicants that South Northamptonshire Council would resist a foodstore in Towcester Urban Extension. However it is reasonable to assume that a development of 3,000 units would contain an element of convenience retail, any proposals would be assessed against national, regional and local policy.
- 8.18 The applicant points out it is possible that a suitable site in the Towcester Urban Extension local centre would be viable and state this cannot be assessed in the absence of a specific site. The planning application submitted to WNDC contains a site for a food retail store of 1,350-2,350 m<sup>2</sup>. Therefore a certain amount of assessment can be undertaken on the site specifics.
- 8.19 The urban expansion site is yet to have planning consent or be allocated within the development plan, therefore the precise scale and location should be given limited weight in PPS4 terms. Therefore there is some doubt on the grounds of its availability within a reasonable time-frame.
- 8.20 The site is also an out of centre site the same as the development proposed and in terms of its siting is less accessible to the town centre than the proposed development. Government guidance states that where locations in existing centres or edge of centre locations are not available, preference should be given to out of centre sites well served by a choice of means of transport, which are close to a centre and have a higher likelihood of forming links with a centre.
- 8.21 For the purpose of this assessment it is concluded that the Towcester Urban Extension site is less accessible and there are enough questions regarding its availability. The acceptability of retail on the Towcester Urban Extension will be considered when this scheme is considered through the planning process. For these reasons it is felt reasonable to discount the Towcester Urban Extension site in sequential test terms.

Existing Somerfield Foodstore (now Co-Op)

- 8.22 In PPS4 terms the existing Somerfield Foodstore would be considered to be a sequentially preferable site to the proposed development site. The Co-op site was recently purchased from Somerfield and they have undertaken a refurbishment of the store and provided new signage on the external areas of the building.
- 8.23 In that original submission the applicant stated the store currently operates a foodstore under the Somerfield facial and they are not aware of any intention by the operator to dispose of the store or the site and it can therefore be concluded that it is not currently available.
- 8.24 The applicant has stated that it is not possible to strip any further elements from the Aldi offer in order to fit it into this store and the store is not capable of the level of extension required to make it large enough without the acquisition of adjoining land.
- 8.25 It is our view that it maybe possible to accommodate a retail scheme through the application of reduced car parking and a more innovative multi level design. The existing Somerfield store has a net floorspace of 827sqm of which the convenience element is 786 sqm. The applicant states the size of the Somerfield store and the lack of any potential for future expansion means that the operation of the proposed Aldi foodstore from the Somerfield site is not viable. In terms of the multi level design the applicant has responded that it is not practical to have a mezzanine floor arrangement due to the pallet trading operation.
- 8.26 A representation made by Lidl challenged the fact that the applicants stated that the Aldi business model is inflexible and incapable of being reduced. An example was given of the Aldi store in Bletchley that opened in a former Kwik Save unit measuring 600 sq m. The applicant subsequently responded that this store has proved to be commercially unviable and has confirmed that this store has closed.
- 8.27 It is our observation that there is not sufficient information to substantiate the claim that the site is not viable. Further information would be required on market cost factors and delivery factors and the specifics of the Aldi store.
- 8.28 Given the information that has been provided by the applicant and the assessment of the site there is a possibility that the site would be a sequentially preferable site in terms of viability. However there are significant questions raised regarding it's suitability to a "deep discount" retailer.
- 8.29 In terms of availability the good practice guidance concludes that the "The ownership of the site, and any evidence of whether the owner(s) of the site appear willing to bring forward the site for development in question within a reasonable timescale (or

alternatively the progress made by the authority on site assembly through compulsory purchase where relevant).”. There is no evidence in this case that the current user is looking to dispose of the site and the site is trading and has only recently been acquired by the Co-op. Therefore there are questions regarding its availability.

8.30 In terms of availability the good practice guidance concludes that the “The ownership of the site, and any evidence of whether the owner(s) of the site appear willing to bring forward the site for development in question within a reasonable timescale (or alternatively the progress made by the authority on site assembly through compulsory purchase where relevant).”. There is no evidence in this case that the current user is looking to dispose of the site and the site is trading and has only recently been acquired by the Co-op. Therefore there are questions regarding its availability.

8.31 It is concluded that in terms of the sequential test the site is not acceptable due to uncertainty around the site’s suitability and questions regarding its availability.

#### Conclusion on Sequential Test

8.32 Based on the information supplied by the applicant that had been scoped with the plan making authority we are satisfied that there are no suitable sequentially preferable sites that meet the tests outlined in Policy EC15 of PPS4. This is corroborated by the response that has been received from South Northamptonshire Council. Lidl stated that they have been in negotiations with a vendor on a more sequentially preferable site although no details have been provided due to confidentiality reasons they stated that they “expect a proposal to be accepted sometime in the forthcoming weeks”. This statement was made in August 2009 and no information has been forthcoming since. Therefore it is concluded that there is no sequentially preferable site that are available, suitable and viable.

8.33 The site lies within reasonable walking distance to a bus stop. The site has a clear pedestrian route to the town centre and is close to footpaths that link to surrounding residential areas. In terms of the sequential test the proposal for retail from the site is felt to be acceptable within the context of Towcester.

#### Impact Assessment

8.34 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.*

8.34 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. The Impact Assessment, 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.*

8.35 This report runs through each of the different elements of the impact test in turn.

**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***

8.36 The public sector agencies within Towcester are currently progressing a key regeneration site at Moat Lane, Towcester. This is underpinned by a supplementary planning document which is the Moat Lane Planning Brief (November 2007). This site was considered by the applicant in the sequential site search and more information is provided above in the sequential site search.

8.37 The key guidance given in the good practice guidance attached to PPS4 is as follows and based around six key questions, these are as follows –

8.37.1 What stage they have reached e.g. are they contractually committed?

There has been significant progress between the organisations in acquiring land across the site. Significant resources have been invested in the delivery of this scheme.

8.37.2 The policy “weight” attached to them e.g. are they a key provision of the development plan?

The site is subject to a Planning Brief that is adopted as a supplementary planning document. It is also shown in the non-statutory Towcester Masterplan.

8.37.3 Whether there is sufficient “need” for both?

The evidence is that there is sufficient “need” for the Moat Lane project. The evidence is that there is need for the retail site and this is covered in more detail elsewhere in this report.

8.37.4 Whether they are competing for the same market opportunity, or key retailers/occupiers?

The site specifics mean that these two sites will not be competing for the same market opportunity or key retailers/occupiers.

The site being bought forward is not to include a supermarket or superstore within its boundaries. There are proposals to bring forward some small scale specialist retail units within the proposals. Therefore the building of the proposed foodstore on the edge of Towcester is unlikely to have significant impact upon any anchor retail proposals for the site.

Any supermarket is likely to carry comparison goods and the proposal being considered is no exception. Therefore in this case it is proposed to safeguard the impact that the store could have by limiting the amount of floorspace for comparison goods that can be sold from the site and the range through limiting the operation of the store to a “deep discount retailer”. Given the type and range of goods that are proposed to be sold from the store it is reasonable that there is an acceptable impact on existing, committed and planned public and private investment in the town. It is also reasonable to expect a planning obligation that contributes towards the improvement of the town centre offer in order to safeguard against any ‘trade draw’ effects.

8.37.5 Whether there is evidence that retailers/investors/developers are concerned;  
No objection has been received from those parties bringing forward the Moat Lane project.

8.37.6 Whether the cumulative impact of both schemes would be a cause for concern.

8.38 Based upon the above, the cumulative impact of both schemes would not be a cause for concern. However, cumulatively with the proposed extension of the out-of-centre Tesco, the impact on the town centre of the proposed Aldi will be substantial but, on balance, is still considered acceptable.

8.39 Apart from the proposals for Moat Lane there are no other significantly progressed proposals for the town centre. The Towcester Masterplan does identify some long-term aspirations but none are significantly progressed or included within the development plan warranting detailed appraisal.

***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***

8.40 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.

8.41 The government guidance goes on to state that in others, such as important historic centres or centres which rely on a particular diversity and special character, it may be appropriate to take a cautious approach to potential adverse impacts. In this case the

proposal will not on its own adversely impact upon the investment in the town centre, subject to the proposed mitigation measures (see comments above on Moat Lane).

- 8.42 There are two supermarkets within Towcester town centre, both being Co-op stores; and an edge-of-centre Waitrose supermarket. The role of Aldi as a deep discount retailer is relevant as the number of lines stocked within each Aldi is identical and is deliberately restricted to around 1,000. A large superstore will typically have a range of around 30,000. At present there are no widely recognised deep discount retailers within the Towcester area. Residents living within the primary catchment area are likely to have to travel to the discount stores in Northampton (a round trip of about 30km) or Milton Keynes (a round trip of 34km) to meet their deep discount convenience shopping needs – although in practice it is unlikely that many would make such journeys just to do discount food shopping, because the cost of travel would cancel out the savings in price. The retail impact assessment has been prepared on the basis of the store being operated by a “deep discount” retailer. Therefore if the development is found to be acceptable in all other regards then the development should be conditioned as a “deep discount” retailer. The reason being that the trade effects from another store could be different.
- 8.43 There will be a certain amount of trade draw from the town centre stores. This is considered in more detail under stage ‘d’ of the Impact Test below.
- 8.44 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. This was prepared to undertake the following work –
- The network and hierarchy of retail centres in West Northamptonshire and how this links to any wider regional hierarchies;
  - The need and capacity for additional convenience and comparison retail floorspace at those centres in the period to 2026;
  - The scope, if any, for retail development at existing and new out of centre locations, including the Weedon Depot Site, and what the relationship of any such centres in West Northamptonshire would be; and
  - How the strategic approach, and spatial strategy, for retail in West Northamptonshire should be set out in the West Northamptonshire Joint Core Strategy, including the appropriateness of a retail floorspace phasing policy by centre.

- 8.45 The above work is based upon gravity modelling techniques to set centre hierarchy and inform the development of policy to be incorporated within the Local Development Framework. The information contained within this study sets useful context but does not provide detailed site by site advice.
- 8.46 The CACI report suggests that Towcester should be aiming to move from a “Small Local Centre” to “Better Local Centre”. The recommendation is that upgrading Towcester to a “Better Local Centre” is more dependent on improving its tourist appeal than the in-centre retailers supply a different offer to what is proposed by the ALDI store. There are relatively low levels of vacancy within the town centre; the report also refers to the need for a medium sized convenience store within the town. Together with the recommendation in the East Midlands Regional Spatial Strategy that Towcester is a Rural Service Centre and is identified as a growth area and should strengthen its retail and essential services together with regenerating the centre as demonstrated with the proposals for Moat Lane.
- 8.47 Based on assumptions relating to trip rates using the TRICS database, the applicant has estimated that there are likely to be about 1100 new weekly (or 57,000 annual) trips to the Aldi foodstore that are not already visiting Tesco or the town centre. On the basis of their assessment of trade diversion to the proposed Aldi from existing independent traders in Towcester town centre, the applicant contends that it is entirely possible that the net in-flow of expenditure to the town centre as a result of linked shopping trips could actually result in a net increase in the turnover of independent town centre traders. However, no clear evidence is provided to support this contention.
- 8.48 On the basis of the evidence provided the proposal is considered to increase local consumer choice and competition and the range and quality of the comparison and convenience retail offer. Against this, cumulatively with the Tesco extension (subject to a minded to grant resolution by SNC), it will be likely to have an adverse impact on the vitality and viability of the town centre. The proposal, it is adjudged, will have a relatively small additional impact; and most of the additional impact from Aldi would fall on the existing Waitrose, Tesco and Co-op foodstores, rather than on small independent retailers in the town centre. On balance, because the additional impact is relatively marginal, the proposed Aldi is considered to pass this part of the impact test.
- c. the impact of the proposal on allocated sites outside town centres being developed in accordance with the development plan*

8.49 It is not expected that this proposed development would have a detrimental impact upon developments proposed in the development plan. The key consideration is the impact on the Moat Lane scheme which is covered in detail elsewhere. The guidance 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. This has been fully assessed through this report. Therefore the proposal is considered to meet this element of the Impact Assessment.

*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*

8.50 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.

8.51 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.

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

8.52 The government guidance outlines that for site specific proposals the design year should normally be taken as 1-2 years after the likely completion of a development. In assessing impact, the applicant has adopted the assumption that existing facilities will benefit on a pro rata basis from the increase in primary catchment area generated expenditure between the base date (2009) and the design year (2012). This was felt to be an acceptable timeframe given when the application was submitted and the scale of the store.

*Step 2: Examine “no development” scenario i.e. what will happen if the development does not take place ?*

*(i) Commitments and cumulative impact assessments*

8.53 There are no similar town centre or edge of centre schemes that are for supermarket/superstores. The only scheme nearby is the Tesco scheme for an extension that comprises a net increase of sales area of 1158 m<sup>2</sup>. This application is currently going through the South Northamptonshire Council decision making process. It has a minded to grant resolution subject to a Section 106 being agreed.

*(ii) The “fall back” scenario*

8.54 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. If the development does not take place it is reasonable to assume that the existing use will continue on the site. In the case of the Aldi site, there is no extant planning consent that could be implemented.

*Step 3: Assess turnover and trade draw i.e. what turnover will the development generate and where will it come from?*

*(i) Turnover assumptions*

8.55 The government guidance identifies that anticipated turnover and characteristics of the proposed development can be estimated by reference to comparable schemes, and/or the operator’s benchmark turnover (having regard to local circumstances). The applicant has estimated the turnover of the proposed Aldi store based on a net sales area of 1,125 sq m multiplied by the company average sales density figure taken from Retail Rankings 2006 (£4,266 per sq m), giving estimated sales of £4.8m per annum. Our own consultants, AECOM, have advised that this is somewhat too low. Based on more detailed data published by Verdict Research Limited, they consider that total sales of about £5.9m would be more realistic. This (together with other weaknesses in the applicant’s Planning and Retail Statement) means that the applicant has underestimated likely trade diversion from existing stores.

*(ii) Trade Draw Assumptions*

8.56 The government guidance outlines that in parallel with assessing the anticipated level of turnover of the retail destination in its catchment area the trade draw pattern also needs to be assessed. The best evidence of the likely catchment areas and trade draw pattern of a particular proposal is likely to be comparative evidence of similar development in similar circumstances elsewhere.

8.57 The applicant considers that the main single store from which this proposal can be expected to derive most of its turnover is the Tesco store at Old Tiffield Road due to

the proximity of that store to the application site and the role it provides in meeting bulk food shopping needs for inhabitants of Towcester. £2.0m is estimated to be diverted from Tesco (assumed to be extended). AECOM agrees that the greatest single impact would be on Tesco, but advises that this is an under-estimate, and that about £2.6m of their (higher) estimate of Aldi's sales would be diverted from the extended Tesco store.

8.58 The applicants consider that there would be limited trading overlap between the Aldi store and the town centre offer. They estimate that only £0.5m of Aldi's sales would be derived from Waitrose and the existing town centre Co-Op supermarkets, together with the independent retailers in the town centre. However, AECOM advise that this is likely to be a significant under-estimate. In AECOM's view, at least £1.0m would be diverted from the town centre (including Waitrose).

8.59 The key to the above figures is how these impact upon the town centre which is the next step.

*Step 4: Assess Impact*

8.60 The applicants consider that the Aldi foodstore would result in an approximate 1.7% impact on the town centre as a whole. They estimate that the largest proportion of impact on the centre would be on the edge-of-centre Waitrose store, which provides a main food shopping service in the town. It is calculated by the applicant's consultants that the trade draw from Waitrose will be limited (£0.2m, giving an impact on Waitrose of 1.5%). They forecast that the impact on Co-op, Richmond Road, will also be limited (£0.1m/1.7%). They contend that this is because Co-op offers a broad range of well known branded goods, and shoppers would still be likely to use the Co-op to purchase such branded goods.

8.61 The applicant forecasts that impacts on other convenience and comparison goods outlets outside the town centre but within the primary catchment area will, for the most part, fall on the Tesco store situated close to the application site. However they consider that the overall impact on Tesco (as extended) would not be significant in 2012 at 8.1% impact on the extended store's overall turnover.

8.62 In AECOM's opinion, these impacts are under-estimated by the applicant. AECOM estimate that the impact of Aldi alone on the town centre (including Waitrose) would be about 4.4%; on Waitrose would be about 4.3%; and on Co-op at Richmond Road would be about 8.7% assuming that the town centre stores and Waitrose are all trading at their respective 'benchmark' company average sales. The impact on the extended

Tesco would be about 8.8%, again assuming that it trades at the ‘benchmark’ company average level. If the existing stores are actually trading at above those ‘benchmark’ levels, the impact would be less, but if they are actually trading at below the ‘benchmark’ levels, it would be greater. However, the applicant has provided no evidence of the current actual sales in the existing stores.

- 8.63 Aldi’s estimated impacts on the town centre on their own would probably not be substantially adverse. However, they would represent a fairly marginal increase in the impact due to the Tesco extension (mainly because about half of Aldi’s trade drawn from the Primary Catchment Area would be diverted from the extended Tesco).
- 8.64 In the light of the advice from AECOM, the additional impacts from Aldi on the trading of the town centre stores are considered acceptable; and the additional impacts will not be “significantly adverse”. The largest impact would be on the out-of-centre Tesco store, which is not afforded protection through the test outlined in PPS4.
- 8.65 The above can be referenced against the information that is contained within the CACI report in relation to comparison goods. A number of benchmark towns are chosen within the CACI report as they have “something else” to offer to attract tourists to the town. For example Berkhamsted has a ruined Norman Castle in the care of English Heritage. Towcester’s location between the larger centres of Northampton and Milton Keynes means that even if the retail offer is expanded, Towcester will still not be able to compete with the larger centres. Therefore, for Towcester, CACI concludes the future development is not necessarily about increasing capacity of retail but about the quality. The report identifies that the opportunity in Towcester lies in engaging with a wider, tourist based audience. Since the opportunities to evolve Towcester into a “Better Local Centre” are less dependent upon residential growth than in the case of Daventry, we would recommend that an action plan be pursued that worked towards developing the centre as an immediate priority for the town.

The CACI report gives the following preferred trading patterns for comparison goods across Towcester. The table below shows the amount of projected capacity for comparison goods at a set point in time.

Year	Population Growth (%)	Change in market shares	Comparison Goods Turnover Potential (£s)	Benchmark Turnover Density (3’s per sq m net)	Corresponding floorspace capacity (sq m net)	Existing and Committed Floorspace (sq m net)	Headroom Floorspace (sq m net)
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2008			£2,386,671	£2000	1,193	1,694	-501
2011	7.6%		£2,452,844	£2000	1,226	1,694	-467
2016	27.2%	394.7%	£13,332,922	£2000	6,666	1,694	4,973
2021	46.0%	382.5%	£14,934,070	£2000	7,467	1,694	5,773
2026	64.5%	373.2%	£16,498,240	£2000	8,249	1,694	6,555

The CACI report gives the following information for capacity for convenience goods across Towcester. The table below shows the amount of projected capacity for convenience goods at a set point in time.

Zone	Identified focus for new development	Current Trading Potential Turnover Density (£'s per sq m net)	Local Target Density (£'s per sq m net)	2008 Headroom Floorspace (sq m net)	2011 Headroom Floorspace (sq m net)	2016 Headroom Floorspace (sq m net)	2021 Headroom Floorspace (sq m net)	2026 Headroom Floorspace (sq m net)
5	Towcester Town Centre	£8,212	£7,500	358	545	815	1,294	1,762

8.66 Both the above tables indicate that there is capacity within Towcester for both additional convenience and comparison shopping.

8.67 Based on the information outlined under step 4 the impact of the proposal on the town centre in terms of its comparison and convenience goods is considered to be acceptable.

*Step 5: Consider the consequences of impact on existing centres facilities*

8.68 AECOM has advised that it is unlikely that Waitrose or the Co-op at Richmond Road would close as a result of the additional impact due to Aldi. However, the smaller Co-op store in the town centre at Watling Street East may well close, if (as is likely) the Co-op rationalises its stores in the town in the face of the likely cumulative impact from the proposed out-of-centre developments although the nature of the Tesco means that the impact from this proposal is likely to be greater. Its residual sales would then be likely to transfer to the larger Co-op store at Richmond Road, helping to mitigate the adverse impact on that store from the Tesco extension and Aldi. AECOM expect that if vacated by the Co-op, the store at Watling Street East should be attractive to

any comparison goods retailer or service business seeking to move into Towcester Town Centre, particularly as the Moat Lane scheme comes forward.

- 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*

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.*

8.69 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 applicant within their Impact Assessment has identified that there are no recognised deep discount retailers within the Towcester area. Some weight should be given to this part although this is limited given the relative affluence of Towcester. The governments good practice guide 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.”

Overall conclusion on the principle of retail development

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

- 8.71 *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.*

8.72 *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:*

8.73 *the applicant has not demonstrated compliance with the requirements of the sequential approach (policy EC15); or*

8.74 *there is clear evidence that the proposal is likely to lead to significant adverse impacts in terms of any one of the 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*

8.75 The above conclusions have been considered in the light of the South Northamptonshire Retail Study which was considered by South Northamptonshire

Council's Cabinet on 10 April 2010. AECOM were asked to review this document and advise whether this changes any advice provided previously their findings are attached at Appendix One. Their broad conclusions were "Whilst the proposed Aldi would result in some additional impacts on the foodstores in the town centre, these would be fairly small in comparison with the impacts from the Tesco extension. We therefore remain of the view expressed in the Committee Report that the likely additional retail impacts from the proposed Aldi store would not of themselves be great enough to warrant refusal of planning permission for that store. However, the reduction in the convenience goods retail capacity forecasts in the SNRS which are implied by our amendments to Table 13 in Appendix E; together with the grant of planning permission for the Tesco extension, and an Aldi store in addition; would mean that there would be no capacity for any more convenience goods floorspace in Towcester for many years, despite the substantial planned housing growth. This is because the indicated under-trading in the existing main foodstores means that the Tesco extension and the proposed Aldi would be developed significantly in advance of the need for such floorspace. As a result, all the stores (including Aldi) would be likely to trade at below 'benchmark' levels for some years."

- 8.76 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. In terms of the impact assessment there are some negative impacts on Towcester town centre from the proposals, although the impact from the development would not meet the "significantly adverse" criteria set out in Policy EC17. 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.

#### Employment Considerations

- 8.75 PPS4 contains Policy EC10, which relates to determining planning applications for economic development. A number of impact considerations are listed, which new economic development should be assessed against. Firstly, the proposals have been planned to limit CO2 emissions over the life time of the development (reference the 'Sustainability' section of these considerations). Secondly, the accessibility of the site by means other than the private car will be secured by way of secure on-site cycle parking, a comprehensive Travel Plan and a monetary contribution towards local bus

services. Further, a high quality and inclusive design has been secured (reference the 'Visual Impact' section of these considerations). Also in accordance with Policy EC10, the economic and physical regeneration of the area would undoubtedly be enhanced, as would local employment opportunities.

- 8.76 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 Plan 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.
- 8.77 In this case the application would contribute towards economic prosperity and would provide a notable number of additional jobs. As covered by the submitted Design and Access Statement, the agricultural suppliers currently on site employs approximately 10no. people. The proposed Aldi food store would create 25no. new permanent positions while the proposed business units would be expected to provide jobs for approximately 27no. people. It is therefore considered that this application would accentuate the economic prosperity of the site in compliance with Policies 1 and 3 of the East Midlands Regional Plan.

#### Setting & Visual Impact

- 8.78 The site is prominently located in close proximity to where the A5 crosses the A43 and leads into Towcester. The visibility of the site in such close proximity to this major interchange and gateway to the town reinforces the importance of securing a high quality development that respects its locality. Having said this, consideration should be given to the unremarkable nature of neighbouring buildings and frontages. This therefore increases the importance of the site in raising the quality of the built form.
- 8.79 The design of all the proposed buildings can be described as modern and contemporary. Flat-roof designs are put forward, as are crisp and uncomplicated elevations and largely rectangular floor layouts. The proposed materials to be used for the food store incorporates a mixture of white rendering, grey tinted glazing, toughened ceramic glass panelling and locally sourced ironstone. The stone is to be used to articulate the prominent south east corner of the building, which faces on to Watling Street.

- 8.80 The north-facing elevation is another visually prominent feature; this incorporates the main access to the food store and also faces across the car parking area that serves the site. A canopy feature is proposed to wrap around the north-eastern corner of the store, this would provide shelter for patrons and visual interest to the affected elevations. This canopy would be complemented by high-level toughened ceramic glass panels above and grey tinted glass below. The remainder of the elevations are to be dominated by white rendering that is articulated by horizontal rows of high-level glazed panelling.
- 8.81 South Northamptonshire Council Development Control (SNC) were consulted upon the original scheme and commented with an objection that relates to the design of the food store building. They stated that the design is inappropriate for the location due to it containing few architectural features. The blank elevation onto Old Greens Norton Road (south elevation) was highlighted as a particular concern. In response to this specific issue, the agents for the applicant submitted a revised southern elevation that incorporated a row of dark-coloured toughened glazing with the intention of breaking up the elevation. The agent has also been keen to point out that a full and comprehensive landscaping scheme will be implemented to enhance this area and to soften this particular elevation.
- 8.82 Notwithstanding the initial efforts made to revise the scheme to satisfy the design issues raised by SNC, the applicant felt that it would be beneficial to stage a Design Workshop in the presence of Officers and Towcester UDA Committee Members. This was a productive exercise that resulted in a strong steer being offered by Members in terms of what they considered would constitute an acceptable design in this location. The resultant revised elevations and floor plans have incorporated a curved feature wall at the prominent south-eastern corner of the food store; this would be constructed of ironstone and would be backlit through open vertical joints so as to promote a landmark corner. A slight raise of the roofline immediately behind the feature wall would also result. When re-consulted, SNC withdrew their objection in a design context.
- 8.83 Officers consider that the latest revised design of the food store is of a sufficient high quality. The position of the store would offer an active frontage to Watling Street and represents a significant improvement upon the current dilapidated commercial structure on site, which is setback from the highway. In the context of limited active frontage occupying this particular stretch of Watling Street, the proposals would have

a notable positive visual impact. The notable use of locally sourced ironstone would offer a visual link to the historic local character of the town, which is something that is not readily available in this locality at present.

- 8.84 The visual impact of the 2no. commercial units is less pronounced than that of the food store. This is due to their position to the rear of the site away from the most prominent vehicular routes. However, sound design principles should of course still apply. It is encouraging that the designs of these units would respect and complement the neighbouring food store. Flat-roofed block designs are proposed that – like the food store – incorporate dark-coloured glazing features. Elevations would be articulated by vertical metal cladding in addition to selected cedar wood cladding. The buildings would be expected to sit comfortably within an area that is dominated by adjoining industrial uses and operations; they would have a positive visual impact.

#### Ecology

- 8.85 Policy 1 of the East Midlands Regional Plan seeks to promote a ‘step change’ increase in the level of the Region’s biodiversity through the management and extension of habitats. Both the Wildlife Trust (WT) and Natural England (NE) were consulted upon the application and both responded with initial objections on basis of inadequate information being supplied to demonstrate that there would be no adverse impacts upon the ecology of the site.
- 8.86 A Phase 1 Habitat Survey was submitted on behalf of the applicant. The Habitat Survey recommends, among other things, that any retained trees and hedgerows should be protected during construction while the landscaping scheme should incorporate habitat enhancement. The Habitat Survey also recommended the preparation of a Bat Survey, which was duly submitted on behalf of the applicant.
- 8.87 In terms of to the additional submitted Surveys, both the WT and NE have responded positively. NE have acknowledged that there exists limited bat roost potential and have submitted no objections subject to relevant conditions being applied to any approval (i.e. development should cease in the event of bat discovery and further inspections should occur should demolition have not occurred prior to April 2012).
- 8.88 The WT have requested that careful consideration is given to the placement of lighting in order to be conducive to the continued activities of bats in the area. Officers can confirm that lighting would be dealt with by way of condition should the application be approved.

- 8.89 The WT have also requested that consideration is given to the potential future pollution of watercourses. In response to this, Officers can advise that the Environment Agency were consulted upon the application and they have recommended a condition be applied to any permission requiring all surface water drainage from lorry and large car parking areas (over 50no. spaces) to be passed through an oil interceptor. Officers consider that this condition would acceptably guard against the potential for surrounding watercourses to become polluted.
- 8.90 The WT has also requested that the existing vegetation along the southern edge of the site is not removed as it serves as a foraging habitat for bats. It should be noted that a notable element of this landscaping is indicated as being retained upon the proposed plans. Prior to the commencement of development the applicant would be required to submit a detailed landscaping plan by way of condition. This will be required to ensure that a substantial buffer of vegetation is maintained along the southern boundary of the site fronting Old Greens Norton Road.

#### Archaeology

- 8.91 An archaeological desk-based assessment was submitted with the application, which concluded that it is not unreasonable to assume that there should be some survival of archaeological features beneath the extensive concrete car parking areas. Consequently both NCC Archaeology and a representative of the Towcester & District Local History Society responded by stating that field assessment must be completed prior to the determination of the application to allow an accurate assessment to be formulated of the archaeological potential of the site.
- 8.92 A Written Scheme of Investigation (WSI) was prepared by the applicant's archaeologist following discussions with NCC Archaeology. 4no. trenches were subsequently excavated within the site (the extent of trenching was limited because of the existing live use of the site). One of the trenches (Trench 4) contained significant remains, which have been described by NCC Archaeology as having "...the potential to add to our knowledge of activity along the Watling Street outside the walls of the Roman town."
- 8.93 NCC Archaeology have advised that the archaeological deposits do not represent an over-riding constraint to development providing that adequate provision is made for the investigation and recording of remains. They have requested the imposition of a planning condition to restrict the commencement of development until a further

Written Scheme of Investigation (WSI) has been drawn up to detail an appropriate programme of comprehensive archaeological work. An appropriately worded condition should be applied that corresponds with the ideals contained within PPG16: Archaeology and Planning.

#### Residential Amenity

- 8.94 The site is not situated in close proximity to any residential properties. The proposed scheme does not therefore represent a threat to residential amenity. The uses proposed would appear to sit comfortably in an area typified by commercial and industrial activity.

#### Flood Risk

- 8.95 The applicant has submitted a Flood Risk Assessment (FRA) for consideration as part of the application. This explains how the site is located entirely within Flood Zone 1, although it does sit adjacent to higher-risk zones. In consideration of this, a list of flood mitigation measures is outlined within the FRA. These measures include raised finished floor levels to incorporate a 300mm differential between threshold levels and external ground levels. Also, the additional surface water runoff to be generated is to be managed onsite within underground storage tanks and/or above ground detention areas.
- 8.96 The Environment Agency (EA) were consulted upon the application and issued no objections to the application subject to a condition being imposed to ensure that all surface water drainage from lorry parks and the main car park is passed through an oil interceptor to protect against the risk of water pollution. The FRA states a commitment to these measures, but officers consider that it would be prudent to attach such a condition to ensure compliance.

#### Contamination

- 8.97 The Environment Agency (EA) were consulted upon the application and have commented that the desk study that has been submitted with the application is of considerably limited scope. The EA suggest the imposition of a planning condition that requires the submission of a scheme to deal with the risks associated with the contamination of the site. Officers are of the opinion that an appropriately worded condition is an acceptable solution.

### Air Quality

- 8.98 To the south of the application site and running along the A5 is situated an Air Quality Management Area (AQMA), which was designated in recognition of the need to improve air quality standards in the future. This proposal is situated approximately 500m from the AQMA.
- 8.99 The Air Quality Assessment (AQA) concludes that the development would not lead to the designation of a new AQMA and would not significantly increase emissions or lead to new exposure to emissions. The AQA states that the air quality issues for the proposed development are not deemed to be a significant consideration given that the actual changes in traffic generated by the development would be small.
- 8.100 SNC Environmental Health (EHO) were consulted upon the application and, more specifically, upon the submitted AQA. They stated some concerns as regards the conclusions of the AQA, particularly as they consider that modelling emissions in Towcester can underestimate emissions by up to 40% because of the stop starting of vehicles. However, the EHO accepts the contribution towards pollution levels by this development would be small.
- 8.101 Notwithstanding the expected nominal impact, the EHO has stated that all development adjacent to the A5 (or likely to add vehicles to the A5 through Towcester) should be requested to make a contribution to help put in place actions to aid the flow of traffic through Towcester to improve air quality in the area. Examples of these actions include parking enforcement, structural works and education.
- 8.102 In response to this request, the agent for the applicant has questioned whether a financial contribution would be appropriate given that other developments outside of the town would result in additional vehicles travelling through Towcester also. They are therefore of the position that any contribution should be diverted from any monies that may be secured towards the town centre or transportation initiatives.
- 8.103 In this instance, Officers are of the opinion that it would be inappropriate to insist upon a contribution from the applicants towards improving air quality. It is felt that it would not be appropriate to ring-fence a particular proportion of the S106 monies solely for this purpose. However the s106 contains significant contributions towards sustainable transport measures that will improve air quality within Towcester. It should be noted that an extension to the neighbouring Tesco's store on Old Tiffield Road (of comparable size to this proposed Aldi store) was approved by South

Northamptonshire Council in December 2009 subject to the completion of a S106 agreement. The SNC Officer's report bears no mention of the potential need for a financial contribution to rectify air quality issues whilst SNC Environmental Protection have commented that there will be no significant impact in this context.

Given that a robust and comprehensive Travel Plan has been developed on behalf of the applicants to demonstrate a commitment towards reducing car travel and to promoting alternative modes of transport to the private car, Officers consider that the matter of air quality has been adequately dealt with. Insisting upon further work in this area would be inconsistent with the approach taken by SNC in respect of the nearby Tesco extension.

#### Car Parking

- 8.104 In order to promote more sustainable forms of transportation, Policy 48 of the East Midlands Regional Plan states that the level of car parking associated with new development should not exceed the maximum car parking standards as set out in PPG 13: Transport. The PPG13 standard for food retail is 1 space per 14 square metres of floor space. Applied to this particular scheme, the 1,650 sq m of new floor space equates to a maximum of 117 no. parking spaces. The 75no. car parking spaces originally proposed is therefore considered to be an appropriate level in this instance.
- PPG13 does not offer a maximum standard for General Industrial (Use Class B2) floor space and also only applies to developments over 1,000 sq m. The 2no. commercial units that are proposed total 914 sq m and would be served by 19no. car parking spaces. This appears to be an acceptable level of provision. The NCC Parking SPG ( superseded by the adoption of the East Midlands Regional Plan in March 2009) can be used to get an idea of what would equate to an appropriate level of provision. This guidance indicates an appropriate maximum standard of 1 space per 55 sq m of new B2 floor space, which represents 16no. spaces when applied to this particular scheme.

#### Vehicular Access & Servicing

- 8.105 The proposed scheme incorporates 2no. vehicular access points, both of which are positioned on Old Greens Norton Road. The main access predominantly serves the car park of the food store and a servicing / delivery area. The 2no. commercial units are proposed to be serviced via a further access point positioned at the western end of

the site, although some car parking relating to these units would be accessed via the main access.

- 8.106 NCC Sustainable Transport (Highways) were consulted upon the application and initially noted concerns about the servicing arrangements of the site. In terms of the food store, Highways stated that large vehicles manoeuvring to the front and side of the store may conflict with pedestrians and other vehicles.
- 8.107 The applicant has submitted (as part of their Transport Assessment) 'vehicle tracking' diagrams, which indicate the expected paths of servicing vehicles as they enter and exit the site. They have stated that this is a standard arrangement that has been tried and tested at other Aldi stores across the country.
- 8.108 In this instance the route involves HGVs reversing from the northern end of the car park into a delivery bay located adjacent to the western elevation of the store (away from the main parking area). This manoeuvre involves the use of an area that is positioned adjacent to the key vehicular corridors that run through the site. The Highways Officer has indicated acceptance to the arrangements as long as this specific area is hard-surfaced and suitably marked to preclude use by cars. The latest site plan does indeed indicate a hatched and hard-surfaced area. A hard and soft landscaping planning condition would confirm the precise surfacing arrangements should the application be approved.
- 8.109 In terms of the 2no. commercial units, Highways stated initially that the serving areas appear unsuitable for larger vehicles to access, turn and egress. The submitted vehicle tracking diagram indicated adequate accessing arrangements for fixed wheel base vehicles. The agent for the applicant stated that this form of delivery will be suitable for the anticipated end users of the units.
- 8.110 However, it is considered by Officers that it would be too difficult to effectively enforce a condition that restricts servicing to a particular type of delivery vehicle. This issue has been discussed with the applicant's representatives and a revised site layout has been negotiated. This involves the adjustment of the position of the southernmost commercial unit to allow a larger servicing area. 6no. car parking spaces have been removed from the supermarket car park to accommodate this change. Tracking drawings have been produced to show that both commercial units can now be fully serviced by HGVs without conflict with adjacent car parking spaces. The revised layout resolves the servicing issue whilst having a nominal and acceptable visual impact.

- 8.111 SNC commented in their initial consultation response in August that Old Greens Norton Road should be examined to ascertain whether it is adequate to accommodate the additional traffic flows that would be generated. This issue has since been discussed with the Highways Authority who have no concerns about the width of the road. It should be noted that the road currently serves a number of commercial uses along Old Greens Norton Road, which includes a recycling depot that is constantly frequented by industrial traffic. The road is comfortably able to accommodate car movements in either direction simultaneously; the vast majority of the additional traffic flows generated by these proposals would be by private cars.
- 8.112 SNC's latest consultation response details that dedicated right and left turn lanes should be created on Old Greens Norton Road when exiting on to Watling Street. This request was put to the agent for the applicant, they have responded by stating that – in accordance with the findings of the Transport Assessment – an additional lane would not be necessary as there is not an identifiable traffic issue. NCC Highways have issued no objections to the proposals and are content with Old Greens Norton Road remaining as existing.
- 8.113 It is understood that dedicated right and left turn lanes have recently been secured on the opposing side of Watling Street (Old Tiffield Road) to serve an extension to the Tesco's store. Officers consider that this situation should not act as any kind of justification for insisting upon the same arrangement being installed to serve this application site. The total size of the Tesco's store is notably larger than the proposed Aldi. Old Tiffield Road also attracts a higher volume of traffic by virtue of being occupied by a higher number of businesses and operations than Old Greens Norton Road (e.g. a Homebase store).

#### Pedestrian Access

- 8.114 The proposed layout has been modelled to encourage pedestrian access via the eastern boundary of the site, from Watling Street. A permeable frontage would be encouraged by the removal of vegetation and by the proposed imposition of 2no. hard-surfaced access points. A submitted 'Movement Site Plan' clearly illustrates the intention to direct pedestrians through the access points on Watling Street. A direct, defined and tree-lined link to the 2no. commercial units is proposed across the main car parking area.

- 8.115 The movement philosophy put forward by the applicants is important to consider in the context of comments made by both SNC and NCC Highways. Both bodies have suggested that pedestrian access to the commercial units needs to be improved by way of a new footpath being put in place along Old Greens Norton Road. The agent for the applicant initially stated resistance to this suggestion given the movement philosophy that they have put forward. However, the latest site plan does now incorporate a pedestrian link along the northern side of Old Greens Norton Road to satisfy this issue.
- 8.116 Further on the issue of pedestrian access, adequate upgrades will need to be secured to the footway network in the immediate environs of Watling Street. For example, the provision of a crossing across Watling Street has been mentioned by NCC Highways. The nature of potential contributions will be discussed in the S106 section of this report.

#### Landscaping

- 8.117 An indicative landscaping scheme was submitted with the original application. This scheme indicated the retention of a number of mature tree specimens to the south east corner of the site, which is the most heavily vegetated area of the existing site. However, the feature wall element, which has been added to the scheme in the interests of design merits, reduces the opportunity to extensively retain existing specimens within this south east area of the site.
- 8.118 The construction of the food store so close to the eastern edge of the site would necessitate clearance works along this particular boundary, which is currently occupied by a varied mixture of trees and shrubbery. The removal of this screening would open up the site and promote a vibrant and active frontage, allowing views and convenient pedestrian access into the site.
- 8.119 The removals would be compensated by replacement planting across the site, which is proposed to be used to emphasise pedestrian and vehicular routes. A detailed scheme of soft and hard landscaping for the site would need to be secured by way of a suitably worded planning condition should the application be approved. This scheme would be required to specify the precise extent of retained planting to the south east corner of the site, which will be important in terms of part-screening and softening the appearance of a secondary rear elevation of the food store.

### Crime Prevention

- 8.120 The Crime Prevention Design Advisor (CPDA) at Northamptonshire Police was consulted upon the application and stated no objection in principle to the application. However, the CPDA did note that the store may be vulnerable to ram raiding and also requested how the service yard and car park would be secured.
- 8.121 In response the agent for the applicant submitted a revised site plan and supporting statement. This detailed stainless steel bollarding to the glazed frontages of the food store and both commercial units. The revised plan also details retractable bollards at the vehicular access to the food store, while vehicular gates are now positioned at the entrance to the commercial units. The agent has also stated that specific security measures shall not be applied to the service yard (serving the food store) as no items will be stored outside the envelope of the building. Further, the agent has confirmed that a lighting scheme and CCTV will be installed across the site.
- 8.122 The CPDA was reconsulted upon the revised information; they responded by stating that all their concerns have been addressed in full. Officers are content that the proposals adequately address the risk of crime occurring at the site. The application is acceptable in this context subject to full details of lighting and CCTV coverage being dealt with via appropriately worded planning conditions.

### Sustainability

- 8.123 The application achieves high sustainability credentials. A BREEAM Retail Pre-Assessment has been submitted for the food store element of the scheme; this indicates the achievement of an 'Excellent' rating. This document lists the extensive sustainability measures that are proposed to be installed during construction, which includes a reduction of 14% in CO<sub>2</sub> emissions compared to the minimum requirements set out in Building Regulations. Cold food storage is to be in accordance with best practice specifications. The major building elements are also to accord with high sustainability standards while a commitment is made to providing at least 15% of the total energy demand for the development from renewable (or low emission) sources. In a policy context, the Energy and Development SPD (jointly adopted by Daventry District Council and South Northants Council in March 2007) requires all non-residential development of over 1,000 sq m to incorporate renewable energy equipment to provide 10% of predicted energy requirements. Meanwhile, WNDC's Planning Principles document states a commitment to ensuring at least a BREEAM 'Very Good' rating is

achieved by all new non-residential developments. The food store element of this application achieves (and even surpasses) these standards.

- 8.124 Officers consider that it would be prudent to attach an appropriately worded condition should this application be approved, which would require a Sustainability Strategy to be submitted that details the achievement of BREEAM 'Excellent' for the food store and BREEAM 'Very Good' for the commercial units. A minimum of 10% renewable energy generation should be secured through the condition. Independent post-construction assessment should also be secured via the condition to ensure that the development is constructed in accordance with the submitted details.

#### Waste Management

- 8.125 The application has demonstrated a commitment to effective waste management processes. Aldi employs a waste management system on all of their construction sites, which comprises of a divided cubicle system to promote the segregation of different waste types. The existing building to be demolished would be re-used on-site in the form of crushed hardcore where possible.
- 8.126 Once operational, all card and paper would be compacted on site to be returned to the main distribution centre for recycling. Out-of-date products would be collected weekly and taken to a local composter plant. A dedicated bin store area to serve the food store is shown on the proposed floor plans adjacent to the western elevation of the store in close proximity to the entrance to the site. This would be positioned at a lower level than the adjacent grass verge and would be built into the concrete retaining wall for the loading bay; it would therefore not be visually prominent. The agent for the applicant has confirmed that the commercial units would be served by individual refuge areas, the full details of which can be secured by way of condition.

#### S106

- 8.127 WNDC's adopted Planning Obligations Strategy (POS) promotes a 'standard charge' approach to attaining the necessary contributions associated with major new residential development. Whilst there is no "set" standard charge for commercial development the POS does set the benchmark from which financial contributions are calculated for negotiation on a site by site basis.
- 8.128 In accordance with the POS, a total financial contribution (reached in the absence of detailed viability information from the applicant) to be sought from this development

was initially calculated at £199,400. This figure was calculated by way of adding together £107 per sq m from the proposed retail floor space and £25 per sq m from the proposed commercial floor space (i.e. £107 x 1,650 sq m and £25 x 914 sq m).

- 8.129 The applicant's initial S106 offer totalled £125,000, which included a £75,000 contribution that had been agreed independently by the applicant with the Highways Agency to go towards an A43 corridor study in lieu of the A5/A43 Tove Roundabout. This offer would leave a balance of just £50,000 to be spent on other infrastructure initiatives, which was considered unacceptable by Officers in light of the wider POS approach and in the context of notable infrastructure contribution requests from both SNC and NCC. SNC have confirmed in their consultation response that they would expect a monetary contribution of £70,000 to go towards a town centre management fund. NCC have requested a contribution of £35,850 towards Sunday and Bank Holiday bus services, £10,000 towards bus stop infrastructure and £15,000 towards improvements to walking and cycling links. These sums totalled up to £205,850 (when added to the £75,000 ring fenced for the A43 corridor study) and were put forward to the applicant.
- 8.130 SNC requested £70,000 towards a town centre management fund and has been used in negotiation and communicated to the applicants. Officers have some reservations in respect of the scale of the contribution requested. It is proposed the £70,000 would provide for the employment of a Town Centre Manager for a period of two years (based on an annual salary of £35,000). It is questionable whether such a contribution would be fairly and reasonably related in scale and kind to the development and therefore whether it would be appropriate for the applicants to pay the entire amount given that the development itself would have a relatively limited impact upon the town centre, in the context of other competing developments. It should be noted that the contribution from the proposed Tesco extension was requested at a level of £43,000. In accordance with the standard charge approach, any contribution for this purpose would be secured by way of the standard charge.
- 8.131 The applicant then suggested a contribution of £165,000. This offer has been supported by commercial advice in the form of a red book appraisal relating to the 2no. industrial buildings that make up part of the overall scheme, which the applicants have always maintained will be developed at a financial loss. The submission calculates that the total gross cost per sq ft is likely to be in excess of £110 per sq ft (£1,100 per sq m approx), whilst it is unlikely – based upon current market rates – that a price in

excess of about £80-85 sq ft (£800-850 per sq m approx) would be achieved from subsequent sales. It is concluded that a development loss of about £25 per sq ft (£250 per sq m approx) would be anticipated, which translates to £250,000.

- 8.132 A key consideration is the fact that the site is currently home to an existing commercial operation that already creates its own infrastructure demands. Notwithstanding this, a notably more intensive use of the site is proposed. The financial viability information has been taken into account to conclude that a £165,000 contribution to the infrastructure needs is considered to be reasonable in commercial terms.
- 8.133 Negotiations are ongoing with the Highways Agency (HA) in respect to how their request for £75,000 can be best accommodated. They have stated in written correspondence that they would be willing to remove their TR110 holding objection subject to the agreement of a S106 that ring-fences a £75,000 contribution for the Highways Agency. However, officers consider that the flexibility afforded by a pooled approach to recouping contributions allows the best approach to mitigating impacts and delivery of the growth agenda.
- 8.134 The draft Heads of Terms of the agreement consist of the following, Strategic Highway Provision; Transport and Green Infrastructure and Public Realm including Town Centre Enhancement. In accordance with the standard charge approach, the spending of monies would be undertaken flexibly under the agreed Heads. A clause is to be inserted to ensure that all reasonable endeavours are taken to spend contributions within the Towcester area, which will ring-fence the spending of monies to Towcester.
- 8.135 There is also to be a clause inserted within the S106 relating to the Corporation's Construction Futures programme. This scheme is the first in the UK to directly link construction training to the determination of planning applications and has been established by WNDC in partnership with Northamptonshire Enterprise Limited (NEL), Moulton College and Construction Skills. Construction Futures provides on-site practical training for individuals for a fixed amount of weeks on new developments in addition to supporting the formal college training programmes. The amount of weeks of practical training is calculated in accordance with the scale and type of the development being brought forward.
- 8.136 In the context of S106, it is worth noting the current situation as regards the nearby Tesco's extension at Old Tiffield Road. This agreement has yet to be signed but the report to Committee in August 2009 notes that a number of matters will need to be covered by the agreement, and specifies sums of £50,000 towards the A43 study and

approximately £260,000 towards the funding of improved evening bus services. The Aldi store would not be open until late on weekday evenings. Therefore the County Council have not requested such a substantial contribution towards improvements to bus services.

8.137 On 6<sup>th</sup> April 2010 the Community Infrastructure Levy Regulations 2010 came into force. From this date planning obligations secured need to be in accordance with these new regulations. In particular, regulation 122 states that a planning obligation may only constitute a reason for approval if it is:

- a) Necessary to make the development acceptable in planning terms
- b) Directly related to the development; and
- c) Fairly and reasonable related in scale and kind to the development.

These reflect the three principal tests set out in Circular 05/05 on Planning Obligations, which is policy used to guide the negotiation of planning obligations sought prior to the coming into force of the Regulations. For members information the Board will be reviewing the relationship between Regulation 122 and the POS and providing guidance on WND's approach for determining future applications in respect of this.

8.139 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. It is noteworthy that the approach was generally accepted in the Daventry Appeal. 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 adhere to the test at 8.138(C) above, given that it is calculated on the basis of the predicted cost of development as required by Construction Futures.

8.140 The second planning obligation to be secured is the standard charge required by the Planning Obligations Strategy. In order to properly relate the standard charge funds being sought to the development subject to the application, the £165,000 payment is capable of being broken down to show how the charge is to be apportioned to the selected heads (listed in paragraph 8.135). In the absence of an agreement being reached with the Highways Agency about how best to accommodate their requirements for £75,000 towards an A43 Corridor Study it is difficult to offer a precise

interpretation of how the funds would be apportioned. Notwithstanding this, it is officers' view that the following represents an accurate assessment:

(a) £60,850 for 'Transport' (the sum sought by NCC, the Highway Authority)

(b) £70,000 for 'Green Infrastructure and Public Realm including Town Centre Enhancement'

(c) the remaining for 'Strategic Highway Provision' (£34,150)

- 8.141 The ethos of a standard charge agreement made under the POS is dependent upon the flexible spending of monies under the heads of Infrastructure identified in the POS, which is why the apportionments outlined above are not guaranteed. For example, if for any reason there is a surplus of monies the POS would allow this to be used towards making up shortfalls in the other heads of infrastructure listed above which have already been accepted as part of the necessary and proportionate mitigation of impacts of that development and thus satisfy Regulation 122.
- 8.142 Going through the infrastructure heads one by one, the 'Transport' 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. The County Council have indicated that further funding could be required to fully meet the requirements of it's Towcester Cycling Strategy. The advantage of the standard charge within the POS is that should monied become available then they can be apportioned to this use.
- 8.143 The 'Green Infrastructure and Public Realm including Town Centre Enhancement' contribution is necessary given that the application involves the provision of notable retail and commercial floorspace outside of Towcester town centre. This contribution would mitigate against the negative effects felt by the town centre in light of the added investment to occur outside of the confines of the centre. It is directly related to the development for similar reasons: the scheme represents a disincentive for patrons to visit the town centre. The sum is considered reasonable when assessed against viability information provided by the applicant balanced against the representations of key local stakeholders, most notably the District Council (SNC). Contributions could be made from this head towards town centre management.
- 8.144 The 'Strategic Highway Provision' contribution is also necessary to make the development acceptable. The site is located in close proximity to the strategic road

network (SRN) and, more specifically, the roundabout linking the A5 and A43. Major physical improvements to the SRN (including works to the Tove and Abthorpe roundabouts) will be required due to the growth of the town. These proposals would contribute to the level of vehicular movements within the vicinity of the SRN and would be directly related for this reason. The amount in this case remaining from £165,000 after the specifically identified contributions from NCC and SNC (£34,150) is considerably less than the £75,000 requested by the Highways Agency towards the A43 Corridor Study that they are undertaking. It is however officers' opinion that a contribution of this size towards a strategic study (not site-specific) is not fairly and reasonably related in scale and kind to the development. The available funding for the strategic road network should be targeted towards finding solutions to allow for growth at the Tove and Abthorpe roundabouts. It is also questionable that contributions for the strategic road network should be financed by other budgets related to the Core Strategy and not the s106 budget. It should be noted that continuing negotiations with the Highways Agency will be required given that their latest correspondence indicates that their TR110 holding objection shall only be withdrawn upon the agreement of a S106 that ring-fences a £75,000 contribution. This may also necessitate the need for further liaison with the applicant in how the concerns of the Highways Agency can be overcome.

## **9. Conclusion**

- 9.1 The proposed development would deliver a sustainable gateway site for Towcester, would meet an identified retail need, would diversify the economy and would create approximately 50no. new jobs in compliance with Retained Policies G3, E4, EV1, T2, R1 of the South Northamptonshire Local Plan, 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 planning obligations identified are required in order to make the development acceptable in planning terms and satisfy the requirements of Regulation 122 of the Community Infrastructure Regulations 2010.

## **10. 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. The development hereby permitted shall not exceed 1,650 sq m gross Class A1 retail floorspace and there shall be no increase in Class A1 retail floorspace or floorspace ancillary to such by means of internal alterations or other means without the express permission in writing of the Local Planning Authority.

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.

4. The food supermarket hereby permitted shall not be subdivided into more than one retail unit without the express permission in writing of the Local Planning Authority.

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.

5. 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.

6. Not more than 15% of the net retail sales area in the food supermarket hereby permitted shall be used for the sale of comparison goods.

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.

7. The foodstore hereby permitted shall not include a café, key cutter, shoe repairs, travel agent, post office, dry cleaner or pharmacy or the sale of newspapers, magazines, tobacco and branded chemists' medical or beauty products.

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.

8. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from lorry parks and/or parking areas for fifty car parking spaces or more and hardstandings should be passed through an oil interceptor to be designed to be compatible with the site being drained. Prior to the commencement of development full details of the interceptor(s) to be installed shall be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details and retained at all times thereafter.

Reason: To prevent pollution to the water environment in accordance with PPS23: Planning and Pollution Control.

9. Prior to the commencement of development (or other such date or stage in development to be agreed in writing with the Local Planning Authority), a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved in writing by the Local Planning Authority, the expected components of which are detailed within Informative 1 of this permission. The scheme shall be implemented as approved.

Reason: The site has a previous use that may have given rise to contamination and the location is one of sensitive groundwater use. Remediation may be necessary to safeguard water quality in accordance with PPS23: Planning and Pollution Control..

10. Prior to the commencement of development a Sustainability Strategy, detailing a method of achievement of BREEAM 'Excellent' (or other rating to be agreed in writing by the Local Planning Authority) for the food store element of the development, the achievement of BREEAM 'Very Good' (or other rating to be agreed in writing by the Local Planning Authority) for the commercial units 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).

11. The food store element of the development shall achieve on-site renewable energy to meet a minimum of 10% of the food store's energy needs (or other level to be agreed in writing by the Local Planning Authority).

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).

12. Full details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority prior to their provision.

Reason: To secure a satisfactory standard of development.

13. Prior to the first use 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.

14. 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.

15. All planting, seeding or turfing comprised in the approved details of landscaping 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.

16. Prior to the commencement of development a Written Scheme of Investigation (WSI) detailing an appropriate programme of archaeological works shall be submitted to and approved in writing by the Local Planning Authority; development shall be implemented in strict accordance with the agreed WSI.

Reason: In the interests of the effective investigation and recording of archaeological deposits in compliance with the guidance contained within PPG16: Archaeology and Planning.

17. The food store hereby approved shall be open only between the hours of 0800 and 2000 from Mondays to Saturdays and 1000 and 1800 on Sundays.

Reason: To ensure compliance with the details of the application

18. The two commercial employment units hereby approved shall be completed in accordance with the approved plans and made available for operation within a period of six months from the date of the first opening of the food store hereby approved. A detailed construction implementation plan shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

Reason: To ensure that a mixed-use scheme is developed in its entirety and in the interests of associated employment opportunities in accordance with the provisions of PPS4: Planning for Sustainable Economic Growth and Policy E3 of the South Northamptonshire Local Plan (1997).

19. Full details of the storage facilities for waste and recyclables associated with the two commercial units shall be submitted to and approved in writing by the Local Planning Authority and shall be installed in full prior to the first occupation of the commercial and retained at all times thereafter.

Reason: To ensure a satisfactory standard of development.

20. Prior to the first occupation of each of the premises hereby approved, a travel plan relating to the user of that particular building 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. Upon any change in user, a new travel plan that relates to the new user of that particular building shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To reduce the reliance on the private car in accordance with the provisions of PPG13: Transport and Policy 46 of the East Midlands Regional Plan (2009).

21. 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 a pedestrian footpath along the northern side of Old Greens Norton Road as shown on the approved Site Plan (P05A89-002 Rev D).

Reason: To ensure a satisfactory standard of development.

22. Prior to the construction of each building hereby approved samples of all proposed external facing materials as they relate to each respective building shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with approved details.

Reason: In the interests of visual amenity and to ensure that the development will harmonise with its surroundings.

23. Full details of facilities for the secure and covered parking of bicycles shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development hereby permitted, provided prior to the development being first brought into use and retained thereafter.

Reason: To ensure the provision of adequate facilities.

## **11. Informatives**

1. The expected components of the contamination scheme associated with Condition 8 are as follows.

- 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
  
- A site investigation scheme based on the preliminary risk assessment to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

- The site investigation results and the detailed risk assessment 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.
- A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete and identifying of any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.