

BOROUGH OF KETTERING

Committee	Full Planning Committee - 25/01/2012	Item No: 5.3
Report Originator	Susan Garbutt Senior Development Officer	Application No: KET/2010/0743
Wards Affected	Desborough Loatland	
Location	Former Lawrence Factory Site, Harborough Road, Desborough	
Proposal	Full Application: Erection of new food store and electricity sub-station, new access arrangements, landscaping and associated works. Demolition of existing buildings on the site	
Applicant	Greatline Development Ltd And Tesco Stores Ltd	

1. PURPOSE OF REPORT

- To describe the above proposals
- To identify and report on the issues arising from it
- To state a recommendation on the application

2. RECOMMENDATION

THE DEVELOPMENT CONTROL MANAGER RECOMMENDS that this application be APPROVED subject to a Section 106 Obligation being completed on or before the 25th March 2012 (2 months from committee date) and subject to the following conditions, or if not completed by that date that the application then be determined by the Development Control Manager under delegated powers.

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended) and to prevent an accumulation of unimplemented planning permissions.

2. The development hereby permitted shall not be carried out other than in accordance with the following amended plans: Proposed Site Plan 6576_P201J and Floor Layout Plan 6576_P108C (both received by the Local Planning Authority 22 March 2011), Massing Comparison 6576_P107C, Proposed Service Yard Details 6576_P112A, Proposed Roof Plan 6576_P104C, Sub-Station Plan 6576_P111A, Proposed Sections 6576_P103D and Proposed Elevations 6576_P102F (all received 21 March 2011 by the Local Planning Authority),

REASON: To define the planning permission and to secure a satisfactory form of development in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

3. Development shall not begin until a detailed scheme for the provision of surface water drainage for the site has been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved scheme and shall be completed prior to first

occupation.

REASON: To prevent the increased risk of flooding to this and surrounding sites in accordance with PPS25, policy 35 of the East Midlands Regional Plan 2009 and policy 13 of the North Northamptonshire Core Spatial Strategy 2008.

4. No development shall take place unless and until an Ecological Management Plan (detailing information on eradication of invasive species, provision of bird boxes and native species planting), has been submitted to, and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved Management Plan.

REASON: In the interests of biodiversity and the protection of protected species and habitats in accordance with PPS9, Policy 29 of the East Midlands Regional Plan 2009 and policy 13 of the North Northamptonshire Core Spatial Strategy 2008.

5. No development shall take place unless and until a plan prepared to a scale of not less than 1:500 showing details of existing and intended final ground and finished floor levels, and a cross-sectional plan of the site prepared to a scale of not less than 1:500, showing the existing and intended final ground levels and land contours have both been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved plans and details.

REASON: To preserve the character of the area and to protect the privacy of the occupiers of adjoining properties in accordance with PPS1, policy 2 of the East Midlands Regional Plan 2009 and policy 13 of the North Northamptonshire Core Spatial Strategy 2008.

6. Notwithstanding submitted details, no development shall take place on site unless and until a scheme for boundary treatment, including retaining walls on the site, has been submitted to and approved in writing by the Local Planning Authority. The use hereby permitted shall not commence until the approved scheme has been completed in accordance with the approved details.

REASON: In the interests of the amenities and privacy of the neighbouring property in the interests of amenity in accordance with PPS1, policy 2 of the East Midlands Regional Plan 2009 and policy 13 of the North Northamptonshire Core Spatial Strategy 2008.

7. No development shall take place unless and until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall not be carried out other than in accordance with the approved Construction Management Plan.

REASON: To ensure that suitable measures are in place to safeguard amenity and the local natural environment during the construction of the development in accordance with PPS1, PPG13, policies 2 and 48 of the East Midlands Regional Plan 2009 and policies 4 and 13 of the North Northamptonshire Core Spatial Strategy 2008.

8. No development shall take place unless and until plans and details of the following highways works including full engineering, drainage, constructional details and materials, (shown indicatively on Proposed Site Plan 6576_P201J received 22

March 2011 by the Local Planning Authority) shall have been submitted to and approved in writing by the Local Planning Authority:-

" Provision of ghost island priority junction at the junction of Harborough Road and Gladstone Street;

" Improvement to Gladstone Street including access to the development, footway widening, and pedestrian crossing (changes to the one-way street will be required to facilitate this);

" Provision of signal controlled pedestrian crossing on Harborough Road, north of the junction with Gold Street and associated footway enhancements to tie in to existing and proposed footways;

" Enhancements to New Street to include public realm, resurfacing the entire length, and the provision of two turning heads to allow refuse vehicles to turn within the public highway;

" Provision of all footway connections in to the site;

" Provision and marking out of all parking areas;

" Provision of a bus shelter and raised bus boarder at one bus stop on the High Street; and

" Provision of a 3m wide footway/cycleway from the site to connect to the existing 3m footway cycleway to the north on Harborough Road.

The highways works detailed in the approved plans and details shall be completed prior to the commencement of the use hereby permitted.

REASON: In the interests of highways safety, accessibility and visual amenity in accordance with PPS1, PPG13, policies 2 and 48 of the East Midlands Regional Plan 2009 and policies 4 and 13 of the North Northamptonshire Core Spatial Strategy 2008 and to accord with County Council mode shift policy.

9. No development shall commence unless and until details of ambient noise levels, a noise monitoring programme, and noise attenuation measures for the construction phase have been submitted to and approved in writing by the Local Planning Authority. Such measures and monitoring shall operate throughout the construction phase in accordance with the approved details.

REASON: To protect the amenities of occupiers of nearby premises from unreasonable noise levels in accordance with PPG24, policy 2 of the East Midlands Regional Plan 2009 and policy 13 of the North Northamptonshire Core Spatial Strategy 2008.

10. No development shall take place unless and until a Site Specific Waste Audit (SSWA) has been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved SSWA.

REASON: To protect the environment and ensure waste is minimised and used as a resource wherever possible in accordance with PPS10, policies CS7 and CS8 of the Northamptonshire Minerals and Waste Framework Core Strategy 2010 and the adopted Development and Waste Principles SPD.

11. No development shall take place unless and until a Waste Management Facilities Strategy (WMFS) has been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved WMFS.

REASON: To protect the environment and ensure waste facilities are provided and

waste is managed in accordance with PPS10, policies CS7 and CS8 of the Northamptonshire Minerals and Waste Framework Core Strategy 2010 and the adopted Development and Waste Principles SPD.

12. Development on land affected by contamination:

Unless otherwise approved by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts A to D below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination until part D has been complied with in relation to that contamination.

A. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11 (or any model procedures revoking and replacing those model procedures with or without modification)'.

B. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental

Protection Act 1990 in relation to the intended use of the land after remediation.

C. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

D. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition a, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition b, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition c.

E. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period to be agreed in advance, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'(or any model procedures revoking and replacing those model procedures with or without modification.

Reason (common to all): To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

13. Prior to the commencement of development hereby permitted a Lighting Impact Assessment (LIA) considering the impact on residential amenity of all proposed artificial light sources within the development shall be submitted to and approved in writing by the Local Planning Authority. The LIA shall detail all artificial lighting installations, levels of luminance within the development site, (including the New Street residents parking areas) predicted levels of light spillage within and beyond the site boundary, and any mitigation measures designed to limit the impact of artificial light sources on the surrounding residential premises. There shall be no lighting or illumination on the site at any time other than in accordance with the approved details.

REASON: In the interests of the amenities of the area and adjoining residential properties in particular in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy 2008.

14. Prior to the commencement of development a Low Zero Carbon (LZC) Feasibility Study shall be carried out by an independent energy specialist and submitted to and approved in writing by the Local Planning Authority. The LZC Feasibility Study should identify and establish the most appropriate LZC energy source(s) to be incorporated into the development in order to achieve a target of at least 30%, with a minimum of 10%, of the demand for energy. The LZC Feasibility Study should cover as a minimum energy generated by LZC source per year, payback, land use, noise, whole life cost impact of potential specification in terms of carbon emissions, any available grants, all technologies appropriate to the site, energy demand of the development, reasons for excluding other technologies and should include technical and economic viability assessment supporting actual target if less than 30%.

REASON: In the interests of energy efficiency and sustainable construction in accordance with policy 14 of the North Northamptonshire Core Spatial Strategy 2008.

15. The development hereby approved shall not be carried out other than in accordance with the approved sustainable construction and energy efficiency techniques detailed in the approved Low Zero Carbon (LZC) Feasibility Study required by condition 14.

REASON: In the interests of energy efficiency and sustainable construction in accordance with policy 14 of the North Northamptonshire Core Spatial Strategy 2008.

16. Notwithstanding any submitted details, no development shall commence on site unless and until details of the types and colours of all external facing and roofing materials to be used on the retail store building, service yard wall and the sub-station, together with samples, a scheme detailing security standards to be incorporated within all openings within the development and plans showing revised retail store elevations incorporating proposed materials, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved plans and details.

REASON: In the interests of the visual amenities of the area in accordance with PPS1, Policy 2 of the East Midlands Regional Plan 2009 and Policy 13 of the North

Northamptonshire Core Spatial Strategy 2008.

17. Prior to commencement of development, full details of the position, specification and appearance of the service yard entrance gate and full details of the supermarket exits on the north-west and north-east elevations, shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details and shall be completed before the use hereby permitted is commenced, and retained as approved thereafter.

REASON: In the interests of amenity and to ensure high quality design in accordance with PPS1, policy 2 of the East Midlands Regional Plan 2009 and policy 13 of the North Northamptonshire Core Spatial Strategy 2008.

18. Prior to commencement of development, full details of the service yard turning area boundary wall shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details and shall be completed before the use hereby permitted is commenced, and retained as approved thereafter.

REASON: In the interests of amenity, to ensure high quality design and in the interest of highway safety in accordance with PPS1, PPG13, policy 2 of the East Midlands Regional Plan 2009 and policy 13 of the North Northamptonshire Core Spatial Strategy 2008.

19. No development shall take place unless and until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping works which shall specify species, planting sizes, spacing and numbers of trees and shrubs to be planted, the layout, contouring and surfacing of the site. The works approved shall be carried out in the first planting and seeding seasons following the commencement of the use hereby permitted or the completion of the development whichever is the sooner. Any trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

REASON: To improve the appearance of the site in the interests of visual amenity in accordance with policy PPS1 policy 2 of the East Midlands Regional Plan 2009 and policies 5 and 13 of the North Northamptonshire Core Spatial Strategy 2008.

20. All window openings to the New Street elevation of the retail premises hereby approved shall be fitted with glazing in accordance with details and specifications, including a sample panel, which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the use hereby permitted. The glazing shall be retained, as approved, in that form thereafter.

REASON: In the interests of the amenities of the area and adjoining residential properties in particular in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy 2008.

21. Notwithstanding the details shown on the approved plans, prior to commencement of the development hereby permitted, the cycle routes within the site and the position and specification of the 24 cycle parking spaces shall be submitted to and approved in writing by the Local Planning Authority. The routes and cycle parking spaces shall be provided in accordance with the approved details before the

permitted use commences and shall be retained as approved thereafter.

REASON: In the interest of highway safety, accessibility and visual amenity in accordance with PPS1, PPG13, policies 2 and 48 of the East Midlands Regional Plan 2009 and policies 4 and 13 of the North Northamptonshire Core Spatial Strategy 2008.

22. Prior to the commencement of development, full details of any CCTV System shall be submitted to and approved in writing by the Local Planning Authority. Development shall not be carried out other than in accordance with the approved details.

REASON: In the interest of the security and the amenity and character of the development in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy 2008.

23. Prior to the commencement of development details of all plant and machinery to be installed on the site shall have been submitted to and approved in writing by the Local Planning Authority. There shall be no plant or machinery on the site at any time other than in accordance with the approved details.

REASON: In the interests of visual amenity and to minimise noise disturbance in accordance with PPS1, PPG24, policy 2 of the East Midlands Regional Plan 2009 and policy 13 of the North Northamptonshire Core Spatial Strategy 2008.

24. No demolition/development shall take place within the site unless and until the completion of a programme of recording work has been carried out for the buildings that are to be demolished, and that the work has been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure the recording of heritage assets in accordance with PPS5 and policy 13 of the North Northamptonshire Core Spatial Strategy 2008.

25. Notwithstanding the details shown on the approved plans, prior to commencement of the development hereby permitted, plans and details of the car park areas, service yard and service yard turning area shall be submitted to and approved in writing by the Local Planning Authority. The car park areas, service yard and service yard turning area shall be kept available for such use and the development shall not be carried out other than in accordance with the approved plans and details.

REASON: In the interest of highway safety, accessibility and visual amenity in accordance with PPS1, PPG13, policies 2 and 48 of the East Midlands Regional Plan 2009 and policies 4 and 13 of the North Northamptonshire Core Spatial Strategy 2008.

26. Prior to the first occupation of the development a scheme for the operational control of noise shall be submitted to and approved in writing by the Local Planning Authority. The permitted use shall not be carried out other than in accordance with the approved scheme.

REASON: To minimise noise disturbance to neighbouring residents in the interests of amenity in accordance with PPG24, policy 2 of the East Midlands Regional Plan 2009 and policy 13 of the North Northamptonshire Core Spatial Strategy 2008.

27. The use hereby permitted shall not commence until provision has been made for the disposal of litter resulting from the use, and such provision shall be in accordance with details submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of the amenities of the area in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy 2008.

28. The net sales floorspace of the supermarket shall not exceed 1660 sq m, of which no more than 1328 sq m shall be used for the sale of convenience goods and no more than 332 sq m may be used for the sale of comparison goods.

REASON: To define the permission and ensure any impact on other centres is controlled in line with PPS4 and policy 12 of the North Northamptonshire Core Spatial Strategy 2008.

29. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting the order with or without modification) no internal alterations shall be carried out which would result in a) an increase in the total gross floorspace of the development; or b) the subdivision of the unit.

REASON: To ensure any impact on Desborough or other centres is controlled in line with PPS4 and policy 12 of the North Northamptonshire Core Spatial Strategy 2008.

30. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no development permitted by Part 42 of Schedule 2 of the Order shall be made on the application site.

REASON: In the interests of the amenities and character of the area in accordance with PPS1, PPS5, policy 2 of the East Midlands Regional Plan 2009 and Policy 13 of the North Northamptonshire Core Spatial Strategy 2008.

31. No construction work shall take place on the site outside the hours of 07:00 to 19:00 Mondays to Fridays and 08:00 and 17:00 on Saturdays.

REASON: To protect the amenities of occupiers of nearby premises in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy 2008.

32. The retail premises hereby permitted shall not be open to the public before 07:00 hours Monday to Saturday, or before 10:00 hrs Sundays and recognised Bank and Public Holidays or remain open after 23:00 hrs Monday to Saturday, or after 17:00 hours Sundays and recognised Bank and Public Holidays.

REASON: To protect the amenities of the occupiers of nearby properties in the interests of amenity in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy 2008.

33. The level of noise emitted from the site shall not exceed 45 dB LAeq,1hr between 07:00 and 23:00 hrs daily as measured at any point 1 metre from the boundary of the nearest noise sensitive premises in New Street and/ or Station Road and/or Harborough Road.

REASON: To minimise noise disturbance to neighbouring residents in the interests of amenity in accordance with PPG24, policy 2 of the East Midlands Regional Plan

2009 and policy 13 of the North Northamptonshire Core Spatial Strategy 2008.

34. No deliveries shall be received at or dispatched from the retail premises hereby permitted before 07:00 hours Monday to Saturday, or before 09:00 hrs Sundays and recognised Bank and Public Holidays or after 22:00 hrs Monday to Saturday, or after 18:00 hours Sundays and recognised Bank and Public Holidays.

REASON: To minimise noise disturbance to neighbouring residents in the interests of amenity in accordance with PPG24, policy 2 of the East Midlands Regional Plan 2009 and policy 13 of the North Northamptonshire Core Spatial Strategy 2008.

35. The level of noise emitted from deliveries at the retail premises hereby permitted, including the manoeuvring of vehicles to and from the loading dock, and unloading activities shall not exceed 45 dB LAeq,1hr between 07:00 and 23:00 hrs daily as measured 1 metre from the boundary of the nearest noise sensitive premises in New Street and/ or Station Road and/or Harborough Road.

REASON: To minimise noise disturbance to neighbouring residents in the interests of amenity in accordance with PPG24, policy 2 of the East Midlands Regional Plan 2009 and policy 13 of the North Northamptonshire Core Spatial Strategy 2008.

36. Noise from all fixed plant and machinery installed on the site hereby permitted shall not exceed NR30 between 23:00 and 07:00 hours daily and NR40 between 07:00 and 23:00 hours daily when measured at 1 metre from the boundary of the nearest noise sensitive properties in New Street and/or Station Road and/or Harborough Road.

REASON: To minimise noise disturbance to neighbouring residents in the interests of amenity in accordance with PPG24, policy 2 of the East Midlands Regional Plan 2009 and policy 13 of the North Northamptonshire Core Spatial Strategy 2008.

37. Notwithstanding the requirements of condition 13 the level of artificial light emitted from all artificial lighting sources shall not exceed 5 Lux between 23:00 and 07:00 hrs daily as measured from the elevation of the nearest light sensitive premises in New Street and/or Station Road and/or Gladstone Street and/or Harborough Road.

REASON: In the interests of the amenities of the area and adjoining residential properties in particular in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy 2008.

38. Prior to the commencement of any cooking process, other than the preparation of hot beverages or the heating of food in microwave ovens, an extraction and ventilation system shall be installed in accordance with a scheme which shall have been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of the amenities of the area in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy 2008.

39. Operations that involve the demolition or removal of buildings (or part of a building) and/or site clearance operations that involve the destruction or removal of vegetation on site shall not be undertaken during the months of March to August inclusive, unless an up to date survey which identifies any risk to breeding birds and any appropriate mitigation measures to eliminate such risk, has been first submitted to and approved in writing by the Local Planning Authority. Any works carried out

during March to August shall not be carried out other than in accordance with such an approved survey.

REASON: In the interests of biodiversity and the protection of protected species and habitats in accordance with PPS9, Policy 29 of the East Midlands Regional Plan 2009 and policy 13 of the North Northamptonshire Core Spatial Strategy 2008.

Notes (if any)

1. This planning permission is subject to "pre-commencement" conditions which require details/drawings to be submitted to and approved in writing by the Local Planning Authority before ANY development may lawfully commence. Any development commenced in breach of these "pre-commencement" conditions will be unauthorised, a breach of planning control, and liable to immediate Enforcement and Stop Notice action.
2. Anglian Water has assets close to or crossing the site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991, or in the case of apparatus, under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.
3. Planning permission, if granted, does not absolve an applicant from complying with the relevant law, including obtaining and complying with the terms and conditions of any licences required as described in Part IV B of *Circular 06/2005 Biodiversity and Geological Conservation - Statutory Obligations and their impact within the planning system*.
4. Due to the underlying geology present throughout Northamptonshire at which the levels of some naturally occurring contaminants frequently exceed the levels at which the risk to human health would be considered acceptable for residential land use; it is expected that there may be unacceptable risks to future occupiers of the site therefore the required investigations must take naturally occurring contaminants into consideration. Further guidance on Contaminated Land investigations can be found in the Northants Contaminated Land Group Developers Guide. This document is downloadable at:
http://www.kettering.gov.uk/downloads/developers_guide_may_04.pdf

If you wish to discuss the requirements of the investigations further please contact Mrs Alex Gratrix, Team Leader (Environmental Protection) on (01536) 534348; or email at contaminatedland@kettering.gov.uk
5. Changes to existing Traffic Regulation Orders/new Traffic Regulation Orders to control the use of the adjacent highway network will be required to deliver the proposed highway amendments associated with the planning application. All costs associated with such changes will be borne by the developer.

6. The Construction Management Plan required by condition 7 shall include and specify the provision to be made for the following:
 - Dust mitigation measures during the construction period;
 - Control of noise emanating from the site during the construction period;
 - Contractors' compounds and other storage arrangements;
 - Provision of 22 car parking spaces for New Street during construction;
 - Enclosure of phase or sub-phase development sites;
 - Provision for all site operatives, visitors and construction vehicles loading, off-loading, parking and turning within the site during the construction period to minimise the deposit of mud and other similar debris on the adjacent public highways; and
 - Routing arrangement for construction traffic.

7. The Site Specific Waste Audit (SSWA) required by condition 10 must address the provisions prescribed in Part A section 2.25 of the Development and Implementation Principles SPD.

8. The Waste Management Facilities Strategy required by condition 11 must address the provisions prescribed in Part A section 2.50 of the Development and Implementation Principles SPD

9. The scheme for the operational control of noise required by condition 26 shall have full regards to the constraints identified in the acoustic impact assessment Noise assessment of a proposed foodstore at Harborough Road Desborough produced by Sharps Redmore Partnership, dated 25th October 2010, reference project number 1010921 (received 11 November 2010 by the Local Planning Authority); and its Supplementary Report dated 26th April 2011 (received 28 April 2011 by the Local Planning Authority).

10. The scheme for the operational control of noise, required by condition 26 will need to include:-
 A further noise assessment prior to first retail use of the store to demonstrate that the noise levels from fixed plant and machinery specified in condition C are not exceeded. The assessment shall be undertaken in accordance with the measurement protocols referenced in BS4142:1997, or any amendment thereof, and shall include on-site noise measurement of both background and specific noise levels.

Justification for Granting Planning Permission

The proposal is in general accordance with national and local policies as set out in Planning Policy Statements/Guidance Notes 1, 9, 10, 13, 22, 23, 24 and 25, Policies 2, 3, 11, 18 and 22 of The East Midlands Regional Plan, Policies 1, 4, 5, 6, 8, 9, 11 and 14 of the North Northamptonshire Core Spatial Strategy, Policies 64 and D2 of the Local Plan for Kettering Borough and Policies CS7 and CS8 of the Northamptonshire Minerals and Waste Core Strategy. The proposal is also generally in accordance with adopted Supplementary Planning Documents on Biodiversity, Development Contributions and Development and Implementation. There are conflicts with PPS4, PPS5, Policy 27 of the East Midlands Regional Plan and policies 12 and 13 of the North Northamptonshire Core Spatial Strategy. The economic

benefits of the development, the current poor health of Desborough town centre, the potential negative impact on the health of Rothwell town centre, the substantial harm/loss to the significance of the Desborough Conservation Area and the S106 obligations sought by the Council are material planning considerations and in reaching the decision to approve the proposal, have been carefully weighed against all relevant policy considerations. On balance, the weight of policy and considerations in favour of the development outweighs the considerations and policy conflicts which would indicate negatively against the proposed development.

Officers Report

3.0 Information

Relevant Planning History

KET/2010/0744, Conservation Area Consent: Demolition of existing buildings, PENDING (same site)

KET/2010/0550, Environmental Statement Screening Request: Retail store and car park, Screening opinion NOT EIA development 10/09/2010, Revised screening opinion NOT EIA development 06/05/2011 (Lawrence's site and Omnibus depot)

KET/2007/0112, 26 apartments in three blocks. 1 block is two story plus room in roof WITHDRAWN (part of site)

KET/2005/0175, Removal of 4 no. windows and 1 no. door. Addition of 3 no. windows and 1 no. door, APPROVED 12/05/2005 (21a Harborough Rd)

KET/2005/0127, Certificate of Lawfulness for Existing Use: Dwelling house, APPROVED 24/04/2005, (21a Harborough Rd)

05/13 Article 4(1) direction – not confirmed (21 and 21A Harborough Rd)

KE/04/0506, First Floor Rear Extension, REFUSED 02/08/2004 (21 Harborough Rd)

KE/03/0916, Mixed use development including retail, residential and associated car parking, WITHDRAWN

KE/2001/0811, Outline planning permission for one detached house and separate garage, REFUSED 30/11/2001 (Land adjacent 6 Station Road)

KE/2000/0752, Change of use of existing factory premises to other commercial mixed uses, APPROVED 17/04/2001

KE/2000/0098, Outline for retail development with associated car parking, servicing, access and landscaping, REFUSED 26/10/2000 (same site but not including number 6)

KE/1994/0520, ILLUMINATED FASCIA SIGN & WALL SIGN, APPROVED 30/09/1994

KE/1992/0545 Conversion of existing garage into games room: erection of conservatory and new double garage APPROVED (16 Harborough Rd)

KE/1992/0670 Revised siting of garage previously approved on KE/92/0545 APPROVED 16/11/1992 (16 Harborough Rd)

KE/1987/0643, Replace building damaged by storm, APPROVED 19/08/1987

KE/1987/0077, Installation of 4000 gallon underground diesel tank and associated works and replacement of existing pumps, APPROVED 04/04/1987

KE/1981/0686 Provision of 5000 gallon underground storage tank APPROVED 23/09/1981 (Desborough Motors site)

KE/A/345 Illuminated pole sign APPROVED 20/08/1981 (Desborough Motors)

KE/1980/1051, Extension to Pigeon Loft, 20/08/1980 (6 Station Rd)

KE/1980/0455 Use of land at Desborough Motors for the storage and sale of motor vehicles APPROVED 04/06/1979 (land adjacent to pub)

KE/1976/0762 New canopy APPROVED 16/09/1976 (Desborough Motors)

KE/1979/1748, Alterations to roof to remove parapet on front and side, APPROVED 26/11/1979 (Factory)

KE/1979/0455 Use of land at Desborough Motors Ltd for the storage and sale of vehicles 04/06/1979(Desborough Motors site)

KE/1978/0449, Bungalow, REFUSED 25/05/1978 (Land adj 6 Station Road)

KE/1977/0188 Installation of petrol vending equipment and signs APPROVED 05/04/1977 (Desborough Motors site)

KE/A/123 Single static illuminated advert sign APPROVED 17/03/1977 (Desborough Motors)

KE/1976/0762 erection of canopy APPROVED 16/09/1976 (Desborough Motors)

DU/1973/0084 use of land for sale of motor vehicles and erection of toilets APPROVED 04/12/1973 (land to north of pub)

DU/1972/0056 factory extension APPROVED 25/10/1972

DU/1971/0015 factory extension: leather store APPROVED 07/04/1971

DU/1968/0052 industrial building for motor vehicle repair and servicing and storage of ancillary facilities APPROVED 11/12/1968(land north west of no. 6)

DU/1966/0032 Motor Repair Workshop APPROVED 20/10/1966 (land north west of no. 6)

DU/1961/0036, Manufacturing Plant for horticultural compost, APPROVED 29/09/1961

Site Description

The site has an area of 1.44 hectares. The site is an irregular shape and is located in the central part of Desborough, to the east of Harborough Road. To the west, the site includes a section of Harborough Road and abuts the old Omnibus depot, and numbers 4, 16 and 18 Harborough Road and Desborough Car Company.

To the north the site abuts 23, 25 and 27 Harborough Road and the site includes a section of road on Gladstone Street, up to an including the junction with New Street. Numbers 23 and 25 are three-storey Victorian villas, and 27 which is a nursing home.

To the east the site includes most of the road of New Street, and abuts 72 Gladstone Street and properties on the eastern side of New Street, numbers 9 to 47 and two on the western side, numbers 8 and 10. All these properties are two-storey Victorian terraces.

The southern boundary of the site follows the rear gardens of numbers 16 to 40 Station Road (Victorian terraces), 8-12 Station Road (1980's bungalows), 89-93 High Street (1980's bungalows) and 111 High Street (a listed pub dating from the 1700's.). The site includes a pedestrian access onto Station Road, between numbers 12 and 16.

The site has an existing access off Harborough Road, roughly centrally on the site's Harborough Road frontage. The site currently contains the Lawrences' Factory building and 4 dwellings. The factory is located to the northern corner of the site, a three storey structure of brick the main range of which is orientated roughly north-south. The factory is disused and the majority of the site is associated with it and is fenced off. Number 6 Station Road is a detached two-storey dwelling accessed off Station Road. Numbers 15-19 (formerly 3 workers cottages but now a single dwelling), 21 and 21A Harborough Road are on the east side of Harborough Road, facing the road. Number 21 forms the corner of Harborough Road and Gladstone Street. The dwelling known as 15-19 is currently boarded up and vacant, properties 21 and 21A are leased from the Council. All the cottages are two-storey and date from the Victorian era. The site also includes approximately 22 parking spaces off New Street (located adjacent number 10) used by New Street residents. The land levels on the site vary and the site is approximately 1.5m lower than the level of Harborough Road in places.

Note: The Borough Council own most of the application site (except number 6 Station Road) but this is not a planning consideration and is not relevant to the determination of the application.

Proposed Development

The application proposes a new A1 foodstore (2,387sqm gross floorspace and 1,660sqm net A1 floorspace) and electricity sub-station (20sqm), new access arrangements, landscaping and associated works. The application includes the demolition of all existing buildings on the site. The application includes

177 car parking spaces (142 customer spaces, 26 residential spaces and 9 staff parking spaces).

Any Constraints Affecting The Site

B Road – Harborough Road

Desborough Conservation Area

Adjacent Listed Building (111 Harborough Road, Grade II)

4.0 Consultation and Customer Impact

During the application, there have been eight rounds of consultation. The following short table lists all the consultation that has been undertaken, detailing when consultation took place, what was consulted upon, and the reasons for the re-consultation.

Consultation Dates	Items consulted upon	Reason
10/12/10 – 31/12/10	Initial consultation on the application plans and documents	21 day statutory consultation period
31/1/11 – 17/1/11	DPP letter dated 22 Feb 11 Supplement to Planning and Retail Statement Sustainable Design SPD Checklist Further info on public consultation Atkins Feasibility Study Summary Final 26.08.09 Proposed Site Plan IES Asbestos Survey Report 15 Oct 05	Information submitted following the Council's letter dated 24/12/10
8/2/11 – 1/3/11	Revised Heritage Statement	Information submitted following the Council's letter dated 24/12/10
9/5/11 – 30/5/11	Revised S106, revised plans, revised visuals, Flood Risk Assessment and Pinnacle letter 15/4/11, DPP letters of 11/3/11 and 21/3/11 and 15/4/11, Delta Simons letter regarding contaminated land 11/3/11, URS Scott Wilson letters regarding sustainability 11/3/11 and 15/4/11, Noise Supplemental Report 28/4/11	Information received following the Council's letters dated 3/3/11 and 15/3/11 and in light of consultation responses to date
24/6/11- 8/7/11	Additional highways information	Further information submitted to resolve highways issues
30/6/11- 14/7/11	Revised S106, DPP letter, existing site buildings, Rev D Flood Risk Assessment, Footpath plan, site access plan, stage 1 safety audit, stage 1 safety audit designer's response	Further information submitted to resolve various issues

22/7/11-5/8/11	Statement on PPS5 HE9.2, Retail Note, Waste Management Plan, Police email, Lighting email and attachments, S106 email regarding fire and rescue, email regarding renewables, Scott Wilson note, updated viability statement, re-use of existing factory building, plan 6576_SK102_Rev A	Further information submitted to resolve various issues
2/11/11-12/11/11	Revised S106 and associated public realm plans	Revised S106 in light of discussion between the Council and the applicant

Comments received from the public or non-statutory organisations (to both applications, Planning Permission and Conservation Area Consent)
301 letters of objection to the proposal on the following grounds:

Amenity issues	<p>Loss of visual amenity to properties on New Street</p> <p>Noise from lorries using New Street</p> <p>Noise from traffic day and night</p> <p>Pollution</p> <p>Siting of the store will result in a detriment to amenity of 17-47 New Street (mainly) and 72 Gladstone Street due to visual amenity (outlook), noise and disturbance due to the proposed use and loss of light/overshadowing</p> <p>Loss of privacy for New Street as more pedestrians will use the street to access the store</p> <p>Noise assessment does not take account of the new pedestrian access to the store from the street</p> <p>The Care Home at 27 Harborough Road will be 100m from the entrance and peaceful life will be shattered by the traffic</p> <p>Noise from the service yard and new footpath close to New Street residents</p> <p>Loss of privacy for 23 Harborough Road</p> <p>The Listers study suggests that piled foundations will be required for New Street and Gladstone Street which will cause nuisance</p>
Noise survey	<p>It is not clear if weekend surveys have been made</p> <p>No monitoring locations in the centre of the site or centre of New Street (likely the quietest points)</p> <p>No assessment from the edge of the car parking area or from pedestrian traffic</p> <p>If night time deliveries are considered, further assessment would be required</p> <p>A full BS4141 assessment should be undertaken once plant details are known</p>
Pinnacle Engineering Report	<p>No assessment is made for uses other than B1, B2, B8</p> <p>No development costs or viability information to demonstrate other uses not viable</p>

	The factory building is not structurally unsound
Traffic, movement & parking issues	<p>Car parking on New Street will be lost</p> <p>Lorries using New Street will damage foundations of houses</p> <p>Unsafe crossings for children</p> <p>Damage to cars from lorries</p> <p>Traffic on New St/Nichols St/Gladstone St</p> <p>Volume of traffic will be detrimental</p> <p>Dangerous junctions Gold St/Harborough Rd and High St/Harborough Rd and Nichols St/Harborough Rd</p> <p>Dangerous for cyclists</p> <p>Methodology for the traffic survey is flawed – no assessment of the Station Rd/High St corner and assessment done on Thursday but the busiest day is Friday</p> <p>Lorries would be directed through Desborough and Rothwell not the bypass</p> <p>Traffic will drive into New Street looking for the supermarket entrance and use the residents only parking area</p> <p>The proposed road layout is dangerous</p> <p>Delivery lorries will have to enter and exit the town over the narrow Harborough Road rail bridge so the likelihood of accidents will increase</p> <p>The staff parking spaces on Gladstone Street are dangerous</p> <p>New teardrop junction will increase traffic down Nichols Street and Gladstone Street, both narrow roads</p> <p>The disabled and parent and child bays are next to the roadway for delivery vehicles and this is unacceptable</p> <p>Delivery lorries through Rothwell will cross 8 pedestrian crossings</p> <p>Road layout is dangerous for 23 Harborough Road access</p> <p>The Gladstone Street/Nichols Street junction is a blind bend</p> <p>The S106 obligations will bring accidents and not overcome on street parking</p> <p>Car park users will have to cross the car and HGV road entrance of the site</p> <p>The traffic impact on feeder roads is underestimated – Nichol Street, Gladstone Street, Gold Street, High Street</p> <p>Concern that New Street will lose their free car parking area</p> <p>A Stage 1 Safety Audit has not been undertaken</p> <p>Access is inadequate from the north for service vehicles</p> <p>HGV routing through Rothwell and Desborough is unsatisfactory and increases journey times</p> <p>Insufficient space for service vehicle parking/loading/unloading and turning</p> <p>Service vehicles have to pass the store entrance to access the service yard</p> <p>The design encourages pedestrians into the path of vehicles</p> <p>Some highways will require stopping up and amendment to traffic regulation orders</p> <p>No provision for pick up/drop off or taxis</p> <p>Swept path analysis of a 16.5 metre articulated vehicle shows</p>

	<p>overrun of the teardrop roundabout</p> <p>Swept path analysis has not demonstrated that 16.5 metre articulated vehicles can enter the site from the north</p> <p>The TA should include an audit of proposed service vehicle routing through Rothwell and Desborough to establish the impact</p> <p>A formal routing agreement and formal routing signage should be secured</p> <p>The TA does not include an assessment of daily service vehicle movements</p> <p>The TA refers to home delivery but no provision is made for the parking or loading of such vehicles</p> <p>TA does not consider the close proximity of the new Harborough Road pedestrian crossing to the existing one</p> <p>The staff echelon parking runs against the one-way traffic flow of the road</p> <p>Increased traffic on Gladstone Street which would become a main access for cars coming from the east e.g. Rushton</p> <p>The service yard impacts on the pedestrian desire line from Station Road via New Street, forcing pedestrians around</p> <p>Pedestrians have to cross road traffic to access the store entrance</p> <p>Delivery vehicles giving way to pedestrians will block car access to the customer car park</p>
Benefits of the scheme	Little or no benefits to local residents
There are other uses for the site	<p>Site should be used for small shops</p> <p>Support the plans shown in the Desborough Urban Development Framework</p> <p>The factory was to become the centre point of a mixed-use scheme for which Government funding was received</p> <p>Two mixed-use developers are still available</p> <p>An indoor market with community hall would be better</p> <p>There has been pre-application advice for an alternative scheme which retains the factory</p> <p>Imminent planning application for an alternative scheme which retains the factory</p> <p>There is an alternative option in the medium term which could conserve the heritage on the site</p> <p>A mixed use scheme could get more users into the town centre than a supermarket</p> <p>The application does not relate to purpose for which the site was originally purchased; a mixed use</p> <p>Hampton Brook have shown interest in developing a mixed use scheme for the site, the factory would be given to the DCD trust along with £250,000 for refurbishment works</p> <p>The DCD Trust has met with English Heritage and the Maud Elkington Trust to establish potential funding sources for a redevelopment scheme</p> <p>Site should be used for a free car park</p>

Application is contrary to PPS1	<p>The plans have not been drawn up with community involvement and do not present a shared vision</p> <p>Development does not protect and enhance the environment</p>
PPS4 tests	<p>The site is in an edge of centre location, although within the town centre boundary, it is not within the primary shopping area</p> <p>As an edge of centre location, the scheme should have been assessed against EC15, EC16 and EC17</p> <p>The site is edge of centre and policies EC14.5, EC15.1 and EC16.1 apply</p> <p>The development does not accord with the development plan and if in the centre, EC14.6 applies</p> <p>The development plan is not up to date to assess this application</p> <p>The application fails EC16.1 b, d and e (excessively large scale, damaging impact on Co-op and smaller convenience retailers, not appropriate scale)</p> <p>The store would adversely affect vitality and viability of the centre</p> <p>The accessibility of the store and its car parking will give it an advantage over other retailers</p> <p>Suggest condition regarding the proportion of convenience/comparison goods which can be sold and restricting the opening of a pharmacy</p> <p>Additional information should be secured from the applicant regarding the policy tests</p> <p>PPS4 para 10 refers to historic centres being conserved and enhanced</p>
Policy 64	The application fails to comply with policy 64
Pre-application Public consultation	The pre-application event was not open and comments made were into a sealed box and not open to public scrutiny
Loss of protected species	<p>Bats in the factory</p> <p>Demolition is against the law because of the bats</p> <p>Need a bat survey</p>
No petrol station is provided	<p>In 2009 the Executive committee stated a filling station was required in close proximity to the site – this has not been provided</p> <p>The town will continue to lose trade if a petrol station is not provided</p> <p>The Statement of Consultation shows that the provision of a petrol station is key</p> <p>The sequential test is failed because there is no petrol station</p> <p>Application is misleading the filling station is unlikely in the near future</p>
De-value the houses on New Street	
Negative impact on existing retail shops	<p>No evidence that it will bring more trade to the town centre or existing shops</p> <p>The store will not regenerate the town, studies show initial surge in interest but then decreased trade</p>

	<p>Chain stores generate less money per £1 than local trade (£1.76 vs £0.36) – Southampton University Research</p> <p>Desborough will become a clone town</p> <p>Shops are empty because of the fear that Tesco are coming which would wipe them out</p> <p>The assertion that only the Co-op would suffer is not based on evidence or study</p> <p>Local stores will close, leading to a loss of choice and job losses</p> <p>Tesco has calculated the loss to existing retail outlets to be 6%, but Brook Smith (on behalf of Co-op) say 32.9%</p>
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Loss of existing houses	<p>Their loss would be detrimental to the streetscene and contrary to policies D7 and 30</p> <p>21,23 and 25 Harborough Road were written up for local listing by the Desborough Civic Society for the Rockingham Forest Trust Project</p> <p>The assessment of significance of these buildings is inadequate</p> <p>Each are 'heritage assets' and HE8 and HE9 of PPS5 apply, but appropriate analysis has not been made</p>
Historical facts inaccurate	<p>King's Arms Pub - date of 1752 is on the building Numbers 15-19 are earlier than late Georgian (i.e. 18th Century)</p> <p>Number 21 was in existence before it was bought in the 1840's by the Benjamin Riley family (Georgian town house with unusual brickwork)</p> <p>The factory dates from the 1830's, only the glass-topped additions on the New Street side relate to 1868 conversion from silk to shoe manufacture</p> <p>The Archaeological Building Assessment of 2007 misses 50 years of the factory's history</p> <p>Numbers 23 and 25 were one early Georgian Inn building 'The Cabin of Comfort', the stabling/coach houses are also significant</p>
Safety/crime	<p>The wall/railings around the service yard and the pedestrian link to New Street are potentially intimidating environments for pedestrians</p>
Lighting	<p>It is unclear whether the pedestrian link to Harborough Road will be lit</p> <p>Will result in excessive artificial light breakout</p> <p>Lighting details should be dealt with in the application and not by condition</p>
Levels	<p>The plans do not show how the levels difference between the car park and the rear of Station Road will be dealt with, it appears a retaining wall will be required</p>
Archaeology	<p>There has been no desk based assessment, this does not reflect best practice in PPS5 or the Practice Guide</p>
A written in flexibility into the proposals causes anxiety	
Site ownership/legal issues	<p>How can Tesco apply to demolish on Council land?</p> <p>The covenant on the land will stop/delay any development</p> <p>KBC have a conflict of interest</p> <p>No evidence provided that the restrictive covenant can be removed and that the cost of its removal do not make the scheme unviable</p> <p>EMDA will require the repayment of the £600,000 in grant funding because of non-compliance with conditions</p> <p>The cost of the covenant will be down to KBC to pay, if the applicant pulls out of the development</p> <p>The Co-op has confirmed that it has not agreed to remove the</p>

	covenant
Sainsbury's proposal	<p>The referendum supported Sainsbury's</p> <p>Would prefer the Sainsbury's development</p> <p>Grange site has better access and a petrol station</p> <p>Site is more viable</p> <p>The Sainsbury's will be larger with more choice of goods</p> <p>The site's development could start sooner</p> <p>Sainsbury's will provide more jobs</p> <p>The site is allocated for retail</p> <p>If the Tesco scheme were to be 20% comparison and 80% convenience, this is 20% less convenience than the proposed Sainsbury's</p> <p>The provision of a petrol station will ease the use of other town centres</p>
Design	<p>Characterless design</p> <p>The development is out of place</p> <p>The elevation which faces New Street is 17ft high, bland, with little interior lighting and will be attractive for criminal activity</p> <p>Supermarket's physical form does not enhance the Conservation Area</p> <p>The window arches reflect the factory, but the shape of the roof reflects nothing and detracts from the sense of place</p> <p>The roof form/silhouette sits uncomfortably with the traditional Victorian local environment</p> <p>Elevation detail, large wall to wall ratio and brick-type do not reflect the factory or Conservation Area</p> <p>Design is totally out of keeping</p> <p>The usage of the site - with the store behind an expanse of tarmac – erodes the former enclosed nature of the town</p> <p>The building does not reflect and respect the factory in shape/scale/mass/built form</p> <p>The design is architecturally generic</p> <p>To enhance the Conservation Area, the sense of enclosure of the street scene should be re-instated</p> <p>The store will physically dominate the town</p> <p>The building has been shoehorned into the site</p> <p>The new building is parallel to New Street, whereas the factory is at an angle</p> <p>The site is in a Conservation Area but nothing is being conserved</p> <p>There will be a loss of children's play areas</p> <p>Recycling area is located in the service yard turning space</p> <p>The design is ugly</p> <p>A similar scheme design in a Conservation Area has been refused in Hadleigh Suffolk on design concerns</p> <p>The layout is dictated by a highways solution rather than a response to context and the Conservation Area</p> <p>New Street will become an enclosed unwelcoming environment</p>

	<p>The service yard and road dominate the key link to Station Road</p> <p>Staff accommodation could be located on the NE or NW elevations and windows added to increase natural surveillance on New Street</p> <p>Only 3 trolley bays are shown, which could be insufficient</p> <p>The D&A refers to distinctive air scoops but these are not shown and could impact on the store's appearance</p>
Desborough Civic Society	Should have been contacted for advice
Materials	<p>Local stone would be far more appropriate than brick and silver powder-coated aluminium louvers</p> <p>Predominant use of render on the New Street elevation accentuates the blank façade</p> <p>Render does not reflect the key material of brick in the Conservation Area</p> <p>No explanation is given for the materials proposed</p> <p>Painting the rendered panels different colours is inappropriate to the rhythm of the design</p>
Landscaping	<p>Landscaping and general design is not in keeping with the Conservation Area nor the wider street scene</p> <p>The tree roots could affect the car park surface</p> <p>Trees are planned in front of the back entrances to 23 and 25 Harborough Road, obstructing parking</p> <p>Planned trees will cause loss of light to 23 Harborough Road</p> <p>The trees to be planted in New Street will cause loss of light and overshadowing to properties</p> <p>No consideration given to Landscaping</p> <p>This should be integral to the design</p>
Community Facility	<p>The town centre needs regeneration in community facilities rather than a Tesco</p> <p>Developing the site will mean no new centrally located community facilities, promised for some time</p> <p>The proposal does not compensate for the loss of potential community facility/heritage centre</p> <p>The S106 money for a community centre would not be needed if the factory were used for this purpose</p>
Demolition of the factory	<p>Concern regarding the veracity of the Heritage assessment and the proper application of PPS5</p> <p>The factory is part of the industrial heritage of the town</p> <p>The presumption should be to keep the building unless the criteria in PPS5 are met</p> <p>The loss of the factory will remove the defining element of the Conservation Area, its special character and is illogical</p> <p>No coherent conservation analysis has been presented to demonstrate the view that the loss of the building would not result in 'substantial harm' to the heritage asset (PPS5 HE9)</p> <p>The public benefits of a supermarket are insubstantial and do not compensate for the loss of the factory</p>

	<p>The eco-carbon equation always favours refurbishment over redevelopment</p> <p>The Structural Report mentions water and fire damage but these are not justification for saying the building has 'reached the end of its useful life'</p> <p>The Desborough Community Development Trust is seeking external funding to make redevelopment viable</p> <p>The heritage statement is incorrect, the factory dates from the 1830/40's</p> <p>Many buildings were demolished in the 70's this proposal would exacerbate the loss of history</p> <p>English Heritage recommended the factory for local listing</p> <p>The Heritage Statement is weak and only opinion</p> <p>The building was in use up to 1999 and is repairable</p> <p>The factory explains the grid of late Victorian streets in the Conservation Area</p> <p>The Asbestos Survey is 5 years old</p> <p>No real consideration has been given to the re-use of the building</p> <p>The application does not meet PPS5 HE9.2 tests</p> <p>The factory is the earliest surviving footwear factory in Desborough</p> <p>Contrary to PPS5 HE7.2, 7.3, 7.4, 9.2 and 9.3</p> <p>The application appears confused when discussing the level of harm; HE9.4 or HE9.2 tests</p> <p>The conclusion of 'less than substantial harm' is not adequately justified</p> <p>The discussion of its setting and impact of its loss on the setting is inadequate</p> <p>It is not clear what efforts have been made to find a public or charitable organisation to take the site/building</p> <p>The documents consulted upon in July 11 give no valid reasons for the loss of the heritage assets, and do not consider all uses</p> <p>Factory should be put to a general community use</p>
<p>Environmental Impact Assessment (EIA)</p>	<p>The application should have an EIA</p> <p>EIA is required by law</p> <p>The presence of bats should trigger an EIA</p>
<p>Desborough and Rothwell AAP</p>	<p>This document is relevant and it also refers to the UDF</p>
<p>The Desborough Urban Development Framework (UDF) and Development Brief</p>	<p>The UDF identifies the factory as a local landmark and 'important unlisted building'</p> <p>The Civic Society consent for redevelopment indicated that people expect the main building to be retained</p> <p>The scheme shown on page 38 is an excellent proposal</p> <p>CABE guidance 'Supermarket led development – asset or liability' emphasises that out of town development models can undermine regeneration and sense of place</p> <p>The proposal contradicts with the UDF</p> <p>To say the UDF or development brief are not viable misses</p>

	<p>the point of the heritage value of the structure</p> <p>The Development Brief did not supersede the UDF it came out of it and complements it</p> <p>The town need community rooms</p> <p>Executive did adopt the UDF</p> <p>Executive adopted the Hamilton Gibbs Feasibility Study Option 9A for implementation (2005)</p> <p>The UDF is part of the Development Plan</p> <p>The UDF is an adopted Development Brief (adopted Jan 2004)</p>
The previous supermarket application on the site that was refused in 2000	<p>The reasons for refusal of that application are still relevant today, and now carry more weight due to PPS5</p> <p>The previous refusal is a material consideration</p> <p>15-19 are still outside the town centre boundary</p> <p>This new application is even worse</p>
Scale of retail proposed	<p>No evidence is provided to support the assertion that 1200-1400sqm net floorspace fulfils a main food shopping function, or that the 1660sqm proposed is an appropriate scale</p> <p>Fails to identify all main food stores in the catchment</p>
The store is not large enough	<p>The population of the town is rising and the store would not be able to expand on the site</p> <p>Store is not large enough for a bulk buy weekly shop</p> <p>No point in having another small store</p> <p>The store is modest in size and will not deter people from shopping in Corby or Kettering</p>
The store is not needed	<p>The large Tesco at Kettering is sufficient for the whole of the Borough</p> <p>There are already several supermarkets in the town</p> <p>The store is 4 times the size as Co-op and inappropriate and disproportionate</p> <p>Desborough should not try and compete with the stores in the larger towns</p>
Recycling facilities	None shown on the plans
Ground conditions and flooding	<p>Former quarry site will require piles and rafting</p> <p>Unstable ground conditions and the water table will be affected</p> <p>The made ground make soakaways unsuitable</p> <p>No drainage proposals are shown</p>
Jobs	<p>Jobs will be mostly part-time</p> <p>Local jobs will have greater long term security when local business is put ahead of international business</p>
Validation of the application	<p>Consultation letters do not state PPS5 as a material consideration</p> <p>Floor plans should show all storeys and the staff areas</p> <p>No lighting assessment has been provided</p> <p>The application does not include information to satisfy the Sustainable Design SPD</p> <p>No ventilation and extraction statement has been provided</p> <p>Application form questions 11, 14, 15, 16, 20 and 21 are</p>

	incorrect or require answers
Atkins Feasibility Study Summary	This is opinion not fact There are other ways of measuring 'value' This was a commercial assessment undertaken before PPS5
The parish poll	The poll showed the majority were in favour of the Magnetic Park supermarket The Council should not act against the wishes of the residents The Parish Council are acting against the Parish Poll 99% want the Grange development The results were 22% - 79% in support of a Magnetic Park supermarket and 21% against
Mark Wilkinson letter	The letter is a load of rubbish His interest is purely financial This letter is from KBC, thinly disguised as being from Greatline
Executive Committee Report September 2009	Heritage protection is considered of more importance now than when the decision was made in 2009 to allow a supermarket on the site The Executive made it clear a filling station was required near the site
Call-in of the application	The call-ins have been made on the criteria of 'raise serious architectural and urban design issues' and if the factory were demolished 'may conflict with national policies on important matters' and 'give rise to substantial regional or national controversy' The Community Development Trust has requested that the application be 'called in'
GVA Report on PPS5 HE9.2(ii)(b)	The report does not consider grants and heritage funding The cost of the covenant could be £1-1.5M and would financially jeopardise any scheme for the site There is no guarantee that the covenant can be lifted
S106	What S106 money will directly benefit Desborough from the Tesco and Sainsbury's developments? Where will the market go in the public realm enhancements? The bollards and seating will obstruct people We already have fingerposts The road crossing to the new pedestrian access is unnecessary The Sainsbury's offer is far superior

343 letters of support for the proposal on the following grounds:

Town centre	The town centre needs a supermarket to stop its decline It will bring more people into the town People will make linked trips to Tesco and the town centre It will extend the town centre Town needs more diverse shops and more choice Need another supermarket to bring down prices Investment in the town centre Will encourage other business into the town
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	<p>The car park is needed</p> <p>The Co-op has a monopoly on the town and need competition</p> <p>All shops would be in one place</p> <p>Support investment in the town</p> <p>Market Harborough proves that a supermarket in the town attracts other retailers to move close to it</p> <p>There is direct access to Station Road</p> <p>The town is a shambles and doesn't deserve to be</p> <p>Desborough is desperate</p> <p>It will regenerate and revive the town</p> <p>Without this development the town will continue to look like a bomb site for a further 10 years</p> <p>Will provide a larger more convenient supermarket</p> <p>Bring life to the town</p> <p>The town needs competition</p> <p>Would like children's clothing section</p> <p>It will remove one of many eyesores in the town</p> <p>We need a bigger store</p> <p>Desborough needs something at its heart</p> <p>Desborough is far too short of modern facilities</p>
Sainsbury's proposal	<p>The Sainsbury's will kill the town centre</p> <p>The centre of Desborough would move away from the original town and divide old and new</p> <p>A supermarket on the outskirts will not benefit the town</p> <p>That site is better suited to a family pub</p> <p>An out of town supermarket will mean that we would not need to visit the town centre</p> <p>Sainsbury's is smaller than Great Bear</p> <p>It would be a drive through shopping experience with no flow into the centre and high street</p>
Jobs	Desborough needs employment
Travel issues	<p>Those without a car can access the site easily</p> <p>Encourage car parking and walking into the town centre</p> <p>Will not have to travel to Kettering/Corby/Market Harborough to shop</p> <p>Site is accessible for all including the elderly</p> <p>Less mileage to get groceries/fuel</p> <p>Walking distance for most people</p> <p>There is good bus access to the site</p> <p>Have some concerns regarding the house on the corner of the access road, removing some parking spaces could widen the road and lessen the impact on that house</p> <p>Good location for young people and the elderly</p> <p>Adequate disabled parking</p>
Land sale	The sale of the land by KBC will benefit tax payers
Great for the town and community	<p>I will spend my money in Desborough not Kettering or Market Harborough</p> <p>The Council should not curtail investment</p>
Improve the site	<p>Regenerate the site</p> <p>Site is an eyesore</p>

	Development of a brownfield site should be supported Covenant would be lifted Will provide a gateway to the town centre Anything to make the site tidier
Alternatives for the site	The idea to build small shops on the site is ridiculous when half the existing shops are empty The alternative proposal by the Preservation Society is impractical and financially impossible

Design	Plans are in keeping with the architectural ethos of the original building Building makes excellent use of the site The sketch plans look lovely Modern building replaces an eyesore Sympathetic to the heritage of the area
It will improve Desborough's appearance	The town needs regenerating and smartening up The town looks sad and neglected The development will benefit the appearance of the pub next door Why keep this ugly building when we have lost other buildings worthy of renovation
Positive impact on the environment	Will reduce the need to travel to shops elsewhere Reduce carbon footprint
Parish Poll	Less than 35% of the electorate supported the Grange development
Tesco policy	Tesco have a 'good neighbour' policy and will support local people and charities
Mark Wilkinson letter	Agree with his comments
Petrol station	Still need a petrol station Support a petrol station The development will bring a petrol station
The town needs to move into the 21 st Century	

13 letters of comment (including those from the OPUN Review Panel)

- The factory was previously reviewed by Clive Fletcher of English Heritage who said it had no architectural or social importance, so no listing application was made
- The plans fail to mention a petrol station
- The site is not large enough for prevent people leaving the town for their weekly shopping
- Our clients Midland Co-operative wish to respectfully ask that the determination is delayed until our representations can be submitted and reviewed
- The landscape buffer between the site and the listed pub is beneficial
- The servicing strategy may cause concern for shoppers/residents in respect of amenity and health and safety
- Whilst the delivery area is screened, the experience for those on foot from the south and east will be compromised
- The number of pedestrian access points will help to integrate to the town
- It is undeniable that the loss of the factory will lessen the significance of the associated former workers housing
- Pedestrians accessing via New Street and Station Road will have to walk past the service area, given the desire for easy access for shoppers, this arrangement is questionable

- It is regrettable that the whole of the Harborough Rd frontage is dedicated to surface parking as this expands the gap in built frontage that already exists
- Some form of provision for cycle storage is expected
- The emphasis of the access is to provide direct access to the car park, this has the effect of relegating Gladstone Street such that motorists may feel they are driving through Tesco's car park
- The loss of buildings (notably number 21) which currently help to frame the entrance to Gladstone Street will to some degree compromise the setting of 23-25 Harborough Road
- The treatment of elevations and lack of active frontage to established streets is a concern
- The D&A contains few details of the quality and character of the existing townscape
- No (or very few) windows/glazed screens on the New St and Gladstone St elevations which will create a dull and uninspiring environment for pedestrians
- It seems perverse to align the store with New St only to provide no active frontage whatsoever
- The unrelenting blank façade of New St will seriously compromise the character and appeal of New St and needs an urgent re-think
- The roof of the main façade provides a sense of rhythm
- All options to animate the streets should be explored
- The use of brick walls and railings to screen the service/turning area will act as a physical barrier, hindering pedestrian movement
- The siting of the building, servicing strategy, and elevational treatment would benefit from further design work
- More in-depth appreciation of the local townscape would be beneficial (dominant colours, materials etc)
- How can the community poll of 90% in favour of Sainsbury's be ignored?
- If Kettering makes these decisions why do we need the Town Council?
- What are the benefits of the Tesco proposals over the Sainsbury's one?
- How much money has been donated to the Council to swing the decision?
- Midlands Co-operative has approached Hampton Brook Developments Ltd to assist them with a mixed use development of the Lawrence's site, to include retention and renovation of the Lawrence's factory
- Midlands Co-operative has no agreement to release the covenant
- Why has the decision been postponed?
- Disturbing bats is breaking the law
- There are several inaccuracies in the GVA Report regarding time and money and is written from the point of view of the superstore

Desborough Town Council

Support (Letter received 5/1/11)

No objection, support the application to revitalise the town centre and provide retail choice and more parking. (Letter received 22/2/11)

No objection subject to further negotiations to deliver community facility enhancement. Council also ask for confirmation that the materials chosen fully comply with the Rockingham Forest Trust 'Countryside Design Summary' and their 'Building on Tradition' document to ensure the proposed building respects the

distinctive character of the market town within the Forest. Materials should blend with neighbouring Northamptonshire stone buildings. (Letter received 27/5/11)
No objection subject to: where are the bus shelters are to be provided, improvements to pedestrian access to the south of the site and a safe crossing point between the library and the doctor's surgery, having two pedestrian crossing on Harborough Road will add to build up of traffic at peak times, adequate road safety, linking traffic lights to improve flow of traffic. (Letter received 14/7/11)
Support the application, it is evident that no viable alternative has been declared for the factory and retaining it for flats is not cost effective. (Letter received 8/8/11)
Objection. The Town Council are unhappy with the S106. Request that the public realm money be spent on improving the local area and access between the Doctors Surgery, Library, Co-op and George Public House. The remaining S106 monies should be identified for community use following full community consultation. (Letter received 18/11/11)

Rothwell Town Council

Concern about delivery lorries accessing the site via Rothwell and significant number of lorries would be unacceptable. Request a condition that delivery lorries use the A6 bypass and access Desborough from the north. (Letter received 5/1/11)
No response received to 2/11/11 consultation

Corby Borough Council

No objection (Letter received 10/3/11)
No response received to 2/11/11 consultation

Harborough District Council

No comments received.

Highways Authority

No objection to the application in principle, but outstanding issues regarding the sustainability of the site, bus service provision and ability to meet adopted modal shift targets. Conditions and S106 required. (Letter received 27/1/11)

Additional observations – object to the application as the applicant has confirmed that they are not prepared to provide or fund all of the mitigation measures required. Conditions and S106 are suggested that would remove the objection. (Letter received 31/3/11)

No objection in principle subject to conditions and/or S106. The following should be secured:

1. Works in accordance with plan 6576_T101 Rev D (junction improvements between Harborough Road and Gladstone Street, Gladstone Street improvements, pedestrian crossing/footway on Harborough Road, enhancements to New Street, all footway connections)
2. Bus shelter and raised bus boarder on High Street and a 3m wide footways/cycleway connecting north along Harborough Road
3. Highway land to be stopped up as necessary
4. Construction Management Plan (to cover issues of dust, noise, hours, compounds and storage, phasing, loading/parking /turning, minimising mud on the highway, routing arrangement)

The S106 should secure a Framework Travel Plan and maintenance costs of the bus shelter.

The LPA should satisfy themselves that the proposed parking spaces on New Street would not impact on resident's personal safety. (Letter received 8/7/11)

No response received to 2/11/11 consultation

English Heritage

Recommend refusal as the proposals are contrary to the policy considerations in PPS5. Proposed demolitions would cause very substantial damage to the significance of the Conservation Area and substantial harm, so PPS5 policies HE9.2 and HE9.3 apply. (Letter received 23/12/10)

In addition to the above response, consider that buildings are very often if ever 'beyond repair'. It has not been conclusively demonstrated that the only possible use is supermarket redevelopment, and so questions of viability remain open. The justification for demolition is that redevelopment will provide a supermarket and that is of public benefit, i.e. the demolition is justified by the demolition. The application does not demonstrate that similar benefit could not be delivered here (or on alternative sites) without causing the harm. For the purposes of PPS5 public benefit should be an inherent aspect of any proposed development rather than as a compensatory measure in the form of payment for works elsewhere. (Letter received 7/3/11 in response to the revised Heritage Statement)

The amendments do not address the issues raised in our advice so far, which is that the demolition of the factory and the nearby housing would cause significant harm to the core significance of the Conservation Area. The S106 to provide 'public benefit' to justify demolition of the buildings is in principle unsatisfactory. Public benefit should be an inherent aspect of the scheme rather than a monetary payment for off-site works. (Letter received 27/5/11 in response to consultation on Revised S106 Heads of Terms and revised elevations)

The LPA should decide the merits of whether the supermarket is 'substantial public benefit' which outweighs the loss of the factory. It should also be demonstrated that such public benefit cannot be derived without the harm and should include consideration of possible alternative locations. The assessment of viability is fundamentally flawed. The economic viability calculations should have been used to inform the purchase price of the land, but this exercise has been done in reverse; now the land purchase price has been agreed. Thus any building in a Conservation Area or a listed building could be deemed unviable and this severely undermines the protection afforded to such buildings. The feasibility of re-use of the factory has not been adequately examined and is given little weight. We have not seen a design options appraisal which gives a proper examination of ways in which the building could be adapted and extended to accommodate a supermarket. (Letter received 8/8/11 in response to re-consultation on viability information and PPS5 HE9.2 statement)

No further comments (Letter received 25/11/11)

NCC Archaeology

The application is within the Conservation Area (CA) and as such there is a presumption against the demolition of any building that makes a special contribution

to the area. The special character of the CA is derived from the appearance, layout and use of the buildings which remain intact providing evidence of how the industry developed. The area has a discernible industrial suburb containing a disused boot and show factory and related worker housing. It represents the first planned estate in Desborough. The applicants Heritage Statement refers to the Development Brief which was accompanied by an Archaeological Building Assessment produced by Northamptonshire Archaeology which concludes that the building appears in good condition and could be converted. The Structural Engineers Report is pessimistic regarding reuse but this seems to come from a financial rather than heritage viewpoint. The applicant's comments devalue the CA by suggesting the removal of cottages on New St to create car parking have resulted in a reduction in significance. However, as far as I am aware the CA was designated in 2007 and those buildings were not present and as such significance has not been lost. The removal of the buildings which form the major component of the CA will result in substantial harm to a designated heritage asset and are contrary to PPS5 HE10. The current proposal is contrary to the whole ethos of the CA as it would result in a detrimental impact to the area and not a positive enhancement. (Letter received 18/1/11)

Emphasise my concern that the removal of the building will result in substantial harm to the Conservation Area contrary to PPS5 HE10. I concur with Brian Hawkins that the loss of the buildings would result in substantial harm and is contrary to HE9.2(i). Policy HE9.1 refers to impact of the loss and as an important part of the community, this policy is relevant. The proposal does not result in an enhancement of the setting. (Letter received 28/8/11)

Concern that the need for recording the buildings to be demolished has not been addressed within the recommended conditions. I believe we never formally discussed what mitigation would be required if permission was granted as the need for demolition was never adequately demonstrated or justified by the applicant. Need to ensure an archaeological condition is included, to record these important, albeit undesignated, buildings within the Conservation Area – wording suggested. (Letter received 16/11/11)

The Victorian Society

Strongly object to the application. The application proposes the demolition of the boot and shoe factory and 15-21 Harborough Road all identified as 'buildings of architectural or historic merit' in the 2005 Conservation Area Designation Report for Desborough. The scheme also involves the demolition of other buildings on the site which contribute to the character of the Conservation Area. Demolition will cause substantial harm to the character of the Conservation Area. (Letter received 17/12/10)

No response received to 2/11/11 consultation

NCC Walking and Cycling

Provision of footpaths allowing pedestrians to access the site is of an acceptable level. Provision for cyclists through the centre of Desborough to the site is generally poor and this should be improved by:

- Upgrade of the footpath to a shared use cycle/footpath along the eastern side of Harborough Road from Gladstone Street to opposite Gapstile Close

- Upgrade of the footpath to a shared use cycle/footpath along the western side of Rothwell Road, from the pelican crossing just north of Federation Avenue to the pelican crossing opposite the Oak Tree pub
- The two pelican crossings mentioned above are upgraded to toucan crossings
- Shared use paths should be signed accordingly and upgraded to a minimum 2.5m width and crossings utilise dropped kerbs and tactile paving

Also, within the site itself, shared access for pedestrians and cyclists (without the need for cyclists to dismount) needs to be provided. (Letter received 23/12/10)
No response received to 2/11/11 consultation

Natural England

No objection, subject to a condition regarding timing of demolition and site clearance. Mitigation measures regarding bats should also be secured by condition as suggested in the ecological assessment. The three invasive exotic plant species should be eradicated legally and effectively. Suggest informative regarding species protected by law. (Letter received 22/12/10)

No further comments to make. (Letter received 22/2/11)

No further comments to make. (Letter received 12/5/11)

No further comments to make. (Letter received 1/7/11)

No further comments to make (Letter received 7/11/11)

Local WildlifeTrust

The Ecological Assessment is acceptable and we recommend all of the report's recommendations in sections 6 and 8, are secured through either a condition of S106 agreement. (Letter received 24/12/10)

No response received to 2/11/11 consultation

North Northants Badger Group

No comment (Letters received 14/12/10, 1/2/11, 15/2/11, 10/5/11, 5/7/11, 26/7/11 and 8/11/11)

Northants Bat Group

Do not consider that the long-eared bats night-roost is being properly mitigated. The loss of the many buddleia on site should be mitigated by planting of buddleia in the wildlife area and alternative sheltered hang-up spots on site for night time. (Letter received 12/12/10)

No response received to 2/11/11 consultation

Northants Police

No formal objection in principle. Have some areas of concern regarding layout and crime from an anti-social behaviour perspective (i.e. no surveillance of New Street parking, no railings between the cars and pedestrian routes, cream render attracts graffiti, location of cycle racks next to alleyway, footpath to Station Road should have CCTV, location of cash points, car park design should be in accordance with Safer Parking Guidance, security standards of openings should be approved). Due to the mixture of dwellings and commercial properties in the area and the high incidence of crime and anti-social behaviour the developer has an obligation to mitigate against existing and potential areas of crime activity. (Letter received 5/1/11)

Repeat of concerns raised above (Letter received 7/2/11)

Repeat of concerns raised above (Letter received 25/5/11)

No objection to revised designs, car parking is not well overlooked and question if it will be well lit. Suggest anti-graffiti paint on uneven surfaced cream render and a commitment to remove graffiti in specified timeframe. Cycle racks next to alleyway is not ideal. Agree CCTV on the path between Station Road and the Tesco would be appropriate. Satisfied if car park exceeds Safer Parking guidance criteria. A condition is desirable to agree security standards to openings. (Letter received 18/7/11)

Relating to plans 4809/SK001, 002 and 003 previous comments remain. Relating to plan 4809/SK003 Obelisk, this area of town suffers with incidences of anti-social behaviour and careful consideration needs to be given to additional seating or planters. If this area is not to be used for skateboarding, the design should discourage it. Any trees should not obscure the CCTV. (Letter received 11/11/11)

KBC Environmental Health - Noise

No objection subject to conditions regarding hours of demolition/construction work, construction phase noise programme, Noise Management Policy, retail opening hours, maximum noise levels, delivery hours, maximum deliver noise levels, maximum fixed plant and machinery noise levels, a further Noise Assessment prior to the use commencing (Letter received 2/8/11)

No response received to 2/11/11 consultation

KBC Environmental Health – Contaminated Land

Having viewed the additional information, no objection subject to condition (Letter received 6/7/11)

No response received to 2/11/11 consultation

KBC Environmental Health - Lighting

No objection subject to conditions regarding a Lighting Impact Assessment, maximum lux levels and New Street glazing details to be submitted and approved (Letter received 2/8/11)

No response received to 2/11/11 consultation

KBC Environmental Health – Other matters

No objection subject to conditions regarding extraction and ventilation and litter disposal (Letter received 2/8/11)

No response received to 2/11/11 consultation

Anglian Water

Suggest informative regarding Anglian Water assets affected and a condition securing the development to be in accordance with the Surface Water Strategy/FRA (wording suggested). (Letters received 21/12/10 and 23/5/11)

No response received to 2/11/11 consultation

Design Action - North Northamptonshire Joint Planning Unit

Two key issues: 1. the principal of the loss of the historic buildings and 2. the departure from the design framework in terms of use and layout and detailed design of the store and car parking/servicing. The factory is very significant to Desborough and the wider CA. The factory and corner houses are not neutral or negative in the CA and their loss is not justified as a condition statement is not included to say they are beyond an economic point of repair. The Heritage Statement points out that the factory is a remnant of other buildings which highlights its importance and is of more value for that reason. The buildings have a high level of significance and the presumption in favour of their retention has not been overcome. Fail to see how the scheme delivers substantial public benefits or regeneration of the town centre (PPS5 HE9.2). The statement does not address how all reasonable uses of the site have been considered (HE9.2 (i)) and the site is large enough to retain the buildings. The Heritage Statement does not address HE9.2 (ii) a to d.

- The site layout has not been designed to meet the wider regeneration objectives of the town (as per the adopted development brief) is considered to undermine regeneration, local character and sense of place and compound traffic problems as per the concerns of the new CABE publication 'Supermarket led development : asset or liability'.
- Links to the town centre are very poor, from New St and Station Rd require crossing the service yard and from Harborough Rd priority is for cars not pedestrians. Pedestrian routes should be prioritised in a revised layout with store access to Harborough Rd and a secondary access from the car park linked to the pedestrian access from Station Rd.
- No active frontages are provided in the scheme, which removes the historic assets on the Harborough Rd frontage and leaves an open view to the large car park.
- The layout should be revised to provide built form to Harborough Rd with car park behind, and screening of the car park from New St.
- There is scope to improve the landscaped area next to the pub.
- The stores standard rectangular form does not respond to the site or the grain around.
- The loss of the corner house means the loss of an urban street form (Gladstone St) destroying the urban character.
- Concern over the size of the access and servicing route not appropriate within an historic town centre location.
- Car parking should be revised to provide a public square that cars park in, rather than a standard car park layout, which would link the store to the town centre
- Parking for New St residents is poorly located, not overlooked and blocking a pedestrian desire line
- Brickwork should be red and used as the main facing material rather than the widespread use of render
- The roof detail does not reflect any local industrial traditions, I suggest sawtooth roof with roof lights (Letter received 19/1/10)

The plan revisions do not fundamentally reflect the site layout and therefore do not materially change my opinion that this scheme does not meet CSS Policy 13 objectives. The revisions do not appear to meet the concerns of the OPUN letter either. Key layout concerns are:

- pedestrian routes and priority – poor links to the town centre via New Street, routes require crossing the service yard entrance, priority from Harborough Road is given to cars not pedestrians
- Lack of built frontage to the street – no active frontages and the car park fronting Harborough Road emphasise the gap in this frontage rather than repairing this frontage, scope to make better use of the landscaped area next to the pub
- Urban grain – changes to the historic street pattern and loss of enclosure to Gladstone Street destroy the urban character and an attractive view
- Car parking and landscape – car parking is visually very dominant and there is little relief by way of landscaping in the car park and along pedestrian routes (Letter received 13/7/11)

The need for significant intervention in the public realm in Desborough has long been recognised and is contained in the UDF and most recently the draft Urban Structures Study. The purpose is 1. improve pedestrian access more direct and convenient for example crossing Harborough Road, 2. to highlight where the town centre is, 3. to improve the quality of experience for the people who live there. The public realm proposals need to be ambitious and extensive and given my experience elsewhere I seriously question whether £400,000 would do any more than tinker with the problems. A similar length of street, recently completed and given awards in Hereford (Widemarsh Street) cost £1.3M. The contributions at present are not sufficient to resolve the problems identified. Not convinced that the proposals address the issues of movement across Harborough Road; and east-west movement should be prioritised. Improving the experience for pedestrians should include high quality paving; unlikely at the cost price the applicant has quoted, and street layout changes and more extensive tree planting. The focus of the proposals is not wide enough, nor is there sufficient funding to deliver a high quality scheme. (Letter received 21/11/11).

North Northamptonshire Joint Planning Unit – Energy Efficiency and Sustainable Construction comments

It is considered that this is a large development at 2387sqm and part (a) of Policy 14 should be applied, as per paragraph 4.18 of the CSS with a target of 30% renewables. The application information submitted does not meet the requirements and does not elaborate why the standards are not viable. Through energy efficient measures the store will achieve 21% reduction in CO₂, compared to baseline building compliant with Part L 2006. Air source heat pumps should be considered to yield further carbon savings. The strategic layout and design should allow for installing renewable technologies and retrofitting in the future. More information required from the applicant. (Letter received 21/1/11)

The applicant is willing to incorporate a target of 10% renewables. The information provided does not demonstrate 14(a) can be achieved. Condition suggested regarding a Low Zero Carbon Feasibility Study and a target of 30% and minimum 10% of the demand for energy. (Letter received 4/7/11)

Same condition suggested as per letter of 4/7/11. The other applications raised by the applicant (namely KET/2008/0698 Telford Way, Kettering and 10/00401/DPA Corby and KET/2009/0754 Market Place, Kettering) are not material considerations

to the Tesco, Desborough scheme and do not set precedents. Viability has been addressed in the proposed condition and achieves the CSS aims. (Letter received 4/8/11)

No response received to 2/11/11 consultation

National Grid

The works proposed are likely, unless controlled, to adversely impact the safety and integrity of National Grid apparatus. (Letter received 17/5/11)

Environment Agency

The FRA is inadequate, amendments to the FRA should be requested. (Letters received 5/1/11, 7/3/11 and 24/5/11)

No objection providing it is possible to finalise and agree the surface water drainage scheme for the site at a later date. Condition recommended regarding a Surface Water Drainage scheme. (Letter received 7/7/11 regarding the amended FRA)

Refer to the letter of 7/7/11. (Letter received 25/7/11)

No comments to make (Letter received 23/11/11)

NCC Waste Planning Authority

The applicant should demonstrate how policies CS7 and CS8 of the Northamptonshire Minerals and Waste Core Strategy have been met; to utilise the efficient use of resources in construction and operation and encourage the integration of waste management facilities in areas of significant new development. The MWDF Development and Implementation Principles SPD require a Waste Audit and a Waste Management Facilities Strategy to accompany an application. Standard conditions to ensure effective implementation of the SPD are outlined in the SPD. (Letter received 22/3/11)

The submitted Waste Management Plan concentrates on proposed investigations or assessments into management methods that could potentially be employed, rather than confirmation of what will actually be carried out. I am disappointed that the applicant has not tailored the Plan more closely to the actual proposal. However, it is not in breach of MWDF policy and guidance. (Letter received 29/7/11)

No response received to 2/11/11 consultation

NCC Development Management

Seek a contribution of £3,249.45 towards Fire and Rescue based upon £135 per 100sqm floorspace. (Letter received 20/12/10)

No response received to 2/11/11 consultation

5.0 Planning Policy

National Policies

PPS1 Delivering Sustainable Development

PPS1 Supplement Planning and Climate Change

PPS4 Planning for Sustainable Economic Growth

PPS5 Planning for the Historic Environment

PPS9 Biodiversity and Geological Conservation
PPS10 Planning for Sustainable Waste Management
PPG13 Transport
PPS22 Renewable Energy
PPS23 Planning and Pollution Control
PPG24 Planning and Noise
PPS25 Development and Flood Risk

Development Plan Policies

East Midlands Regional Plan

2 Promoting Better Design
3 Distribution of new development
11 Development in the southern sub-area
18 Regional priorities for the economy
22 Regional priorities for town centres and retail development
26 Protecting and enhancing the region's natural and cultural heritage
27 Regional priorities for the historic environment
29 Priorities for enhancing the region's biodiversity
32 A regional approach to water resources and water quality
35 A regional approach to managing flood risk
38 Regional priorities for waste management
39 Regional priorities for energy reduction and efficiency
43 Regional transport objectives
44 Sub-area transport objectives
45 Regional approach to traffic growth reduction
46 A regional approach to behavioural change
48 Regional car parking standards
52 Regional priorities for integrating public transport
Strategic Policy 3 Sustainable Communities

Northamptonshire Structure Plan

(no relevant policies)

North Northamptonshire Core Spatial Strategy

1 Strengthening the network of settlements
4 Enhancing local connections
6 Infrastructure delivery and developer contributions
8 Delivering economic prosperity
9 Distribution and location of development
11 Distribution of jobs
12 Distribution of retail development
13 General sustainable development principles
14 Energy efficiency and sustainable construction

Local Plan

D2. Desborough: Environmental Improvement
64. Shopping: Development Within Established Shopping Areas

Northamptonshire Mineral and Waste Development Framework Core

Strategy

CS7 Sustainable Design and Use of Materials

CS8 Co-Location of Waste Management Facilities and New Development

Emerging Policies (Local Development Framework)

Rothwell and Desborough Urban Extension AAP (Proposed Submission, December 2009) Policies 11 and 16

SPDs

Development Contributions SPD

Biodiversity SPD

Development and Implementation SPD

Other relevant documents

Statement of Community Involvement (2006)

Desborough Conservation Area Appraisal (2007)

Desborough Urban Development Framework (2004)

Roger Tym Desborough Health Check (July 2010) and update (2011)

Supermarket-led development: asset or liability (CABE, 2010)

Development Brief (2008)

Executive Committee Report 16 Sept 09

Roger Tym Retail Audit of KET/2010/0826 Magnetic Park Final Report (July 2011)

Archaeological Building Assessment at the Lawrence's boot and shoe factory, cottages 15-21 Harborough Road and the Tin Tabernacle on Havelock Street, Desborough (Northamptonshire Archaeology, December 2007)

Extensive Urban Survey: Desborough (J Ballinger, 2000)

Lawrence Factory Desborough PPS5 Policy HE9.2(ii)b Assessment – Planning Application KET/2010/0743 (GVA, August 2011)

North Northamptonshire Retail Capacity Update (Roger Tym, 2011)

6.0 Financial/Resource Implications

Section 106:

- Fire and rescue - £553.50
- Environmental improvements – scheme to be agreed
- Transport improvements – Framework Travel Plan and maintenance costs of the proposed bus shelter
- 5% monitoring fee

7.0 Planning Considerations

The key issues for consideration in this application are:-

1. Update
2. Principle of Development
3. Scale/nature of retail, retail and economic impact
4. Impact on the Conservation Area
5. Impact on the adjacent Listed Building
6. Design and Character
7. Hard and Soft Landscaping

8. Highways, accessibility and parking
9. Noise
10. Contaminated land
11. Lighting
12. Other Environmental Health matters
13. Waste
14. Ecology
15. Archaeology
16. Flooding
17. Sustainability and Energy Efficiency
18. Section 106 Obligations & Community Infrastructure Levy
19. Consultation by the applicant
20. Consultation Draft National Planning Policy Framework and Planning for Growth Ministerial Statement
21. Other matters raised

1. Update

1.1 As Members will be aware, this application was due to be heard at the planning committee meeting of the 13th September 2011 and committee papers had been published for that meeting. However, that meeting was cancelled due to the Council receiving a legal challenge in relation to the application. In light of the threat of the legal challenge, the Council has taken legal advice. This has led to the revision of the Section 106 Heads of Terms for the application. Officers have taken the opportunity to prepare this new report and Members should disregard the previous published report.

1.2 The 13th September committee report included details of S106 Heads of Terms. It recommended that a sum of £480,000 was sought as a contribution for a Community Facility in the town centre. Following legal advice and discussions between the Council and the applicant, no contribution is now being sought towards a Community Facility.

1.3 The applicant submitted revised Section 106 Heads of Terms and associated plans in November 2011 and this was publicly consulted upon by the Council. Section 18 of this committee report sets out the revised Section 106 Heads of Terms.

2. Principle of Development

2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that *'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'*. The development plan consists of the East Midlands Regional Plan 2009, the North Northamptonshire Core Spatial Strategy 2008, the Northamptonshire Minerals and Waste Core Strategy 2010 and the saved policies of the Kettering Borough Local Plan 1995 and Northamptonshire County Structure Plan 2001.

2.2 Regional Spatial Strategies were abolished in July 2010, but reinstated on the 10th November 2010. The East Midlands Regional Plan therefore still forms

part of the statutory Development Plan. The CALA Homes judgment from the Court of Appeal in May 2011 means that the proposed abolition of the Regional Spatial Strategies (through the Localism Act) can be regarded as a 'material consideration' by local planning authorities and inspectors when deciding planning applications and appeals. It is for the decision maker to decide what weight the proposed abolition is given.

2.3 The overall objective of the East Midlands Regional Plan (EMRP) is to deliver sustainable development (policy 1). Policy 3 sets out that development and economic activity in settlements such as Desborough should contribute to maintaining the distinctive character and vitality of rural communities, shortening journeys and facilitating access to jobs and services and strengthening rural enterprise and linkages between settlements and their hinterlands. The policy prioritises making best use of previously developed land and vacant or under-used buildings in urban locations. The proposed development is considered to be in line with policy 3, subject to the detailed design of the scheme reflecting local character and the applicant demonstrating that the best use of the land is being made.

2.4 EMRP Policy 11 states that the role of the small towns (such as Desborough) should be maintained by the retention of basic services and facilities, environmental improvements and the safeguarding of their rural hinterlands. The proposal is in line with this policy, subject to appropriate environmental improvements being secured.

2.5 EMRP Policy 18 states that the LPA should encourage and foster the regional economy. Policy 22 states that where town centres are under-performing, action should be taken to promote investment through design-led initiatives and the implementation of town centre strategies. The proposal is seeking to deliver economic benefit to the town, and boost the vitality of the struggling town centre.

2.6 The North Northamptonshire Core Spatial Strategy (CSS) identifies Desborough as a Small Town. Policy 1 states that small towns are secondary focal points for development, with the emphasis on the regeneration of town centres through environmental improvements and new developments to provide jobs, services and greater self-sufficiency. The CSS does not make any specific retail allocations for any of the small towns so it is up to the developer to justify the scale of the retail development proposed.

2.7 CSS Policy 6 requires that new development will be supported by the timely delivery of local and strategic infrastructure, services and facilities. Therefore, the proposal could be acceptable if the necessary infrastructure is secured.

2.8 CSS Policy 8 seeks a net increase of 47,400 jobs in North Northamptonshire over the period 2001-21. The applicant's Planning Statement states that 140 jobs will be created in the new store, plus jobs during construction.

2.9 In addition, CSS Policy 9 prioritises the re-use of previously developed land and buildings within urban areas. The site has been vacant for some years and the Council wish to see the site utilised to benefit the town.

2.10 CSS Policy 11 states that Kettering Borough has a job growth target of 16,200 jobs in the period 2001-21. There has been limited jobs growth in the town since 2001, and so the provision of jobs in the town is welcomed.

2.11 CSS Policy 12 states that the scale of retail development should be appropriate to the role and function of the centre. Therefore it is for the applicant to demonstrate that no adverse impacts on the vitality and viability of other centres will be created. This is covered in detail in the next section of this report.

2.12 The majority of the site is located within the Established Shopping Area of the town, as defined by Policy 64 of the Local Plan. The cottages to the north-west of the site are not located within this policy area, but are adjacent to it. Policy 64 supports the provision of new or upgraded shopping development *'where the proposal would improve the range or quality of shopping facilities or the shopping environment and is suited in character, size and operational requirements to the established shopping area'*. The proposal would increase the range/quality of facilities. It is for the applicant to demonstrate improvement to the shopping environment and that the development is suited in character, size and operational requirements of the policy area.

2.13 Local Plan policy ENV22 (Development within Conservation Areas) was referred to by the applicant in their application. However, this is not a saved policy of the Local Plan (as of September 2007), and therefore not relevant.

2.14 National policy is a material consideration in planning decisions. National policy in PPS4 recognises retail development as a main town centre use. To achieve sustainable economic growth, the main objectives of PPS4 are to; build prosperous communities; promote regeneration and tackle deprivation, deliver more sustainable patterns of development which reduce the need to travel especially by car and respond to climate change, promote the vitality and viability of town centres as important places for communities and raise the quality of life and the environment in rural areas. The objective of promoting the vitality and viability of centres is particularly relevant in this application. To achieve this objective the government wants:

- New town centre uses to be focused in existing centres to provide an attractive and safe environment and remedy deficiencies in provision in areas with poor access to facilities;
- Competition between retailers and enhanced consumer choice to meet the needs of the entire community;
- The historic, archaeological and architectural heritage of centres to be conserved and, where appropriate, enhanced to provide a sense of place and a focus for the community and for civic activity (PPS4, paragraph 10).

The above objectives are paramount in this application given the size of the proposal, the regeneration aims for Desborough and the heritage on and

around the site.

2.15 PPS4 policy EC10 sets out 5 impact considerations that should be assessed when considering an application for economic development. The impact tests are:

- Whether the proposal has been planned over the lifetime of the development to limit CO2 emissions and minimise vulnerability and provide resilience to climate change
See section 17 of the report.
- 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
See section 8 of the report.
- 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 the way it functions
See section 6 of the report
- The impact on economic and physical regeneration in the area including the impact on deprived areas and social inclusion objectives
See section 3 of the report
- The impact on local employment
See section 3 of the report

As stated above, each of the impact considerations are discussed later in this report. EC10.1 of PPS4 states that the Local Planning Authority should adopt a positive and constructive approach to planning applications for economic development and those that secure sustainable economic growth should be treated favourably.

2.16 PPS4 policy EC14 sets out what supporting evidence should be included with an application for a main town centre use. The level of supporting evidence depends upon whether the site is considered to be in an existing centre and in accordance with an up to date development plan. Comments have been received which suggest that the site should be considered as an edge of centre location, not a town centre location.

2.17 PPS4 defines 'Town Centre' as an area to be shown and defined on the Proposals Map; including the primary shopping area and areas of predominantly leisure, business, and other main town centre uses within or adjacent to the primary shopping area. The Kettering Borough Local Plan Proposals Map does not define a town centre for Desborough, but does define an Established Shopping Area (policy 64) as mentioned above.

2.18 Due to the lack of a defined Town Centre, consideration has been given to whether the site should be treated as being within a town centre location, or edge of centre. The PPS4 Practice Guide suggests that when judging whether a site is in centre, consideration should be given to the degree of integration and linkage of the site to the area where existing retail development is concentrated (i.e. the Primary Shopping Area), and whether the site will genuinely function as part of that area. Relevant considerations may also

include whether the proposal is in accordance with a clearly defined strategy for the centre.

2.19 The 2011 Desborough Healthcheck Update shows existing retail in Desborough is concentrated along Station Road, with larger retail units at both ends of that street, namely Co-op to the north-east at the junction with Gladstone Street and Co-op to the south-west at the junction with High Street. The site is well integrated with Station Road in that there are pedestrian links via New Street and the new proposed link to the site between numbers 12 and 16 Station Road. Those accessing the site by car will not access the site via Station Road, but once at the site, the pedestrian connections with Station Road are available.

2.20 The site is defined as within the Established Shopping Area and in that regard it is considered that the strategy for the site is clearly articulated. It is therefore considered that the site should be judged as a town centre location.

2.21 Consequently, as the site is considered to be a town centre location, where retail development is supported, a sequential assessment and impact assessment are not required as supporting evidence to accompany the application. A sequential test is required when a main town centre use is not in an existing centre and not in accordance with an up to date development plan. It is considered that neither criteria applies. An impact assessment is required if retail development is over 2500sqm gross and not in an existing centre and not in accordance with an up to date development plan. The proposal does not meet that threshold, or the two criteria as discussed above.

2.22 PPS4 policy EC16 is mostly not relevant as the site is in a town centre location. However, part (e) is relevant and states *'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'*. This is discussed further in the following section.

2.23 PPS5 is an important consideration in this application as the site is located within the Desborough Conservation Area and the application proposes the demolition of the factory and cottages 15-21A which are considered to be locally important heritage assets. PPS5 Policy HE7 states that the LPA should assess the significance of the heritage assets that may be affected by new development. Policy HE9.1 states that there is a presumption in favour of the conservation of designated heritage assets and that *"loss affecting any designated heritage asset should require clear and convincing justification"*. This is discussed further in sections 4 and 5 and the KET/2011/0744 Conservation Area Consent report.

2.24 The Council produced a Desborough Urban Development Framework (UDF) in 2004. This document reflected the Kettering Borough Local Plan at that time which contained various policies relating to the town centre, and allocated the application site (excluding number 6 Station Road and the Harborough Road cottages) for shopping, commercial and leisure use (policy D7). The UDF acknowledged the need to improve the appearance of the

derelict site and also acknowledged the local historic significance of the factory. The UDF concluded that the site should be developed for mixed use, with the retention and refurbishment of the factory and cottages fronting Harborough Road (see appendix 1 which shows page 38 of UDF). The UDF was consulted upon and was supported by local people and the Council's Executive. As such the document is considered to reflect the aspirations of the people of Desborough. It is therefore a material consideration in the determination of this application. I consider the weight that can be given to the UDF is reduced due to the loss of many Local Plan policies since its production and the other national and local policy changes since 2004. The applicant considers the UDF has been superseded by the Development Brief.

2.25 The Development Brief for the site was written in 2007, following on from the commitment made in the UDF to prepare detailed urban design/development briefs for the key sites. The Brief sought a development scheme which would deliver affordable housing, starter office/commercial units less than 100sqm, retail less than 600sqm, live/work units, community facilities, museum/heritage centre, public square/open space and enhanced parking provision. The factory was to form the hub of any proposals (see Appendix 2). The Brief stressed the Conservation Area status of the site and the need to justify any proposed demolition. The Development Brief was consulted upon and in October 2007 the Council's Executive agreed that the Brief be used in the marketing of the site. The Executive resolution stressed the need to consider all options for the site.

2.26 In 2009 the Council commissioned Atkins to undertake a Feasibility Study for Desborough, which looked at the Lawrence's site and key site 1 (further south and also to the east of Harborough Road). The study has no planning policy status and therefore it is not a material consideration in the determination of the application. The study does however demonstrate the continued efforts of the Council to promote the development of the site. The study looked at how to deliver regeneration in Desborough, with essential elements listed as community facilities, a petrol station, supermarket, public realm works, traffic management/movement improvements, town centre parking and offices. The study was reported to the Council's Executive on 16 September 2009. The study concluded that Development Strategy 1 was preferred. Strategy 1 has two options for the Lawrence's site; (1) a mixed use scheme to include a supermarket and petrol station, or (2) a supermarket and petrol station only scheme. Both options would require the demolition of the factory but option 2 would also require demolition of the cottages. The study stated that the mixed use scheme was likely to not be financially viable and would reduce the residual land value of the site, whereas the 'supermarket and petrol station only' option was the most financially viable of the options and would maximise residual land value. The Executive report stressed that any 'supermarket and petrol station only' development would need to deliver the other regeneration requirements of Desborough through an acceptable S106 agreement. The Executive Committee resolved that Strategy 1 was the preferred development option (either option 1 or a combination of options 1 and 2).

2.27 Rothwell and Desborough Urban Extension AAP (Proposed Submission

December 2009) is the most up to date planning document that has been produced for the town. The AAP vision focuses on the proposed housing developments to the two towns, as a catalyst for town centre regeneration. For Desborough, the AAP highlights the need for improved connections to and public realm improvements within the town centre and also the need for a central community centre (Policies 11 and 16).

2.28 Planning history is a material consideration in a planning decision. The site has a long planning history as a factory site. The most relevant recent application (KET/00/0098) was an outline application (including siting and access) for retail development with associated car parking, servicing, access and landscaping. The application site was smaller than the current site as it did not include number 6 Station Road. The supermarket was more centrally located in the site, with the service yard located in the northern corner. The application proposed:

- 22,500sqft (2,090sqm) gross store including 2-storey section
- 30 residents parking spaces provided off New Street
- Access from Gladstone Street, which would be two-way
- 116 supermarket parking spaces

Policies quoted in the Planning Committee Report and/or the Decision notice were:

- National policy PPG1 Annex A and PPG6
- Local Plan policies 30, 47, 62, 63, 64, 84, 118 and D7 and SPG5 'Urban Design'

All the above policies (except Local Plan policy 64 'Development within established shopping areas') have been replaced since 2000.

2.29 The application was refused in a notice dated 24th October 2000. There were 5 reasons for refusal, and these can be summarized as; 1. layout and siting not reflecting the character/not making a positive contribution to the area, 2. the proposed siting of the store and footpath adjacent to number 6 is detrimental to amenity (outlook and disturbance), 3. the site area includes 15-21 Harborough Road which lies outside the area allocated for commercial/retail purposes and their loss would be detrimental to the streetscene, 4. insufficient detail regarding access, 5. the siting of the service yard in close proximity to residential properties on New Street would give rise to noise and disturbance to residents. These reasons are discussed below.

2.30 The refused application differs from the submitted application. The layout of the site and siting of the store is different so refusal reason 1 does not apply. The issue of whether the proposed development is in character with the area is discussed later in this report. Number 6 Station Road is to be demolished so there are no amenity considerations for that property so reason 2 does not apply. The site does include 15-21 Harborough Road, but policies D7 and 30 referred to in the refusal reason are no longer part of the Development Plan so do not apply. (The site is considered a town centre site as discussed above). The access details are different in the current application and sufficient information has been provided to enable the determination of the application so reason 4 does not apply. The siting of the service yard is different to the refused application. The potential issues of noise and disturbance to New

Street are still relevant however and are considered later in this report.

2.31 Although the proposed supermarket is of a similar scale to that proposed in 2000, the policy position that led to the refusal of the application has changed almost entirely and the proposals are not directly comparable in terms of site boundary, layout, access etc. As such, this previous refusal has been given little weight in my assessment of the application, which has been considered in light of all new relevant policy and material considerations.

2.32 In conclusion, retail development of the site could be considered acceptable in principle, subject to the proposal demonstrating that;

- the detailed design of the scheme reflects local character; and
- it is demonstrated that the best use of the land is being made; and
- appropriate environmental improvements are secured; and
- the necessary infrastructure is secured; and
- the impacts tests in EC10 of PPS4 are met; and
- the scale of retail is appropriate; and
- the demolition of the buildings on the site is clearly and convincingly justified; and
- all options for the development of the site have been considered, as required by the Development Brief.

The above issues are considered in detail in the following sections.

3. Scale/nature of retail, retail and economic impact

3.1 Policy 22 of the EMRP states that the vitality and viability of towns should be promoted and where they are under-performing, action should be taken to promote investment through design-led initiatives and the implementation of town centre strategies. The policy states that the Local Planning Authority (LPA) should bring forward development in town centres, based upon need.

3.2 PPS4 policy EC4b encourages local authorities to plan for a strong retail mix that meets the requirements of the local catchment area. As mentioned above, PPS4 policy EC14 does not require this application to include a sequential assessment and impact assessment.

3.3 PPS4 policy EC10 states that applications that secure sustainable economic development should be treated favourably, and assessed against the five impact considerations in EC10.2. PPS4 policy EC16(e) states that if located in or on the edge of a town centre, the scale (gross floorspace) of the retail proposal should be considered in relation to the size of the centre and its role in the hierarchy of centres. This is also stressed in Policy 12 of the CSS which states that applications for major retail will be assessed to ensure they do not have an adverse impact on the long term vitality and viability of other town centres. The supporting text to policy 12 (para 3.103) states that proposals over 1000sqm gross need to include an assessment of impact on adjacent town centres. As the proposed store is 2,387sqm gross floorspace (1,660sqm net), the scale of the store and its impact on other centres must be considered.

3.4 In the CSS, Kettering, Corby and Wellingborough are the focus for retail development. Desborough is defined as a Small Town in the CSS with a role of

localised convenience and service centre, where the scale of new development should be related to infrastructure provision and regeneration needs (CSS Policy 1 and Table 1). CSS Figure 14 accompanies policy 12 and sets out that Desborough has no specific retail allocations and a consolidation of the existing offer with small-scale infill is appropriate.

3.5 Few details of the scale of the development were submitted with the original application and further information was requested (letter 24/12/10) and received in January and July 2011.

Scale of retail

3.6 The applicant states that the scale of the proposed store reflects the market and catchment it will serve. The proposed floorspace of 1,660sqm net is envisaged by the applicant to support the weekly main food shopping needs of Desborough and other settlements close by.

3.7 The applicant has stated that the store will predominantly sell convenience goods, although no details of the mix of convenience and comparison goods floorspace have been provided. The applicant states that the store is aimed at providing a main food shopping role, defined by the applicant as generally regarded to be 1,200-1,400sqm net floorspace. It is considered reasonable and necessary to condition that the store fulfils this function, as the site represents the best opportunity to deliver a main food store in the town centre and improve its vitality and viability.

3.8 The CSS states that the scale of proposed retail should be appropriate to the town's role as a small town. All the small towns (Desborough, Rothwell and Burton Latimer) currently have foodstores of various scales. Desborough has a larger population than the other towns, and a smaller amount of total retail floorspace (by approximately 1000sqm net). The existing foodstores in all the small towns are below 1000sqm net floorspace.

3.9 The PPS4 practice guide (paras 7.33-7.36) states that an indicator of the appropriateness of a proposal's scale is whether there is a demonstrable need, based upon current/forecast expenditure and current market shares. Also, the accessibility of the proposal to its intended catchment.

3.10 The applicant submitted a Retail Note in July 2011. The applicant's Retail Note states that the 2011 turnover for convenience retail in Desborough town centre is around £3m and this equates to just 7% of available expenditure in the catchment. So the applicant concludes that 90% of expenditure in the catchment is not being spent in Desborough. The applicant states that the proposed store would increase the turnover figure from 7% to over 45%. The figures appear positive for Desborough, but it should be noted that the Retail Note lacks specifics, does not quote its sources and it is not clear what convenience/comparison mix the figures are based upon.

3.11 The recent 2010 Roger Tym Healthcheck study of Desborough, and the 2011 update, are material considerations in this application. The 2010 study concluded that the town centre is under-performing against a number of

indicators and that it is in a fragile state, with low levels of pedestrian activity, lack of demand for premises and a poor environmental quality. The 2011 update focused upon footfall levels and whether there have been any changes of use in the centre. The update concludes that there has been little change in retail representation in the centre, but an increase in vacancy rates. The footfall survey showed similar levels as in 2010. Overall, the conclusions of the 2010 survey are still considered to represent the current fragile health of the centre.

3.12 The Council have recently employed Roger Tym and Partners to look at the retail report submitted by Indigo Planning in support of the Sainsbury's supermarket application KET/2010/0826 for Magnetic Park Desborough. Although the report relates to that application, many of the conclusions are also relevant to this proposed development. The Final Report (July 2011 paragraph 4.8) comments that Roger Tym are 'satisfied that there is capacity for at least one large-format foodstore to serve Desborough'. The Roger Tym report is based upon an assumption that the Tesco store will be 80% convenience and 20% comparison floorspace and a total of 1,660sqm net (split 1328/332). As mentioned above, the applicant has not submitted any information on the split of comparison/convenience floorspace, so the 1328 convenience floorspace figure is the best evidence before the Council to determine appropriate levels of convenience/comparison floorspace. As stated above, it is considered necessary and reasonable to condition that the new store fulfils weekly main food shopping needs. Based upon the applicant's figures that this equates to between 1200 and 1400sqm net convenience floorspace, and the Roger Tym report which assesses 1328sqm net, a minimum quantum of 1328sqm net convenience floorspace is recommended to be secured by condition.

3.13 The letter from Roger Tym dated 12 August 2011 concludes that the Lawrence's factory site 'offers the most suitable opportunity for improving the vitality and viability of Desborough town centre'. The Roger Tym July report discussed above and the August letter therefore support the view that the scale of the store is appropriate to meet the main food shopping needs of the town/catchment.

3.14 The North Northamptonshire Retail Capacity Update (2011) states that the Rothwell and Desborough zone has a low retention rate for convenience goods, at only 66.1%. This is compared to over 96% in Kettering. The localised retention rate for the Rothwell and Desborough zone is only 11.6%, the lowest in all of North Northamptonshire. The study shows that residents of the Rothwell and Desborough zone shop mostly at Sainsbury's in Market Harborough (25%), then Corby Asda (14%) then Kettering Morrisons (12%) for their main food shopping. The study supports further foodstore provision at Rothwell/Desborough.

3.15 It is therefore considered that although the applicant has provided little information in relation to the proposed scale of the retail development, other available evidence supports the scale of the proposed store in Desborough. As stated above, the impact of a proposed store of this scale must be considered to ensure that any impacts on other centres are acceptable.

3.16 In summary, it is therefore considered that the scale/nature of the retail proposed satisfies EMRP 22 and PPS4 policy EC16(e), subject to the recommended condition regarding floorspace mix. The other small towns in the Borough already have greater provision of retail floorspace than Desborough currently has. The scale of the proposed retail development is considered to be appropriate to the role and function of the centre in accordance with CSS policy 12.

Retail impact

3.17 PPS4 practice guide (para 7.10) states that the impact assessment should identify the effects of the different types of floorspace proposed (i.e. whether it is convenience or comparison) to enable consideration of their impact upon different retail sectors in nearby town centres. The guidance states that the impact of convenience (food) stores may have a great significance on small towns. As stated above, the exact mix of convenience/comparison floorspace has not been stated in the application and thus the impact of each potential convenience/comparison mix has not been assessed.

3.18 The retail impact of the proposal will be felt in the catchment area of the new store. The applicant's letter of 25 Jan 11 states that the applicant has assumed that the catchment area of the proposed Tesco store is broadly the same as that identified by Sainsbury's in their application KET/2009/0734 at Magnetic Park, Desborough. The 2009 Sainsbury's application defined the catchment area as covering the town of Market Harborough and parts of Kettering and Corby as well as villages as far north as Medbourne and as far south as Broughton (see Appendix 3). However, the applicant considers that the catchment of the Tesco store would be smaller; mainly Desborough and its hinterland (including Rothwell, Rushton, Pipewell, Braybrooke, Arthingworth, Harrington, Orton, Loddington and Thorpe Malsor); a 10 minute drive time.

3.19 The applicant considers the catchment area defined in the Retail Report submitted by Sainsbury's (by Indigo dated November 2009) is a reasonable proxy for the proposed Tesco store (see Appendix 3). [The 2009 Sainsbury's application proposed a store of 1,993sqm net floorspace (1,673sqm net convenience, 320sqm net comparison) to meet main bulk food shopping needs.] It should be noted that there are substantial differences between the Tesco scheme and the previous Sainsbury's scheme that would influence shopping patterns and thus the catchment; namely different floorspaces proposed (1,660 Tesco and 1,993 Sainsbury's), different parking provision (142 Tesco and 244 Sainsbury's), different locations, and only the Sainsbury's proposal included a petrol station. It is unlikely therefore that the catchment would be exactly the same.

3.20 The applicant has provided the following list of stores in the catchment area:

Desborough Co-op (Gladstone St)	450sqm net
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Rothwell Co-op	500 sqm net
Corby Asda	6,117 sqm net
Corby Morrisons	2,660 sqm net
Market Harborough Sainsbury's	2,231 sqm net
Market Harborough Co-op	815 sqm net
Market Harborough Lidl	1,319 sqm net
Market Harborough Aldi	1,023 sqm net

The above list produced by the applicant omits many stores in the catchment such as Rothwell Tesco, Desborough Co-op High St, Market Harborough Tesco and Kettering Morrisons, Kettering Sainsbury's, Kettering Asda and Kettering Tesco.

3.21 The applicant's Retail Note states that the new store will have a positive impact on Desborough, increasing turnover by over £16m and clawing back the expenditure that is leaking to other centres. The Note forecasts that the impact on the stores in Rothwell and Desborough will be relatively modest as the turnover of the new store will be drawn from other centres, not from Desborough. The Note states the impact of the proposed store on Desborough town centre will be approximately a 6% negative impact on turnover, largely due to some anticipated diversion of top-up shopping trips from the existing Co-op stores. However, this negative impact will be outweighed by the positive impact of additional convenience goods provision in the town centre. The note states the impact on any other established centres (including Rothwell) will be less than a 5% negative impact. The Note does not quote its sources or the time period the figures cover and thus the impact figure of 5%, or a higher/lower figure, cannot be more accurately confirmed. Officers consider that given the poor health of Desborough, its lower level of retail floorspace in comparison to Rothwell, and the current good health of Rothwell town centre, the Tesco store is unlikely to have an adverse impact on the long term vitality and viability on Rothwell. As the proposed store is in-centre, the impact on Desborough (and the existing Co-op stores) will be to enhance consumer choice and meet needs, an objective of PPS4.

3.22 In summary, the impact on Desborough and other centres in the catchment has been assessed by the applicant as less than 6%. This cannot be confirmed as the submitted evidence is limited. However, from the available evidence it is considered likely that the proposed retail development will not have an adverse impact on the long term vitality and viability of other centres, and Rothwell in particular, as required by CSS Policy 12. Members will need to consider this matter and come to a judgement on the evidence before them, taking account of all material considerations.

Economic impact

3.23 As the proposal is for economic development, the economic impacts of the proposal must be considered. The applicant states that the store will increase turnover by over £16m in the town. This is highly likely to improve the vitality and viability of the centre overall and make the centre more attractive to both shoppers and future investors. As discussed in section 2 above, Policy EC10 has two criteria which relate to economic impact and these are discussed below.

3.24 Criteria (d) of EC10 relates to the impact of the proposal on the economic and physical regeneration of the area, including deprived areas and social inclusion objectives. The application will create jobs in the town/local area and this is a positive benefit of the development. The development will also re-use a site that is currently dormant and considered by some to be an eyesore. The applicant has also proposed some environmental improvements to the site and the wider town centre area. This is discussed in detail in section 18 of the report. It is considered that environmental improvements in the town centre could make a significant impact on the appearance of the town. However, the proposal does not regenerate the factory or other buildings but proposes their demolition. The need to demolish the buildings to enable physical regeneration of the site is a key issue that needs to be justified, and is discussed further in sections 4 and 5. Desborough is not a deprived town and does not suffer from social exclusion so the impact on those further objectives is neutral.

3.25 Criteria (e) of EC10 relates to the impact on local employment. The site currently generates no employment. The application states that 140 jobs (a mix of full and part-time) will be created by the development and this is considered a positive benefit of the development.

3.26 In addition to the new jobs, the re-use of the vacant site and the environmental enhancements, the applicant considers that the provision of a car park in this location is also of benefit to the town. Plus, the applicant states that a foodstore in the town will reduce the distance that local shoppers travel to access their main food shopping destination.

3.27 Policy 1 of the CSS supports the approach taken in PPS4, setting out that the small towns should focus on '*regeneration of the town centres, through environmental improvements and new mixed use developments, incorporating cultural activities and tourism facilities, in order to provide jobs and services, deliver economic prosperity and support the self-sufficiency of the network of centres*'. The development is not mixed use, nor does it include cultural/tourism facilities, but it will provide jobs and support self sufficiency by providing a main food shopping store.

3.28 In summary, there are positive economic benefits to the development, including the regeneration of the site, potential attraction of future investment as a result of the development, increased town centre turnover and retention of shoppers in the town, car parking provision, new jobs and environmental improvements to the town centre. However, the physical regeneration benefits of the development on the town centre should be weighed against the physical loss to the town centre, through the demolition of the factory building and the other buildings on the site, discussed further below.

4. Impact on the Conservation Area

4.1 The site is wholly within the Desborough Conservation Area designated in March 2007. A Conservation Area is '*an area of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance*'. Desborough Conservation Area Appraisal states that its special

character is that it is a discernible industrial suburb, containing a disused boot and shoe factory site and related worker housing; representing the first planned estate in the town. The boot and shoe industry shaped the area and the form and layout of buildings remain intact.

4.2 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the Local Planning Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

4.3 EMRP policy 27 states that development should promote sensitive change of the historic environment and that LPAs should encourage the refurbishment and reuse of disused or under used buildings of some historic or architectural merit and incorporate them sensitively into regeneration schemes. CSS policy 13 states that development should meet needs, raise standards and protect assets. Criteria H, I and O of the policy relate to the historic environment. The criteria seek for development to respect and enhance the character of its surroundings, create a strong sense of place by strengthening distinctive historic townscape, and conserve and enhance historic landscape, designated built assets and their settings.

4.4 PPS5 is the national policy statement on the historic environment and a material consideration in this application. PPS5 provides guidance on designated heritage assets (in this case the Conservation Area) and heritage assets (valued components of the historic environment, with a degree of significance meriting consideration in planning decisions). The site contains the Lawrence's factory and cottages 15-19, 21 and 21A Harborough Road which have all been identified in the Conservation Area Appraisal as significant buildings, and so are considered to be heritage assets.

4.5 Policy HE7 of PPS5 states that LPAs should seek to identify and assess the significance of any element of the historic environment that may be affected, and the value it holds for this and future generations. The nature of the significance could be archaeological, architectural, artistic or historic. In this case, the factory and cottages have local significance for historic reasons, relating to the development of the boot and shoe industry in the town. The cottages are significant in that they relate to the factory and number 21 was owned by four generations of the Riley family (previous owners of the factory). The factory dates from at least 1877 and the cottages are shown on the 1886 OS map. HE7.4 states that LPAs should take account of the desirability of both sustaining and enhancing the significance of heritage assets and making a positive contribution to the character and local distinctiveness of the historic environment.

4.6 Policy HE8 relates to non-designated assets (in this case the factory and cottages) and clearly states that the effect on the significance of that asset or its setting is a material consideration.

4.7 Policy HE9 relates to designated heritage assets such as the Conservation Area. (Note – the adjacent listed building is also a designated heritage asset

but this is discussed separately in the next section.) HE9 sets out that there should be a presumption in favour of the conservation of designated heritage assets. Importantly, loss affecting any designated heritage asset should require clear and convincing justification.

4.8 The applicant submitted a Heritage Statement with the application and an engineering report which covered whether the factory building could be used for food retail. Further detail was requested from the applicant (letter dated 24/12/10) as both the above documents were insufficiently detailed. Since that date, the applicant has also submitted the following in support of their application: the Council's 2009 Feasibility Study Summary by Atkins, a revised Heritage Statement, an Existing Site Buildings note, a PPS5 Statement on HE9.2, a Viability Statement and a note and plan relating to the re-use of the existing factory building for flats and ground floor commercial use.

4.9 Throughout the application the Council have sought the independent advice of a Conservation Consultant and have also sought specialist advice from GVA Grimley on the viability statement.

4.10 Policy HE9 of PPS5 contains two policy tests, part 9.2 applies where an application '*will lead to substantial harm to or total loss of significance*' and part 9.4 applies where '*a proposal has a harmful impact on the significance of a designated heritage asset which is less than substantial harm*'. The LPA considers that 9.2 applies and there will be substantial harm to the Conservation Area. The applicant is of the view that part 9.4 applies.

4.11 The Council's Conservation Consultant and English Heritage both advise that part 9.2 applies to the proposal. English Heritage has maintained an objection to the scheme throughout the application.

4.12 Policy HE9.2 reads as follows:

'Where the application will lead to substantial harm to or total loss of significance LPAs should refuse consent unless it can be demonstrated that:
(i) the substantial harm to or total loss of significance is necessary in order to deliver substantial public benefits that outweigh that harm or loss; or
(ii) (a) the nature of the heritage asset prevents all reasonable uses of the site; and
(b) no viable use of the heritage asset itself can be found in the medium term that will enable its conservation; and
(c) conservation through grant funding or some form of charitable or public ownership is not possible; and
(d) the harm to or loss of the heritage asset is outweighed by the benefits of bringing the site back into use.'

4.13 Many comments have been received regarding the demolition of the factory and cottages. The issue of demolition of the factory, cottages and number 6 Station Road is dealt with in the report for KET/2010/0744.

4.14 That report concludes that all the tests in HE9.2(ii) criteria a-d have not been met. Criteria (a) is not fully justified because the current application fails

to demonstrate that the nature of the heritage assets, in this case a large voluminous rectilinear building over two and three storeys, 15,17, 19, 21, and 21A Harborough Road, and 6 Station Road, cannot be reasonably re-used, or retained in their current use. Criteria (b) is not fully justified because the current application fails to demonstrate the lack of a viable use of the factory building or other buildings. Criteria (c) is not fully justified because no evidence has been provided to demonstrate that grant funding is or is not currently available to enable the conservation of the buildings in their current form. No evidence has been provided that there are no interested parties, in the form of charitable bodies or public bodies or other forms of public ownership that have an interest or possible use for the buildings, in their current or altered form. The application therefore does not meet this criteria. (It is noted that the Desborough Community Development Trust have commented on the applications indicating their interest in acquiring the factory using funding from the Heritage Lottery Fund and the Maud Elkington Charitable Trust. However, no information has been submitted to the Council indicating if or how likely such funding might be available). Criteria (d) is not fully justified because the current application does not acknowledge the significance of the heritage assets and the harm that their loss would cause.

4.15 As the application fails to meet all of the criteria at (a) to (d) in HE9.2(ii) it therefore falls to be assessed solely against paragraph HE9.2(i) - that the harm/loss of significance is necessary in order to deliver substantial public benefits that outweigh that harm/loss.

4.16 In applying the test at HE9.2(i) Members will need to decide the following:-

- (a) whether there is substantial public benefit arising from the planning application; and if so,
- (b) whether the substantial public benefit outweighs the substantial harm (loss of the buildings) to the Conservation Area; and if so,
- (c) whether the substantial harm is necessary in order to deliver the substantial public benefit

Officer advice on (a) to (c) above:-

(a) whether there is substantial public benefit arising from the planning application:

4.17 It is considered that there is substantial public benefit arising from the proposed demolition and development of the site via the following.

1. Physical regeneration of a redundant industrial site, having a poor and deteriorating appearance in a prominent town centre/Conservation Area location, via the provision of a new supermarket building, parking and landscaping.
2. Environmental enhancements to the surrounding town centre and Conservation Area. The site is located in the town centre, close to and with pedestrian links to Station Road. The town centre as a whole is accessed principally from High Street (off Harborough Road) and as such the junction at High Street and Station Road would benefit from

improvements, as a gateway to the town centre. From that junction, improvements to Station Road would benefit the town centre as a whole, and better unify these two areas as a town centre location. The materials palette should complement that used on the Tesco site and New Street to visually unify those areas with Station Road and High Street. The Council have estimated the enhancement scheme sought via the S106 obligation will cost approximately £800,000. Overall, the environmental improvements sought by condition and S106 obligations include:-

2. new hard and soft landscaping, planters and other improvements to the length of New Street and Station Road and part of High Street
 3. public art
 4. improvements to boundary treatment
 5. seating, marking of parking bays
 6. a substantial fund for shop front improvements on High Street
 7. undertaking on and off-site highway improvement works
 8. provision of a bus shelter and bus boarder on High Street
 9. provision of crossing points and other improvements to pedestrian links
 10. provision of pedestrian and cycle infrastructure to the north of the site
- A financial contribution towards Fire and Rescue is also sought.
3. Retention of shopping spending in Desborough and an increase in vitality and viability of the town centre. The applicant states that the 2011 turnover for convenience retail in Desborough town centre is around £3m and this equates to just 7% of the available expenditure in the catchment area; hence approximately 90% of available expenditure in the catchment area is not being spent in Desborough. The applicant concludes that the proposed store would increase the turnover figure from 7% to over 45%.

The Council's own independent commissioned research (Roger Tym, 2010-11) also concluded that Desborough town centre is under-performing and in a fragile state, with low levels of pedestrian activity, lack of demand for premises and a poor environmental quality. The Roger Tym letter dated 12.08.11 concludes that the Lawrence's factory site 'offers the most suitable opportunity for improving the vitality and viability of Desborough town centre'.

Further evidence in the North Northamptonshire Retail Capacity Update (2011) states that the localised retention rate for Rothwell and Desborough is only 11.6%, the lowest in all of North Northamptonshire. The study shows that residents of the Rothwell and Desborough zone shop mostly at Sainsbury's in Market Harborough (25%), then Corby Asda (14%) then Kettering Morrisons (12%) for their main food shopping. The study therefore supports further supermarket provision at Desborough.

4. Boost to local employment through creation of 140 jobs in total (full and part time).

(b) whether the substantial public benefit outweighs the substantial harm (loss of the buildings) to the Conservation Area:

4.18 It is considered on balance that the substantial public benefit outlined in (a) above would outweigh the *substantial harm to the Conservation Area*.

(c) whether the substantial harm is necessary in order to deliver the substantial public benefit:

4.19 It is considered that there is no other available town centre site which would be of a size suitable for a supermarket development of the size proposed, and there are no other alternative application proposals which would retain the buildings before the Council. As such, it is not therefore possible to deliver the substantial public benefit outlined above from any other town centre site development. Having regard to the physical constraints of the application site itself, such as limited vehicular access, proximity to residential neighbours, and the scale of the proposed supermarket and parking, it is not possible to deliver the proposal (and the related substantial public benefit) without demolishing the existing buildings. The supermarket application from Sainsburys would also not be able to deliver the substantial public benefit outlined above, because that site is not in the town centre and hence is not so closely physically related to the town.

4.20 The following paragraphs focus upon what is proposed to replace those buildings, and its impact on the Conservation Area. The Conservation Area Appraisal identifies key views and significant buildings within the Conservation Area (see Appendix 4). Several of these will be affected by the development and they are discussed below.

Key view 6 from Harborough Road east along Gladstone Street

4.21 This view currently highlights a coherent relationship between the northern range of the factory and 21 and 23 Harborough Road; creating an interesting urban form. This view will be completely changed by the proposal, with the demolition of the factory and the cottages and the widening of Gladstone Street. The urban form and sense of enclosure of this view will be neither preserved nor enhanced by the proposed development. A scheme of boundary treatment is recommended to be secured by condition to mitigate the impact of the loss of street definition to Gladstone Street.

Key view 7 from Gladstone Street west towards Harborough Road (the reverse view of 6)

4.22 This view currently shows the rear of numbers 15-21 and 23 Harborough Road. The view highlights the presence of the former bus depot on the A6, which terminates the vista between 21 and 23. This view will be completely altered by the proposals with the widening of Gladstone Street and removal of numbers 15-21. The view of the former bus depot will remain, however the enclosed character of the view will be neither preserved nor enhanced by the proposed development. A scheme of boundary treatment is recommended to be secured by condition to mitigate the impact of the loss of street definition to

Gladstone Street.

Key view 11 north-west along New Street from Station Road

4.23 This view currently shows the uniformity of New Street and the strong building line of the planned street. The proposed development will create a strong building line on the western side of the street, which is currently open land. However the uniformity of the proposed design does reflect the character of this view and is therefore considered to preserve this view.

Key view 4 from Harborough Road north-east towards the pub and into the site

4.24 This view currently shows the listed pub and its sparse setting, a result of the 1970's road widening. The proposed development would remove further built development from the view through the removal of the cottages. This would leave the pub further isolated in the streetscene which Members may or may not consider does not preserve or enhance this view.

Key view 5 from Gold Street/Harborough Road junction towards the factory

4.25 This view currently shows the factory and highlights its rectilinear form in the landscape. With the loss of the factory, and replacement with a lower, wider building, this view will neither be preserved nor enhanced.

4.26 The applicant has not provided any comment on the impact of the proposed development on the key views within the Conservation Area, but has commented upon the impacts on the significant buildings, discussed below.

23 and 25 Harborough Road and their outbuildings

4.27 The applicant states that the strength of the Georgian architecture of these dwellings will mean they remain the focal point of the vista of Harborough Road and that the removal of the factory will improve their setting. The applicant considers the outbuildings do not have a direct engagement with the site so the development will have a neutral impact on them. The loss of 15-21 Harborough Road will isolate 23 and 25. The setting of the dwellings will be opened up, highlighting them but also changing their enclosed relationship with Gladstone Street and the factory. The significance of the dwellings will be preserved but their setting will be detrimentally altered and not enhanced.

81-83 High Street

4.28 The applicant considers that the development will enhance their setting. These buildings are significant because they are remnants of the historic core of the town and are characteristic of the local vernacular. The development will be to the north-east of these buildings with no links proposed from High Street. The development will preserve the significance of these buildings, but in no way enhance it.

Building attached to number 1 New Street

4.29 The applicant considers the development will have a neutral impact on this building. The significance of this building is that it appears to have been built for the boot and shoe industry. With the loss of the factory, the significance of this building in the Conservation Area is reduced and neither preserved nor enhanced.

Range of outbuildings to the rear of properties on the south-west of New St and north-west of Station Road

4.30 The applicant considers that the setting will be enhanced with landscaping. The significance of this range of outbuildings is that they represent one of the earliest forms of factory and were the most common place of work before factories became mechanised. They clearly relate to the development of the boot and shoe industry. With the loss of the factory, their significance in the Conservation Area is neither preserved nor enhanced.

4.31 The elevational treatment of the proposed store is considered to be sympathetic to the origins of the site, with the use of facing brick panels and the references to the arched head windows. However, the use of modern materials is not wholly appropriate and should be minimised to restrict the impact and not dilute the character of the Conservation Area and the predominance of 19th century materials. This can be secured by condition. It could be argued that the low lying mass of the store does not respect the tall, narrow mass of the existing factory and would undoubtedly significantly affect the views within the Conservation Area as mentioned above.

4.32 In summary, Members will need to decide whether they consider policy HE9.2 applies (i.e. the development '*will lead to substantial harm to or total loss of significance*') or policy HE9.4 applies (i.e. the '*proposal has a harmful impact on the significance of a designated heritage asset which is less than substantial harm*'). Officers consider that the demolition of the buildings on the site would result in *substantial harm and loss of significance* to the Conservation Area in PPS5 terms (HE9.2). This view is shared by English Heritage and the Council's Conservation Consultant.

4.33 In addition, it is considered that the proposed development does not preserve or enhance several of the key views in the Conservation Area or the significant buildings within it. The development will detrimentally affect the special character, appearance and historic interest of the Conservation Area, contrary to PPS5, EMRP policy 27, CSS policy 13 and the Planning (Listed Buildings and Conservation Areas) Act 1990.

4.34 However, it is considered on balance that the proposed demolitions and regeneration of the site, together with the substantial public benefit that such regeneration would bring to the community (as detailed in this section and also in sections 3 and 18), would outweigh the *substantial harm/loss of significance*, and that the loss of the buildings is necessary in order to deliver such benefit. But Members will need to make their own judgement in this regard and this issue should be weighed against all other material considerations.

5. Impact on the adjacent Listed Building

5.1 The site is directly adjacent to the Grade II listed building the Oak Tree public house (111 High Street), located on the corner of Harborough Road and High Street. The building was listed in November 2002.

5.2 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act

1990 places a duty on the LPA to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.

5.3 As discussed above, PPS5 recognises listed buildings as designated heritage assets. The significance of the Oak Tree is its age (circa 1700) and history as one of two surviving inns from that period of the town's history. The front range is a little altered example of a house of that period but there are also mid 19th and 20th century additions. The main range of the building is constructed of coursed rubblestone under a stone coped slate roof but rear wings are of brick.

5.4 PPS5 Policy HE10 relates to development that affects the setting of a designated heritage asset and states '*LPAs should treat favourably applications that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset. When considering applications that do not do this, LPAs should weigh any such harm against the wider benefits of the application. The greater the negative impact on the significance of the heritage asset, the greater the benefits that will be needed to justify approval.*'

5.5 The applicant considers that, due to its scale and design, the listed building dominates its setting and the vistas on Harborough Road. The applicant states that this dominance will be maintained by the scheme and the development will appear in the background of any vistas. The applicant considers that the development will enhance the setting of the listed building.

5.6 The listed building does dominate the streetscene along Harborough Road and it is highly visible due to the convergence of several roads in this location. It could be argued that the current run-down state of the factory and cottages has a neutral if not negative impact on the setting of the listed building when viewed from all vistas.

5.7 The removal of the factory, cottages and number 6 Station Road will have little impact on the setting of the public house in terms of its historic significance to the town.

5.8 Under the proposed development scheme, the public house would be adjacent to a landscaped area fronting Harborough Road, and the pub car park and outbuildings would back onto the supermarket car park. The pub would be visible from Harborough Road and Gold Street, and views would also be possible from Gladstone Street and New Street. The removal of the cottages and replacement with a new wider road and car park will further isolate the pub in the streetscene.

5.9 In conclusion, the setting of the public house will be altered by the proposals. The site currently has a negative impact on the setting of the listed building. It is considered that the proposed development will not detrimentally affect the setting of the listed building. It is for Members to consider, under their duty to have special regard to the desirability of preserving the setting of the

listed building, whether the application preserves those elements of the setting that make a positive contribution and/or better reveal the significance of the asset, as per the guidance in PPS5.

6. Design and Character

6.1 PPS1 states that planning should facilitate and promote sustainable and inclusive patterns of urban and rural development. A key principle of this is the promotion of high quality and inclusive design. PPS1 clearly states that design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.

6.2 EMRP Policy 2 seeks to promote better design, by taking account of local natural and historic character and helps to reduce crime and the fear of crime, supports community safety, promotes vitality, maintains amenity and privacy and benefits the quality of life of local people. CSS policy 13 seeks a high standard of design which respects and enhances its surroundings and creates a strong sense of place by strengthening the distinctive historic and cultural qualities and townscape of the towns and villages through design, landscaping and public art.

6.3 The applicant and the Council invited the OPUN Design Review Panel (the Architecture and Built Environment Centre for the East Midlands) to comment on the application from a design perspective. Their comments have been summarised in section 4 above (within the section of comments from the public/non-statutory organisations).

Scale

6.4 The mass of the store is large in comparison to the existing buildings on the site. The applicant has minimised the height of the building by using the site levels. The proposed building is lower and less imposing than the existing factory.

6.5 The supermarket building is to be located to the east of the site, on the west side of New Street. The supermarket will be between 9 and 12m from the front of the existing New Street properties. The New Street elevation varies in height across the length of New Street; from 3.7m tall at the northern end, to 5.4m at the southern end. Due to the orientation of the sun (east to west in the southern part of the sky) and the distance between the buildings, the supermarket is not likely to overshadow the properties on New Street. It should also be noted that the existing factory is three storeys tall on the corner of New Street and Gladstone Street, so the new building will be less tall and imposing than what is currently there.

Urban form/layout

6.6 The applicant has located the store to the north-east of the site, aligning the rear of the store with New Street. Harborough Road is approximately 1.5 metres above the level of the site, and the proposed vehicular access point is considered by the applicant to be the safest and most practical. The service yard is located to the east of the site, furthest from the access point. The store

turns its back to New Street and its side to Station Road, so the store does not face the residents of New Street or face towards the shops on Station Road. It is fair to say that the access and servicing arrangements have heavily influenced the layout proposed.

6.7 The customer parking area has been located away from New Street to minimise noise impact on existing residents. The access road has been located away from the majority of residents (on New Street) to minimise impact. The layout includes a new pedestrian access from Station Road to increase permeability and link the site with the shops on Station Road.

6.8 The layout of the site means that the access road and car parking are highly visible in the streetscene. This leaves a large gap in the Harbourough Road frontage which is considered to be detrimental to the setting of 23 and 25 Harbourough Road; which are currently enclosed by 21 (which is to be demolished) and the relatively narrow Gladstone Street (which is to be widened). This could be mitigated to some extent by appropriate boundary treatment and landscaping.

6.9 The position of the store, to the north-east of the site places the rear of the store parallel to New Street. This encloses the street, which has raised objections from the existing residents of that street in terms of loss of light, overlooking and overbearing. I do not consider that New Street residents will be detrimentally affected by loss of light, due to the path of the sun (see above). However, for the residents that currently have a completely open aspect into the site, approximately numbers 31 to 15, the position of the new building might feel like it is overbearing. I recognise that this is different to the current situation, however, it is the same level of overbearing that currently exists on the neighbouring streets of Mansefield Close and Burghley Street, which are the same width. The height of the store is 5.2m maximum on the New Street elevation, which is approximately the same as the eaves height of the standard terrace houses in this area. In terms of overlooking, there is potential for overlooking between the windows of the store and the dwellings on New Street. Details of the windows and their glazing will be secured by condition to ensure no amenity impact.

6.10 The position of the service yard is not considered ideal from the perspective of the pedestrian. Two of the routes to the store (from Station Road and New Street) will require pedestrians to walk around the service yard, therefore there is not direct access. Also, once parked, people arriving by car would need to access the store by crossing the main vehicular access road, used by both cars and delivery lorries.

6.11 The sub-station is located to the east of the site and is not visually dominant in the streetscene or the site. The materials of the sub-station can be secured by condition to ensure they are appropriate in the context.

6.12 The CABI document 'Supermarket led development: asset or liability' encourages supermarket development to relate well to its neighbourhood. The proposed layout has pedestrian links to Station Road and the car park will

serve the wider town centre. The CABE document also recommends active frontages at street level and attractive pedestrian desire lines.

Appearance

6.13 All elevations are visible from the public realm, due to the location of the store. However, three of the four elevations are plain in appearance and only the front elevation – facing the car park – includes any variety of design features. During the application, some revisions to the design were made. Changes have related to the form and design of the service yard, the addition of windows to all elevations and the removal of plant from the car park area to the roof of the store.

6.14 The front elevation is the most striking and the tall arched windows and angled roof pitches give the building a presence. The use of timber under the roof is dominant in the design, as is the use of aluminium louvres. There are many large glazed panels and doors. The southern end of the front elevation is plain, with rendered panels, and a utilitarian looking aluminium double door. The entrance to the service yard is also highly visible, as is a further aluminium door and larger up-and-over roller door for deliveries. It is considered essential to ensure the gate to the service yard is of an appropriate design; this can be secured by condition. Overall the elevation is interesting but the mix of modern materials with traditional is not considered appropriate in this location (see materials section below).

6.15 The rear elevation (on New Street) remains plain with a horizontal emphasis, only marginally broken up by the archway features. The use of render is dominant and the use of brick is minimal. Windows are proposed at either end of the elevation, added during the application to add interest. However, this has little effect and the elevation remains plain and uninspiring with no active frontage. Members may take the view that a more active frontage could be detrimental to the amenity of New Street residents. There is an exit on this elevation, details of which has not been provided, and will be secured by condition.

6.16 The Gladstone Street elevation has a jumbled appearance, with a variety of materials used for the same design features, and windows (of various heights) added to increase interest. Due to the levels difference, the windows do not allow views of the Tesco sales floor, but views of above the racks. The use of render on the elevation is again predominant. The timber structure under the roof will be visible, as will a large section of the aluminium louvres. This elevation could be further improved by the use of more appropriate materials; less render and more brick and minimal use of modern looking materials. There is an exit on this elevation, details of which have not been provided, and will be secured by condition.

6.17 The east (service yard) elevation has been revised by the applicant. This elevation was originally dominated by a timber acoustic fence, but this has been replaced by a taller wall which is more akin to the other elevations; with the same repeating archway design. The use of render is dominant, and could be reduced to reflect the typical red brick buildings of the area. Windows have

been added to the eastern corner of the elevation to add interest, however they are at a different height to those adjacent (on the New Street elevation) so will appear dis-jointed. This elevation is highly visible to those people accessing the store from New Street, via the path past the service yard turning area. The turning area is defined by a 1m high wall with railings above. The wall will also be highly visible from the front of the store and the pedestrian access from Station Road. Final details of this wall will therefore be secured by condition.

Materials

6.18 New Street is characterised by red brick properties, with stone detailing to cills and lintels and slate roofs (though many now have concrete tiles). Some properties have been rendered in grey or cream and some painted cream. The properties on Harborough Road are of brick, but number 23 has been smooth rendered and painted white. The proposed materials for the store are as follows:

- Red brick with stone quoins
- Cream render panels
- Silver powder coated aluminium louvres/panels to the front elevation under the roofline
- Roof of Grey Kingspan KS1000TD with Xtralight rooflights
- Timber elements to the roof of the front elevation
- Glazing with frame to be coloured RAL 9006

The use of render is considered excessive on some elevations of the buildings, and could be reduced. Also, the extensive use of silver coloured louvres will appear dominant in the design and does not reflect vernacular materials or colours. No samples of the proposed materials have been submitted and so their appropriateness cannot be fully considered. Materials details and how the materials are proposed to be included into the elevations will be required by condition.

Boundary treatment

6.19 The boundary to New Street is the store itself, and has already been discussed above. The boundary to Harborough Road will be highly visible to store users but also anyone travelling through the town, as it is a main through route. The boundary between Gladstone Street and the car park will also be highly visible. As previously mentioned, the proposed car park will be approximately 1.5m lower in level than Harborough Road/Gladstone Street. This will require a retaining wall to be built along Harborough Road for approximately 15m and along Gladstone Street into the site for a length of approximately 30m. Further retaining walls are also proposed to support the access ramp from Gladstone Street into the site; a length of 25m to cover a levels difference of almost 2m. The proposed boundary treatment is a retaining wall of 1.1m tall in brick to match the superstore. The overall height will be a maximum of 2.9m, at the point where Gladstone Street abuts the car park.

6.20 Details of the boundary treatment to the south and south-east of the site (abutting the pub and the rear of the properties on Station Road) have not been provided. Final details of all boundary treatment will be secured by condition and where possible the bricks from the demolished buildings will be used in the new boundaries.

Lighting

6.21 No details of lighting of the car park, exterior of the building or the new pathways have been provided; this can be secured by condition. Please also see section 11 below.

Trolley stores and other permitted development rights

6.22 No details have been provided of trolley stores. These are usually located in the car park area and/or the front of the store. It is considered important to ensure the front of the store is kept free from clutter to allow safe access for pedestrians and cyclists, away from the road. Trolley stores could also be potentially visually intrusive in the Conservation Area and detract from the setting of the listed building, as the front of the store and car park area are both highly visible. Therefore it is recommended that permitted development rights are removed for trolley stores; this can be secured by condition. Other permitted development rights will also be removed by condition to ensure control remains with the Local Planning Authority in this sensitive and highly visible location.

Crime prevention

6.23 The Police have commented on the application and suggested various crime prevention measures, such as CCTV, anti-graffiti paint, secure car parking and ensuring the cycle racks are located in a visible location. These measures are recommended to be secured by condition.

Summary

6.24 In conclusion, the layout of the store has sought to minimise impact on the residents of New Street and does take some cues from the design and character of the surrounding area. The layout does provide links to Station Road and an active frontage to the front of the store. However, the design fails to provide an active frontage to the other elevations so does not maximise opportunities for adding character and vitality. The pedestrian routes are welcomed, however the pedestrian desire lines from Station Road and New Street are hindered by the location of the Service Yard and its boundary wall. The layout and general design are considered appropriate in the context of the site and the constraints of nearby residential properties, tight access and varied site levels. The new pedestrian link to Station Road is considered to improve connections between the site and the town centre and to improve the way it functions. Further details of materials, boundary treatment and finishes are to be finalised by condition. It is considered that while more could have been achieved to enhance the character of the store, and the experience for visitors on foot and by car, the applicant has made some changes to address the design concerns expressed by officers and consultees during the application process, discussed above. On balance, it is considered that in terms of overall design the proposal could have been better but is not of such a standard that would warrant a recommendation for refusal by itself, and not when considered against all other material considerations in this report. Members will need to consider whether, with the imposition of the recommended conditions, the development represents high quality development which enhances its surroundings; satisfying PPS1, PPS4 EC10, policy 2 of the EMRP and policy

13 of the CSS.

7. Hard and Soft Landscaping

7.1 PPS1 states that development should take account of the need to improve the built and natural environment in and around urban areas and enhance as well as protect landscape and townscape character.

7.2 EMRP Policy 2 promotes better design through the enhancement of landscape quality. CSS policy 5 seeks a net gain in green infrastructure and policy 13 seeks a high standard of design which respects and enhances its surroundings and creates a strong sense of place by strengthening the distinctive historic and cultural qualities and townscape of the towns and villages through design, landscaping and public art.

7.3 The application includes a Landscaping Strategy. The strategy can be summarised as follows:

- Tree, shrub and hedge planting to the northern site boundary (to the northern side of Gladstone Street adjacent number 23 Harborough Road) and adjacent the northern elevation of the store
- Along New Street, car parking will be re-provided as well as street improvements such as re-surfacing of the carriageway and pavement and tree/shrub planting. This is shown on the 'Public Realm New Street' plan 4809/ASP4 Rev A (see Appendix 5) and 'Environmental Enhancement Proposals' plan 4809/ASP6 Rev A (see Appendix 6)
- Along the southern edge of the site (abutting the rear gardens of properties on Station Road) tree, shrub and hedge planting
- To the west of the site (on the east side of Harborough Road) formal tree planting will be introduced with understorey shrub and hedge planting
- Adjacent to the Oak Tree public house (a listed building) will be informal tree and shrub planting to create a landscape buffer to the public house.
- The pedestrian link from Station Road into the site will include paved footways and new specimen tree planting as per 'Environmental Enhancement Proposals' plan 4809/ASP6 Rev A.
- New paving either side of the new pedestrian crossing across Harborough Road as per 'Environmental Enhancement Proposals' plan 4809/ASP6 RevA.

7.4 The Landscape Supporting Statement has considered the impact of the landscaping on the townscape, visual amenity (views), the Conservation Area and the adjacent listed building.

- The applicant considers the landscaping scheme to have a beneficial impact on the immediate site and a neutral impact on the wider setting.
- The applicant has assessed visual impact from 14 viewpoints. It is not clear why/how these viewpoints were chosen and they do not correspond to the key views identified in the Conservation Area Appraisal.
- The applicant considers that the scheme will benefit the Conservation Area, through shared surfacing and planting to integrate the site within the Conservation Area. None of the key views in the Conservation Area have been discussed.

- The applicant considers the landscaping will have a neutral impact on the listed building and views of the pub from Harborough Road will remain the same.

7.5 It is considered that the landscaping scheme could be improved to enable a positive impact on the setting of the Conservation Area and listed building, rather than a neutral impact. The key views into the Conservation Area should be considered in particular. The Landscape Masterplan requires updating to take account of revisions to the site layout and the Planting Plans do not show the whole site to the north. It is recommended that hard and soft landscaping schemes are secured by condition, to ensure an appropriate scheme is provided.

8. Highways, accessibility and parking

8.1 PPG13 aims to integrate planning and transport to promote more sustainable transport choices, promote accessibility to jobs and shopping by public transport, walking and cycling and reduce the need to travel, especially by car.

8.2 EMRP Policy 2 promotes better design. In particular, designing facilities with access by foot, cycle and public transport and ensuring highway and parking design improves safety and the quality of public spaces.

8.3 CSS Policy 4 seeks to enhance local connections by securing improvements to the local bus network and walking and cycling networks with secure cycle parking facilities at key destination points.

8.4 The application includes a Transport Assessment, Safety Audit and further information submitted in June 2011, which have been reviewed by the Highways Authority. Highway works are shown indicatively on the Site Plan.

Vehicular access

8.5 The vehicular access to the site is to be from a new priority junction in the location of the existing Gladstone Street/Harborough Road junction. A new teardrop roundabout off Gladstone Street would then enable access to the store. The existing one way section of Gladstone Street would be re-located to the north of the store. It would not be possible for traffic to exit the site and travel north up Gladstone Street (to Nichols Street); traffic would be directed solely onto Harborough Road.

8.6 All junctions likely to be affected by the development have been assessed, taking account of committed developments. All junctions have sufficient capacity to cater for the additional traffic until 2021. Provision of the new Gladstone Street/Harborough Road junction and access road will be secured by condition.

Delivery/servicing

8.7 The Transport Assessment (TA) includes a swept path analysis (Appendix N of the TA) which shows a 16.5m lorry can manoeuvre into the Service Yard. Plan 100374-PL05-H shows that the same size lorry can manoeuvre into

Gladstone Street. The delivery vehicles will enter and exit from Gladstone Street and cross the entrance of the store and four pedestrian crossings. The Assessment does not consider home delivery from the store and is not part of the application. The Highways Authority advises that there may be safety implications if home delivery operations were permitted.

Stage 1 Safety Audit

8.8 The Audit highlights two potential safety problem areas. The first is Harbour Road; the proposed controlled pedestrian crossing, to the north of Gold Street. The report highlights the need for cowls/louvres on the lights to ensure drivers are not confused between the two sets of lights for the two crossings in this area. The second problem area is Gladstone Street. The report highlights that Gladstone Street will be 9m wide and visual or mobility impaired pedestrians may struggle to cross in one go. A solution would be a refuge island, but this is not possible however as a 16.5m lorry would not be able to access the street. The wide hatching area on the street will need to be used as a refuge instead.

Framework Travel Plan

8.9 A Travel Plan has not been submitted with the application. This can be secured through the S106 agreement and approved prior to commencement of development.

Construction Management Plan

8.10 To ensure construction works do not detrimentally affect the highway, a Management Plan is sought by the Highways Authority and will be secured by condition.

Cycle access and cycle parking

8.11 The applicant states that all of Desborough is within a 7.5 minute cycle time of the store. The Highways Authority has secured agreement with the applicant to provide a cycleway to the north of the site. 24 secure cycle spaces are proposed on the site for staff and customers, located in two areas to the south and north of the service yard. Some cycle spaces are provided within 20 metres of the store entrance, others are approximately 53 metres away in the south-east corner of the car park. The Police have commented that those spaces could be more appropriately located in order to reduce the likelihood of crime. It is recommended that the location and design of the cycle stands, and the cycle routes within the site will therefore be subject to approval by condition, in addition to the provision of the cycleway to the north.

Pedestrian access

8.12 The application includes a plan showing pedestrian link enhancements with the Landscaping Supporting Statement, shown on plan 4809/ASP5 Rev C (see Appendix 7)

8.13 Pedestrian access is proposed from the following areas:

- From Harbour Road to the north via the new crossing in Gladstone Street (also the site vehicular entrance)

- From Harborough Road to the south and Gold Street to the west via the proposed new crossing
- From New Street via the path which winds around the Service Yard to the east, south and west to access the store entrance
- From Station Road via a new pedestrian link between numbers 12 and 16 Station Road

The applicant shows that the town centre and some surrounding residential areas are within a 3.75-10 minute walking distance of the proposed store. It is recommended that all pedestrian connections and new crossings/footways are secured by condition.

Public Transport access

8.14 The Highways Authority originally sought a contribution towards public transport provision of service 18 between Rothwell and Desborough. The operator Stagecoach has decided to maintain this service despite the withdrawal of County Council funding. A contribution is therefore not required. The nearest bus stop is located on the High Street to the south and on Gold Street to the west. The Highways Authority requires that a bus shelter and raised bus boarder is provided by the applicant, to enhance accessibility and promote modal shift away from the car. This can be secured by condition. Maintenance costs can be secured via the S106 agreement.

Parking for customers, staff and New Street residents

8.15 The parking proposed is:

- 142 spaces (including 10 disabled and 6 Parent and Child)
- 9 staff spaces off Gladstone Street
- 26 spaces on/off New Street for residents of New Street

The standard spaces are 4.8m x 2.4m and disabled spaces are 4.8m x 3.6m and the space between opposing parking bays is over 6m. These dimensions are in line with the standing advice from the highways authority. One disabled space does not have sufficient width and so a final parking layout will be secured by condition.

8.16 PPG13 (updated Jan 2011) includes parking standards for retail developments over 1000sqm gross floorspace. The standards are: maximum of 1 space per 14sqm gross floorspace for food retail and maximum of 1 space per 20sqm gross floorspace for non-food retail. The proposal provides 132 spaces (PPG13 states that parking for disabled people should be additional to the maximum standards) for 2387sqm gross floorspace which equates to a maximum provision of 170 spaces (if using the 1 space per 14sqm maximum). The applicant is providing 1 space per 18sqm gross floorspace. EMRP Policy 48 supports PPG13 and the application of maximum parking standards. The police have suggested that the parking should accord with Safer Parking Guidance and this, and the final details of the parking area, can be secured by condition.

8.17 The applicant has based the parking provision on the Parking SPG of 2003. This SPG related to the Northamptonshire Structure Plan, the transport policies of which are no longer part of the Development Plan. The Parking SPG is thus not relevant to this application.

8.18 The parking standard for disabled people is set out in DfT advice leaflet 5/95. The standard is 3 bays or 6% of the total capacity, whichever is the greater. This equates to 7.9 spaces. The proposal provides 10 spaces, which exceeds the requirement. Comments have been received which question the location of these bays as they are close to the service yard. However, it is considered alternative locations would not be as close to the store entrance.

8.19 The staff parking area is off Gladstone Street to the side of the store. This area of Staff parking requires the stopping up of highway land. This is a matter for the Highways Authority to control.

8.20 The application re-provides parking spaces for New Street residents. There are currently 22 spaces available to New Street residents to park. The proposed development will see the provision of 26 spaces (17 in a parking area and 9 on street). The police and others have commented that the spaces will not be overlooked and are enclosed and will feel unsafe. A lighting scheme for the parking area of 17 spaces is recommended to be secured by condition to ensure this area is adequately lit. To ensure parking provision for New Street, a condition to secure a minimum 26 spaces are made available during construction, and that all 26 are available prior to first use of the store is recommended.

Refuse vehicle turning in New Street

8.21 Refuse vehicles use both ends of New Street to turn around. Indicative plans of the proposed turning heads have been provided by the applicant, but final details of the turning heads and their provision can be secured by condition.

New Street public realm

8.22 Resurfacing and public realm works are required along the length of New Street. This can be secured by condition.

Public highway dedication/stopping up

8.23 It is unclear what areas will need to be dedicated as highway as a result of the development and what land is to be stopped up. The development will necessitate the dedication of some land as Highway and Stopping Up Orders, a matter for the developer and the relevant authority to resolve. The Highways Authority has recommended that all buildings are located a minimum of 1m from the public highways (existing and proposed) and no doors or windows should open onto or over it. The emergency exits will drop onto private land and not the highway so further details are not required. Window details can be secured by condition to ensure they do not open onto the highway.

8.24 With the suggested conditions and the Travel Plan and the maintenance of the bus shelter/raised bus boarder to be secured in the S106 obligation, the proposal is considered to be in accordance with policies PPG13, PPS4 policy EC10, policy 2 of the EMRP and policy 4 of the CSS.

9. Noise

9.1 PPG24 states that the planning system has the task of guiding development to the most appropriate locations. Where it is not possible to achieve a separation of land uses, the LPA should consider whether it is practicable to control or reduce noise levels, or to mitigate the impact of noise.

9.2 Policy 2 of the EMRP promotes better design, including maintaining amenity and privacy and benefitting people's quality of life. CSS policy 13 states that development should not result in unacceptable impact on the amenities of neighbours or the wider area by reason of noise.

9.3 The application is supported by a Sharps Redmore Noise Assessment received November 2010 and a supplemental report submitted in April 2011. The original noise assessment concluded that mitigation measures were required, and opening hours could be agreed with the Local Planning Authority. Further noise monitoring information was requested from the applicant to enable a thorough assessment of the impact on nearby residents. The supplemental report was submitted which assumes worst case noise limits (peak hour activity in the car park and service yard) at points on New Street, Station Road and High Street. The report concluded that:

- Worst case noise levels from deliveries would be 41.7 dB LAeq,1Hr at 10 New Street. Deliveries should not take place at night to ensure existing night time noise levels are not exceeded
- The predicted noise levels at the facades of nearby properties, caused by car parking are at 32-37 dB LAeq,1Hr, trading hours of 07:00 to 23:00 Monday to Saturday and 10:00 to 17:00 Sunday are recommended.

The consultation response from Environmental Health therefore concludes that the supplemental report demonstrates that the noise impact of the development can be mitigated, subject to appropriate conditions to ensure appropriate hours of demolition/construction work, appropriate construction noise levels, Noise Management Policy, retail opening hours of 07:00 to 23:00 Monday to Saturday and 10:00 to 17:00 Sunday and Bank/Public Holidays, maximum noise levels from car Parking/general activity and deliveries and plant, controlled delivery hours and a further Noise Assessment prior to the retail use commencing.

10. Contaminated land

10.1 The application included a Listers Phase 1 Geotechnical Desk Study Report. This report relates to a previous site assessment undertaken in 2007 for a proposed residential scheme on the site. Further information was submitted by Delta Simons in March 2011 which reviewed previous reports and agreed that additional soil testing, in areas of the site not already tested, should be completed. Also, full radon protection measures are recommended for the Tesco store building (this is a Building Control matter).

10.2 The Environmental Health team does not object the proposal, subject to a recommended condition covering contaminated land. With the imposition of the condition, the development is considered to satisfy CSS policy 13 and PPS23.

11. Lighting

11.1 The impact of artificial light on the amenity of the surrounding residential properties has been considered by Environmental Health. During the

application, revised plans for the site were submitted which included the addition of windows to the rear (New Street) elevation and both the side elevations. This raised the issue of the potential for artificial lighting in the store to detrimentally impact on residential properties e.g. New Street. Of particular concern was lighting within the store outside of opening hours, due to replenishment activities. Further information on this was submitted in July 2011.

11.2 Environmental Health are satisfied that the impact can be mitigated, subject to conditions regarding glazing details to be submitted, maximum lux levels of 5 Lux between 23:00 and 07:00 daily (measured at the nearest light sensitive premises), and a Lighting Impact Assessment for all lighting to be approved prior to commencement of development. With the imposition of these conditions, the development is considered to satisfy CSS policy 13.

12. Other Environmental Health matters

12.1 Environmental Health have requested that conditions are imposed to control extraction and ventilation equipment (should this be required) and also to ensure adequate litter disposal facilities are made available on site. These conditions are recommended to satisfy CSS Policy 13 and ensure no amenity issues arise.

13. Waste

13.1 PPS10 (March 2011) aims to protect the environment by producing less waste and using it as a resource wherever possible. The revised PPS places more emphasis on waste management, and promotes the waste hierarchy of prevention, preparing for reuse, recycling, other recovery, and disposing only as a last resort.

13.2 PPS10 states that proposed new development should be supported by site waste management plans of the type encouraged by the code of practice *Site Waste Management Plans: guidance for construction contractors and clients*, published by the DTI. The Plan should identify the volume and type of material to be demolished and/or excavated, opportunities for the reuse and recovery of materials and to demonstrate how off-site disposal of waste will be minimized and managed.

13.3 The applicant's Environmental Sustainability Statement states that a dedicated waste recycling area is proposed to provide segregation and storage areas and a compactor to minimise waste volume. No details of this have been provided with the application although the document states it is to be located in the service yard.

13.4 The Environmental Sustainability Statement states that demolition and construction waste will be minimised, reused and recycled and stored on site in a dedicated area. Waste will be sorted for potential re-use and opportunities sought for re-use on site or elsewhere. Reference is made in the application to Tesco construction waste segregation and recycling policy, but this policy has not been provided.

13.5 The County Council are the Waste Planning Authority for the area. They have commented that the applicant has not referred to policy CS7 and CS8 of the Northamptonshire Minerals and Waste Development Framework Core Strategy (adopted May 2010) (NMWCS) or the adopted 'Development and Implementation Principles SPD'. The applicant is required to submit a Waste Audit and a Waste Management Facilities Strategy, the implementation of which can be secured by condition. Due to the nature and size of the proposed development, 'neighbourhood' level waste facilities are required to be provided.

13.6 Following the comments on the County Council, the applicant submitted a Waste Management Plan in July 2011. The Waste Planning Authority comment that the plan concentrates on management methods, rather than details of what will be carried out, and is not tailored closely to the actual development proposal. As mentioned above, it would be good to see if bricks from the demolition of the factory and cottages, can be re-used on the site for boundary walls, or the sub-station building etc. A comprehensive Waste Audit and Waste Management Facilities Strategy will therefore be required by condition. Subject to the imposition of the recommended conditions, the development proposal will be able to satisfy policies CS7 and CS8 of the NMWCS, the 'Development and Implementation Principles SPD' and CSS Policy 13.

14. Ecology

14.1 PPS9 states that the Government's broad aim is to have minimal impact upon biodiversity and enhance it wherever possible. To contribute to urban renaissance and urban renewal the objectives are to enhance biodiversity in green spaces so they are used by wildlife, valued by people and contribute to a better quality of life. Also, to ensure that the developments take account of the value of biodiversity in supporting economic diversification and contributing to a high quality environment. Policy 29 of the EMRP seeks no net loss of BAP habitats and species. CSS policy 13 seeks the conservation and enhancement of biodiversity and the environment. The aim of the Biodiversity SPD is to ensure that biodiversity is fully addressed in every proposal.

14.2 There are no statutory nature conservation designations on the site, the nearest is Tailby Meadow, a Local Nature Reserve, approximately 1.1km south-east of the site. The nearest Local Wildlife Site is The Plens, approximately 0.3km to the north of the site.

14.3 The applicant has submitted an Ecological Assessment which has assessed the site and the buildings within the site. The habitats on the site are of common and widespread species unlikely to be of ecological importance. The survey work recorded the presence of common birds and small numbers of foraging bats (a European Protected Species). There is no evidence of other protected species. There are no objections to the development from Natural England, the Wildlife Trust, North Northants Badger Group or the Northants Bat Group. Northants Bat Group wish to see the landscaping/planting scheme include buddleia and alternative sheltered hang-up spots. This can be covered in the landscaping condition (as mentioned in section 7). Conditions are recommend by Natural England to control the timing of demolition and site

clearance, secure bat mitigation measures and secure appropriate measures to eradicate the exotic plant species on site. The first two conditions have been added to this application, and the KET/2010/0744 application respectively. The third suggested condition is recommended to be an informative to the developer.

14.4 Subject to the imposition of the recommended conditions, the proposal is considered to accord with PPS9, EMRP policy 29 and CSS policy 13 and the adopted Biodiversity SPD.

15. Archaeology

15.1 PPS5 is the national policy which covers the historic environment, including archaeology. There are no recorded archaeological features on the site. The Extensive Urban Survey for Desborough (2000) states that *'There would appear to be little potential for below ground archaeological investigation for the industrial period in Desborough. Buildings and monuments of the industrial period that have been demolished have largely been replaced by modern development. There are also standing examples of most of the monument types in other locations in the county.'* Therefore the significance of the site in archaeological terms is considered to be limited.

15.2 The County Archaeological Advisor comments that the submitted Heritage Statement refers to the Development Brief which was accompanied by an Archaeological Building Assessment produced by Northamptonshire Archaeology which concludes that the factory building appears in good condition and could be converted. The Advisor concludes that the removal of the buildings which form the major component of the Conservation Area will result in substantial harm to a designated heritage asset and are contrary to PPS5 HE10. The Advisor also requests that if the application is approved, the buildings that are to be demolished should be recorded. A condition to this effect is considered reasonable and in line with policy HE12 of PPS5.

15.3 The harm to the significance of the Conservation Area in terms of archaeology is considered neutral as the archaeological potential of the site is limited. However, the buildings should be fully recorded before they are demolished and this can be secured by condition. I therefore consider that the application demonstrates compliance with PPS5 in terms of archaeology, EMRP policy 27 and CSS policy 13.

16. Flooding

16.1 PPS25 seeks to ensure that flood risk is taken into account at all stages in the planning process, to avoid inappropriate development in areas at risk of flooding and to direct development away from areas at highest risk. EMRP policy 35 seeks mitigation for unacceptable impacts on flooding or ground water storage.

16.2 The applicant has submitted a Flood Risk Assessment that concludes the site is within flood zone 1 (1 in 1000 year risk) and the proposed use is 'less vulnerable'. The site is therefore classed as 'appropriate' for the proposed use.

16.3 The Environment Agency originally objected to the Flood Risk Assessment (FRA) but this has subsequently been revised. The Environment Agency (letter dated 7 July 11) have advised that revision D of the FRA is adequate and that subject to a condition regarding surface water drainage, they have no objection.

16.4 The Environment Agency advice does not consider the risk of flooding from other sources (groundwater, drainage systems, reservoirs, canals or ordinary watercourses), the LPA therefore need to be satisfied that the proposed development is also in accordance with other requirements of PPS25 Annex C.

16.5 In terms of groundwater, the site is located above a minor aquifer (although this is thought to have been removed) and so no concerns are raised. Regarding drainage, Anglian Water has not objected to the proposals. There are no Reservoirs or Canals in the vicinity. Regarding watercourses, the site is approximately 1km north of the River Ise, but no impact concerns have been raised by consultees. Therefore, subject to the imposition of the recommended conditions, the proposal is considered to be in accordance with PPS25, EMRP policy 35 and CSS policy 13.

17. Sustainability and Energy Efficiency

17.1 PPS1 states that sustainable development is the core principle underpinning planning; by promoting resource and energy efficient buildings. The PPS1 Supplement 'Planning and Climate Change' states that LPAs should expect new development to comply with adopted DPD policies on local requirements for decentralised energy supply and for sustainable buildings.

17.2 PPS22 states that LPAs should consider the opportunity for incorporating renewable energy into all new developments and supports local policies which seek on site renewables, where viable. EMRP Policy 2 promotes better design via minimal energy use, improving water efficiency, minimising waste and pollution and securing renewable technologies. CSS policy 14 is in accordance with the above national and regional policies by seeking the highest viable standards of resource and energy efficiency in carbon emissions.

17.3 The application includes an Energy Statement, Environmental Sustainability Statement and Sustainable Design SPD Checklist. Further correspondence from Scott Wilson (the applicant's consultants) has also been submitted. The applicant has demonstrated that 10% energy reduction can be achieved. The applicant considers part (b) of policy 14 should apply. Part (b) applies to smaller proposals and seeks 10% renewables and energy, water and waste efficiency measures.

17.4 The Joint Planning Unit advise that part (a) of Policy 14 applies to the development as it is a large development of over 2000sqm floorspace. Part (a) seeks BREEAM 'very good' standards and a target of at least 30% of the demand for energy to be met on site and renewably (where viable). The Joint Planning Unit have commented that Policy 14 part (a) can be satisfied by a condition regarding a Low Zero Carbon Feasibility Study (LZCFS) and a target

of 30% and minimum 10% of the demand for energy. Subject to the imposition of conditions securing the LZCFS and the implementation of the approved details, the development is able to satisfy PPS1, PPS4 EC10, PPS22, EMRP policy 2, CSS policy 14 and the Sustainable Design SPD.

18. Section 106 Obligations and Community Infrastructure Levy

18.1 CSS policy 6 states that new development will be supported by the timely delivery of infrastructure, services and facilities necessary to provide balanced, more self-sufficient communities and secure modal shift. National policy supports the use of S106 obligations to:

- restrict development or the use of land,
- require operations or activities,
- require the land to be used in a specific way, or
- require payments to be made in a single sum or periodically.

Circular 5/2005 'Planning Obligations' states that it may be possible to make unacceptable developments acceptable through the use of planning conditions or where this is not possible, through planning obligations.

18.2 The Community Infrastructure Levy Regulations 2010 (as amended), came into force in April 2010. The CIL Regulations empower Local Planning Authorities to set a CIL charge in their area to fund infrastructure, but this does not mean that S106 obligations cannot be used, where they meet the tests in Regulation 122. Regulation 122 states that:

'A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is (a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development.'

If the obligation does not meet the tests, the obligation may not be taken into account when determining a planning application.

18.3 During the application, the S106 Heads of Terms originally submitted with the application have been revised. The S106 terms have not been agreed between the council and the applicant. The following paragraphs set out the offer from the applicant and the terms sought by the Council.

18.4 The latest draft S106 (2 November 2011) obligation submitted by the applicant covers:

- Undertaking on and off-site highway and environmental improvements as detailed on Aspect Plan no. ASP6 A (see Appendix 6) namely: New Street enhancements, pedestrian crossing on Harborough Road and associated paving either side of Harborough Road, new paved pedestrian link from Station Road into the site
- Provision of a bus shelter and bus boarder on High Street
- Provision of improvements to pedestrian and cycle infrastructure to the north of the site
- Financial contribution of £400,000 to be paid to the Council towards environmental enhancement to the Conservation Area and D2 policy area (the 'Area') to include improvements to public realm (shown indicatively on plans 4809/SK001 E, 4809/SK002 D and 4809/SK003 B –

see Appendix 8) and improvements to any commercial/residential buildings within the Area including replacement shop fronts, new boundary treatments and other improvements which would enhance the character and appearance of the Area.

The County Council have also sought £3,249.45 contribution towards Fire and Rescue. The applicant has agreed to a contribution of £553.50, based upon the net additional floorspace, and taking account of the loss of the existing buildings, which currently place a demand on fire and rescue resources.

18.5 The applicant's illustrative plans for environmental improvements to the Area, are detailed below:

Environmental improvement proposed by the applicant	Applicant's estimated cost
Waypoint markers	£7,000
Crossing point/shared surface on Station Road – at the pedestrian access to the Tesco site	£46,500
Crossing point/shared surface on Station Road – at the junction of Station Road, Welland Court and New Street	£12,200
2 Planters	£2,000
25 Bollards	£3,750
2 seats, 2 fingerpost signs, an information point, 2 planters and 25 bollards at junction of Station Road and Havelock Street	£11,250
Improvements to 2041sqm of Station Road pavement	£71,435
Earthworks, paving, 7 tree pits, 6 seats, 20 bollards, 4 bins and area at the junction of Station Road and High St	£61,500
Paving, 3 seats, 2 planters and 25 bollards at Harborough Road and south of Gold Street	£14,245
<i>NOTE – Gold Street and some of Harborough Road are not within the Area</i>	
Public Art	£75,000
TOTAL	£304,880
Contingency	£22,988
OHP and Fees	£30,344
TOTAL	£358,212

18.6 The applicant's valuation of the indicative scheme is approximately

£300,000-£360,000. As an indicative scheme, no details have been provided by the applicant as to design and materials. The cost will therefore vary depending upon the final details of a scheme and the cost of an agreed palette of materials, labour etc. The applicant proposes a contribution of £400,000 in total, the remainder of the money to be spent on replacement shop fronts, new boundary treatments etc.

18.7 The Council do not consider the indicative scheme and the other sum of approximately £40,000 for shop fronts/boundary treatment to represent a significant enhancement to the Area. Some of the improvements proposed are considered unnecessary and potentially harmful to the street scene and character of the Conservation Area, for example an excess of signage and bollards. The Council consider that the cost of an improvement scheme to the Area would cost more than is being suggested by the applicant, as discussed below.

18.8 Desborough Town Council has objected to the most recent S106 terms proposed by the applicant, discussed above. They object on the grounds that the money should be spent upon improving High Street around the Doctor's surgery, Library, Co-op and George Public House and the remaining money should be identified for 'community use'. As stated above, S106 obligations must comply with Regulation 122. The Town Council have not supported their objection with evidence to demonstrate that the obligations sought comply with Regulation 122; in that they are necessary to make the development acceptable, directly related to the development, or fairly and reasonably related in scale and kind to the development.

18.9 As stated above, the Council have not agreed the terms put forward by the applicant. The Council have sought:

- Environmental improvements to the town centre (scheme to be agreed) but estimated at a cost of £800,000
- Framework Travel Plan and maintenance costs of the new bus shelter and raised bus boarder
- 5% Monitoring fee
- Fire and Rescue Contribution of £553.50

The provision of other highways works is to be secured by condition, not through the S106 obligation (please see section 8).

18.10 The Council are seeking significant environmental improvements to Desborough town centre. The justification for seeking the contribution is CSS policy 1, Local Plan policy D2, the emerging Rothwell and Desborough Urban Extension AAP and the Desborough UDF.

18.11 CSS policy 1 states that small towns like Desborough are a secondary focus for development, with the emphasis on regeneration of the town centres through environmental improvements and new developments to provide jobs, services and greater self-sufficiency. An improved town centre is therefore a key policy aspiration. Policy D2 is clearly shown on the Local Plan Proposal Map for the town and relates to Station Road, High Street, Mansfield Close,

New Street, Burghley Close and Havelock Street. The policy states that environmental improvements are required including cleaning of buildings, landscaping and review of highways/junctions. The emerging AAP identifies town centre regeneration as a priority. Emerging policy 16 sets out that planning obligations will be used to improve the public realm by improving its quality, appearance, achieve attractive gateways and other interesting features. The UDF identifies the need for high quality streetscape improvements to improve its overall architectural character and image, particularly in the High Street and Station Road areas. Through local public consultation, the UDF identified that improvements are needed to pavements, road surfacing, street furniture and lighting.

18.12 The Council and the applicant agree that the geographical area for the environmental improvements is to be defined by the town centre boundary, the D2 policy area and the Conservation Area. (This area includes the George and the Co-op, highlighted by the Town Council as a priority area for improvement.) The application site is located in the town centre, close to and with pedestrian links to Station Road. The site is the principal site capable of delivering real regeneration to the town centre, to retain expenditure within the catchment helping the self-sufficiency of the town and revitalising the centre. Environmental improvements must be done comprehensively to ensure that the scope for linked trips is brought into effect by linking the application site and the rest of the centre and improving the quality of these linkages. The town centre as a whole is accessed principally from High Street (off Harborough Road) and as such the junction at High Street and Station Road would benefit from improvements, as a gateway to the town centre. From that junction, improvements to Station Road would benefit the town centre as a whole, and better unify these two areas as a town centre location. The materials palette should complement that used on the Tesco site and New Street to visually unify those areas with Station Road and High Street.

18.13 The Council have suggested the environmental improvements could include new hard and soft landscaping, improvements to boundary treatment, seating, marking of parking bays, public art etc. and a fund for shop front improvements. The Council have estimated the scheme will cost approximately £800,000. This sum is based upon an area of 4000sqm and a cost of £200 per sqm. The 4000sqm is the approximate area of pavement along Station Road, the public realm at the junction of High Street and Station Road and the shared surfacing areas on Station Road suggested by the applicant. The cost of £200 per sqm is based upon the Council's recent experience of town centre improvements in Kettering Town Centre. Those improvement works have varied in cost from £200-£1000+ per sqm (as stated in the outline costings quoted in the adopted Public Realm SPD). As such, the Council believe that using a figure of £200 per sqm is entirely reasonable and reflects the minimum quality of improvements expected over the agreed area.

18.14 The cost of the environmental improvements cannot be finalised at this stage, as the Council and the applicant agree that a scheme for environmental improvements should be subject to consultation and the input of the Town Council and local people. In that way, areas of priority for environmental

improvements, and details of those improvements, can be agreed and resources targeted to those areas to deliver maximum benefit. The Council therefore seek that a S106 is entered into to secure environmental improvements to the agreed town centre area, a final scheme to be agreed and then implemented prior to the opening of the store.

18.15 The other obligations sought by the Council relate to highways works required by the Highways Authority (Travel Plan and maintenance costs), a standard 5% monitoring fee and fire and rescue contribution (agreed to be £553.50). It should be noted that the applicant has not provided any evidence to show that the level of obligations sought by the Council would make the development unviable.

18.16 It is considered that the provisions in the S106 obligation sought by the Council meet the tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended). The improvements are necessary to make the development acceptable, and are supported by CSS policy 1, Local Plan policy D2 and policy 16 of the emerging Desborough Urban Extension AAP. As discussed above, the agreed area for environmental improvements is directly related to the town centre development and its access points. The kind (type) of improvements are broadly agreed to be streetscape, landscaping and shop fronts to commercial properties and boundary treatment to residential units. The precise scale of the improvements sought will be agreed through the final scheme.

18.17 If the committee members are minded to approve the application, it is recommended that they do so subject to a S106 being completed that secures what the Council have sought in S106 obligations, as set out above. A suggested timescale for the completion of such an agreement is 2 months.

19. Consultation by the applicant

19.1 The Council's adopted Statement of Community Involvement encourages applicants for large-scale schemes to consult with the public on their proposals prior to submitting their planning application. The applicant has submitted a Community Involvement Report with their application detailing public consultation undertaken September/October 2010. Further clarification was requested in a letter dated 24/12/10 as the Community Involvement Report did not contain copies of the information that was consulted upon or details of all comments made by community groups or at the public consultation event. Further information on the consultation was received in January 2011.

19.2 The consultation material that was presented at the public exhibition (1-2 October 2010) included the site layout, elevations and visuals. The flier that was distributed included reference to a petrol station, which the planning application does not include.

19.3 The consultation undertaken by the applicant highlighted concerns from the community regarding; the location of new parking for New Street residents, the impact of the store on the town centres businesses, the need to respect the town's heritage/old buildings, increased traffic on Gladstone Street, loss of

housing and the site's covenant. Many comments in favour of the store referred to the provision of a petrol station. The applicant states that the comments were taken on board. No significant changes were made to the application layout/design following the consultation in September/October 2010 and prior to the submission of the application.

20. Consultation Draft National Planning Policy Framework and Planning for Growth Ministerial Statement

20.1 The Government published a Draft National Planning Policy Statement (NPPS) on 25th July 2011. The consultation ended on the 17th October 2011. The Draft NPPS sets out the Government's economic, environmental and social planning policies for England and should be read and interpreted as a whole. The NPPS, when finalised, will replace the majority of the existing National Planning Policy Statements/Guidance Notes, Circular 05/2005 on Planning Obligations and other national guidance. A review of the supporting documentation/good practice guidance will also be undertaken. The consultation document is a clear indication of the Government's direction of travel in planning policy. The Draft NPPS is capable of being a material consideration in a planning decision, but the weight given to it is for the decision maker to decide.

20.2 The Draft NPPF stresses the importance of sustainable development and states that the default answer to development proposals should be 'yes'. The document states that significant weight should be attached to the benefits of economic growth. Also of particular relevance to this application is paragraph 187 which states 'loss of a building (or other non-designated heritage asset) that makes a positive contribution to a Conservation Area or World Heritage Site should also be treated as substantial harm to a designated heritage asset'. This reflects the Council's view that part 9.2 of policy HE9 is the relevant policy test and not 9.4 as the applicant has maintained (see section 4 above).

20.3 It is considered that the Draft NPPF does not significantly alter any existing national policy that has been discussed in this report. The Draft NPPF serves to highlight the conflict between the potential benefits of economic development, and the harm that can be caused to designated heritage assets.

20.4 The Minister of State for Decentralisation published a Written Ministerial Statement on 'Planning for Growth' on the 23rd March 2011. This statement is capable of being regarded as a material planning consideration. The Minister sets out that the Government will reform the planning system and that their top priority is to promote sustainable economic growth and jobs.

20.5 The statement sets out that where relevant, and consistent with their statutory obligations, when deciding planning applications Local Planning Authorities should:

1. consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after the recent recession;
2. take into account the need to maintain a flexible and responsive supply of land for key sectors, including housing;

3. consider the range of likely economic, environmental and social benefits of proposals; including long term and indirect benefits such as increased consumer choice, more viable communities and more robust local economies (which may, where relevant, include matters such as job creation and business productivity);
 4. be sensitive to the fact that local economies are subject to change and so take a positive approach to development where new economic data suggest that prior assessments are no longer up to date;
 5. ensure that they do not impose unnecessary burdens on development.
- It is considered that the above 5 points have been considered in this report.

21. Other issues raised

Covenant

21.1 There is currently a restrictive covenant on the site (imposed by the previous owner) which prevents the retail use of the site. The Council's Executive Committee has authorised the investigation into the most appropriate way to remove the covenant, including use of Section 237 of the 1990 Planning Act (as amended). The existence of the covenant does not affect whether the site can or should be granted planning permission. The existence of the covenant is not a material consideration to this application.

Parish Poll

21.2 A Parish Poll was held in Desborough on the 14/10/10 which asked '*Do you support the supermarket application on Magnetic Park (west of the Grange) Desborough?*' This poll is not a material consideration for this application.

De-value house prices

21.3 House prices are not a material consideration in planning decisions.

Environmental Impact Assessment (EIA)

21.4 EIA is necessary where a proposal is likely to have significant environmental effects. The proposal was screened for whether an EIA was necessary, and the Council's formal screening opinion (published 10/9/2010, and updated 6/5/2011) concluded the development was not EIA development.

Validation of the application

21.5 The application was made valid when the Validation Requirements, both national and local, were met.

Mark Wilkinson Letter

21.6 A letter dated January 2011 was circulated in Desborough from Greatline Developments (the joint applicant) regarding the merits of the application. This letter does not form part of the application and has not been considered in this report.

Conclusion

It is recommended that the application is approved, subject to the signing of a S106 obligation in the terms that have been sought by the Council (to be completed within a period of 2 months from the date of this committee) and

subject to the imposition of the recommended conditions. In reaching this conclusion it is considered that the application is very finely balanced. Many issues are clearly resolvable by the use of conditions, such as highway impact and flooding.

However, the benefits and harm of the proposal are clear; the proposal will bring economic benefit to the town, and regenerate the site and the wider town centre; however, it will have some negative impact on other town centres. The site and existing buildings have heritage value and the proposal will mean substantial harm to the Conservation Area. Members will need to determine if the economic benefits of the proposed development and the S106 obligation sought by the Council outweigh the harm to the Conservation Area and potential negative impact on Rothwell town centre.

In reaching a recommendation account has been taken of several material considerations. Limited weight has been placed on the Desborough UDF and the Development Brief, as the Local Plan policy which they came from no longer exists. More weight has been given to the Roger Tym North Northamptonshire Retail Capacity Study (Final Report Feb 2011), the Roger Tym Retail Audit of KET/2010/0826 Magnetic Park Final Report (July 2011) and letter dated 12 August 2011, the Roger Tym Desborough Healthcheck (2010) and KBC update (2011) all of which demonstrate the town centre is struggling in terms of vitality and viability. Weight has also been given to national policy; in particular PPS4, PPS5 and PPS1. Limited weight has been given to the emerging National Planning Policy Framework, which is only in draft form at present. The Ministerial Statement on Planning for Growth has been considered as a material planning consideration. Members will need to consider what weight they wish to put on all the material considerations relevant to this proposal.

Background Papers

Title of Document:

Date:

Contact Officer:

Susan Garbutt, Senior Development Officer on 01536
534316

Previous Reports/Minutes

Ref:

Date:

SITE LOCATION PLAN

Former Lawrence Factory Site, Harbour Road, Desborough
Application No.: KET/2010/0743



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