

Application Number: WNS/2021/0481/MAR

Location: Land Adjacent to Tesco, Old Tiffield Road, Towcester

Proposal: Reserved matters application for details of scale, appearance and landscaping for a retail and restaurant development comprising five Class A1 retail units and three A3/A5 food and drink uses including 'drive thru' and associated access and parking pursuant to outline planning permission S/2016/2850/MAO on land adjacent to Tesco, Old Tiffield Road, Towcester, Northamptonshire.

Applicant: Tesco Stores Ltd

Agent: DPP

Case Officer: Laura Bell/Suzanne Taylor

Ward: Towcester and Roade

Reason for Referral: Major development

Committee Date: 4th November 2021

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

Proposal

This application seeks reserved matters permission for the scale, appearance and landscaping for a speculative retail and restaurant development. Outline permission has already been granted for the principle, access and layout of the development. The current submission therefore includes details of the external appearance and size of the proposed buildings and landscaping plans.

Consultations

The following consultees have raised **objections/concerns** to the application:

- Highways, Towcester Town Council, Surface Water Drainage Team (LLFA)

The following consultees have raised **no objections** to the application:

- Planning Policy, Archaeology, Northants Police CPDA, Environmental Protection, Building Control, Ecology.

The following consultees are **in support** of the application:

- Economic Development

1 letter of objection has been received.

Conclusion

The application has been assessed against the relevant policies in the NPPF, the adopted

Local Plan and other relevant guidance as listed in detail at Section 8 of the report.

The key issues arising from the application details are:

- Principle of Development
- Scale
- Appearance
- Landscaping

The report looks into the key planning issues in detail, and Officers conclude that the proposal is acceptable subject to conditions.

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1 The site measures 1.9 hectares in area and is located adjacent to the existing Tesco store situated off Old Tiffield Road, approximately 1.2km to the north of Towcester town centre. The site itself comprises a parcel of undeveloped land bounded by the A43 and a Porsche car showroom to the north, the A5/A43 roundabout junction to the west and the existing Tesco supermarket to the south. Further retail and industrial uses lie to the east beyond Old Tiffield Road. Degra House, a residential children's home, is located directly to the south west of the site.
- 1.2 This site is surrounded by a mixture of employment and retail uses including a car showroom and a garden centre. To the south west of the site, beyond the A5, is an Aldi supermarket off Old Greens Norton Road and alongside a Shell PFS accessed from the A5.
- 1.3 The land is characterised by scrubby grassland with mixed species hedges to the southern, northern and western boundaries and there is a mature field boundary/drainage ditch which runs roughly north-south through the eastern part of the site.
- 1.4 The site can be accessed from the Old Tiffield Road which links to the A5 Watling Street and the A5/A43 roundabout junction is located to the west. The site is not designated for any particular use in the Development Plan but it is located within the built-up limits of the town confines of Towcester.

2. CONSTRAINTS

- 2.1. The application site is within Towcester town confines, an area of Archaeological Assets, medium to low flood risk, within 2km of two local wildlife sites and within 300m buffer of Waste Development Allocation.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. This application seeks reserved matters permission for the scale, appearance and landscaping for a speculative retail and restaurant development. Outline permission has

already been granted for the principle, access and layout of the development. The current submission therefore includes details of the external appearance and size of the proposed buildings and landscaping plans.

- 3.2. **IMPORTANT NOTE:** The Government temporarily modified the Town and Country Planning Act 1990 and the Planning (Listed Buildings and Conservation Areas) Act 1990 to enable certain planning permissions and listed building consents in England which would have lapsed or were due to lapse during 2020 to be extended with the 'Business and Planning Act 2020'. This states that "*any deadline for the submission of applications for the approval of reserved matters under an outline planning permission which would otherwise expire between 23 March 2020 and 31 December 2020 is extended to 1 May 2021*". In this case the outline would have expired on 20 December 2020 (3 years after the outline was granted on 20 December 2017) and it was therefore extended to 01 May 2021. The reserved matters application was received and registered as valid on 24 April 2021 and so complies with the terms of the extension for planning permissions set out in this temporary Act. More details can be found here: <https://www.gov.uk/government/publications/extension-of-certain-planning-permissions-draft-guidance/extension-of-certain-planning-permissions-draft-guidance>

4. RELEVANT PLANNING HISTORY

- 4.1. The following planning history is considered relevant to the current proposal:

Application Ref.	Proposal	Decision
S/2019/1341/MAO	Outline application for a care home	Withdrawn
S/2016/2850/MAO	Outline application to consider principle, layout and access for a retail and restaurant development comprising five Class A1 retail units and three A3/A5 food and drink uses including 'drive thru' and associated access, parking -	Approved
S/2016/2766/SCR	Screening opinion for proposed development comprising of five class A1 retails units and three class A3/A5 food and drink units including a drive thru	EIA not required

5. RELEVANT PLANNING POLICY AND GUIDANCE

Statutory Duty

- 5.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

Development Plan

- 5.2. The Development Plan comprises the West Northamptonshire Joint Core Strategy Local Plan (Part 1) which was formally adopted by the Joint Strategic Planning Committee on 15th December 2014 and which provides the strategic planning policy framework for the District to 2029, the adopted South Northamptonshire Local Plan (Part 2) and adopted Neighbourhood Plans. The relevant planning policies of the statutory Development Plan are set out below:

West Northamptonshire Joint Core Strategy Local Plan (Part 1) (LPP1)

5.3. The relevant policies of the LPP1 are:

- SA (presumption in favour of sustainable development);
- S1 (distribution of development);
- S2 (hierarchy of centres);
- S9 (distribution of retail development);
- S10 (sustainable development principles);
- S11 (low carbon and renewable energy);
- C1 (changing behaviour and achieving modal shift);
- C2 (new developments);
- BN2 (biodiversity);
- BN5 (historic environment and landscape);
- BN7 (flood risk);
- INF1 and INF2 (infrastructure delivery and requirements).

South Northamptonshire Local Plan (Part 2) (LPP2)

5.4. The relevant policies of the LPP2 are:

- SS1 – The Settlement Hierarchy
- SS2 – General Development and Design Principles
- EMP3 – New Employment Development
- RET1 – Brackley and Towcester Town Centres
- INF1 – Infrastructure Delivery and Funding
- INF4 – Electric Vehicle Charging Points
- HE2 – Scheduled Ancient Monuments and Archaeology
- NE4 – Trees, Woodlands and Hedgerows
- NE5 – Biodiversity and Geodiversity

Material Considerations

5.5. Below is a list of the relevant Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG) Air quality; Climate change; Community Infrastructure Levy; Design; Ensuring the vitality of town centres; Natural environment; Planning obligations.
- Supplementary Planning Guidance: Developer Contributions; Energy Efficiency; Northamptonshire Parking Standards; Light Pollution; Planning Out Crime
- SNC Design Guide
- Towcester Masterplan
- South Northamptonshire Retail Study March 2010

6. RESPONSE TO CONSULTATION

Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

Consultee Name	Position	Comment
Towcester Town Council	Concern	<p>Concern about safety of pedestrians crossing Old Tiffield Road due to increased traffic and about the impact of future signage.</p> <p><i>(Officer Note: The principle and access have already been approved and highways/pedestrian infrastructure has already been agreed under the outline. Future signage/adverts would be the subject of advertisement controls/applications at a later date).</i></p>
National Highways	No comments received	-
Highways	Observation	<p>Observe that the accessible bays do not meet current standards and a swept path analysis should be provided to show HGV access and manoeuvring for the service.</p> <p><i>(Officer Note: The site layout and parking/manoeuvring have already been approved under the outline consent and cannot be changed)</i></p>
Anglian Water	No comments received	-
Surface Water Drainage Team (LLFA)	Object	<p>Object due to insufficient information being provided to demonstrate that surface water has been adequately addressed.</p> <p><i>(Officer Note: Conditions 17 and 18 of the outline requires a surface water drainage scheme to be submitted and agreed prior to commencement and subsequently maintained thereafter).</i></p>
Minerals and Waste	No comments received to date	-
Archaeology	No objection	<p>Subject to the imposition of a condition to require a programme of archaeological investigation.</p> <p><i>(Officer Note: Conditions 22 and 32 of the outline requires this).</i></p>
Northants Police CPDA	No objection	<p>Recommends the gating of the rear service yard which should be lockable and height restriction barriers with a lockable bar at lower level to prevent illegal encampments. Also recommends fire doors to meet an accredited security standard and units should be alarmed for third party response if triggered. The car park should be illuminated to at least 0.2Uo and recommend monitored CCTV is provided.</p>

Northants and Beds Wildlife Trust	No comments received	
Planning Policy	No objection	
Economic Development	Support	A Local Labour Strategy is requested. <i>(Officer Note: Condition 23 of the outline require a LLS to be submitted and agreed prior to commencement).</i>
Environmental Protection	No objection	Observes that Electric Vehicle Charging Points should be covered by existing conditions. <i>(Officer Note: Condition 21 of the outline requires an air quality impact assessment and proposed mitigation resulting from this could deal with EVCP. Noise, odour, nuisance from construction/plant/machinery and contaminated land are all covered by conditions on the outline).</i>
Licensing	No comments received	
Building Control	No objection.	Radon Protection to be ascertained. All surface water to soak away. Fire Risk Assessment required. Fire Vehicle Access to be ascertained.
Ecology Officer	No objection.	
Waste Services	No comments received	-

7. RESPONSE TO PUBLICITY

Below is a summary of the third party and neighbour responses received at the time of writing this report.

- 7.1. There has been 1 letter of objection from a neighbouring business raising the following comments:

- Impact on character and appearance of the area (gateway site for town);
- Odour and litter nuisance from hot food/drive through units;
- Drive-through/hot food units too close to neighbours to south

(Officer Note: Condition 28 of the outline requires submission and approval of a scheme to prevent odours from the restaurant units; the outline also includes Condition 16 which requires details of refuse storage facilities and a S106 contribution towards litter picking by Towcester Town Council)

8. APPRAISAL

Principle of Development

- 8.1. The principle of development is established though the outline consent (S/2016/2850/MAO), which remains extant (see paragraph 3.2 above). The site benefits

from consent for the access and layout (including HGV manoeuvring/parking provision), which were dealt with as part of the outline consent.

- 8.2. The retail units would be arranged as a terrace of five retail units situated to the north of the site, with three additional A3/A5 units located to the south of the site. A shared service yard will be provided to the rear (north) of the retail terrace along with a car park for 235 cars in the centre of the site and abutting the east and west site boundaries. A new access from Old Tiffield Road with a 5 arm roundabout to the north of the access to the Tesco Superstore will be provided.

Scale

- 8.3. The proposal comprises a total of 5,722sqm gross internal floorspace. In accordance with condition 3 of the outline consent, the A1 floorspace (units 1-5) will not exceed 5,025sqm gross internal area and the A5 restaurant/hot food takeaway uses (units 6, 7 and 8) will not exceed 697sqm gross internal floor area.
- 8.4. The proposed units will be provided as follows:

Unit	Use	Gross Internal Area (sqm)	Gross External Area (sqm)
Unit 1	A1	1,858sqm	1,921.4
Unit 2	A1	790sqm (includes 323.1 sqm of mezzanine space)	809.638.84
Unit 3	A1	614sqm	638.8
Unit 4	A1	1,010sqm (includes 257sqm of mezzanine space)	1,042.7
Unit 5	A1	753sqm	783.14
Unit 6	A5 Drive-Thru	282sqm	293.3
Unit 7	A3/A5	187sqm	195.2
Unit 8	A3/A5	228sqm	248.4

- 8.5. In accordance with condition 4 of the outline consent, no single unit will be greater than 2,562sqm gross internal area (including in some cases the proposed mezzanines) nor be smaller than 557 sqm gross internal floorspace.
- 8.6. The units are all rectangular in shape, with units 1 to 5 having barrelled roofs, which assists in breaking up the mass of the collective buildings. Units 6,7 and 8 have flat roofs, but all units are within the height parameters set out within the outline consent (no unit to exceed 9.4m at the highest point or exceed 7.25m to eaves).
- 8.7. Consequently, it is considered that the scale of the proposed development falls within the parameters set and assessed as part of the outline consent and are therefore considered to be acceptable.

Appearance

- 8.8. The proposals include a flat panelled cladding system, similar to the adjacent Porsche garage, to provide a consistency in appearance in the local area. Units 1-5 comprise a mix of cladding, rough texture ironstone brickwork, (limited) timber fencing and metal

fencing, with glazed frontages. The colour palette is a mix of light and dark greys, which is consistent with the buildings in the immediate vicinity.

- 8.9. Unit 6 is constructed with PCC metal cladding and powder coated curtain walling, in light grey. Units 6 and 7 are similarly designed, but with canopies to the front and timber fencing. Each unit will have outdoor seating, covered by the proposed canopies.
- 8.10. During the course of the application, the boundary treatments were amended to exclude large areas of close boarded timber fencing along the Old Tiffield Road frontage, to black mesh Paladin fencing, which is similar to that provided at the Porsche site and less visually strident within the street scene.
- 8.11. Overall, it is considered that the proposed appearance of the units is acceptable.

Landscaping

- 8.12. The proposals include a mixture of hard and soft landscaping across the site. An avenue of trees through the parking area will assist in breaking up the car parking area.
- 8.13. Additional tree planting is to be provided along the A43 boundary and at the site entrance. Ornamental hedging is to be used along site boundaries.
- 8.14. Details of the hard landscaping of the site will be conditioned, as this has not been submitted, despite reference to a specific plan.
- 8.15. It is considered that the landscaping proposals submitted are acceptable.

9. FINANCIAL CONSIDERATIONS

- 9.1 Based on 5,722sqm gross internal floorspace, this development would attract a Community Infrastructure Levy (CIL) payment totalling £603,871.59 under the Council's current CIL Charging Schedule.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. National and local policy (most notably paragraphs 81 and 86 of the NPPF, Policies SA & SA9 of the LPP1 and EMP3 of the LPP2) emphasise a presumption in favour of sustainable development and need to support economic growth.
- 10.2. The principle of the proposed retail development, including the access and parking arrangement was considered acceptable at the outline stage by virtue of the fact that there are no sequentially preferable sites in the locality and the retail impact upon Towcester Town Centre would not be seriously harmful. This was weighed against the benefits of the development which would reduce the amount of trade leakage out of Towcester to other retail centres at Northampton, Milton Keynes and Banbury for comparison goods.
- 10.3. Officers consider that the scale, appearance and landscaping proposed are acceptable as detailed in report and there is no serious harm as a consequence on the locality and therefore the planning balance lies in favour of granting permission.

- 10.4. The proposal therefore accords with Policies SS1, SS2, EMP3, RET1, INF1, INF4, HE2, NE4, NE5 of the adopted LPP2, policies SA, S1, S2, S9, S10, S11, C1, C2, BN2 and BN5 of the LPP1 and central Government guidance contained within the NPPF.

11. RECOMMENDATION / CONDITIONS AND REASONS

- 11.1 **RECOMMENDATION – DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND ECONOMY TO GRANT PERMISSION, SUBJECT TO THE CONDITIONS TO BE PROVIDED AS PART OF THE WRITTEN UPDATES.**