

<u>Application Number</u>	DA/2018/0602
Location Description	HEART OF THE SHIRES SHOPPING VILLAGE, WATLING STREET, NORTON, NORTHAMPTONSHIRE
Site Details	CHANGE OF USE OF AGRICULTURAL LAND TO RETAIL. CONSTRUCTION OF THREE NEW RETAIL BUILDINGS, INCLUDING GARDEN CENTRE, RELOCATION OF EXISTING CABINS AND CONTAINERS AND PROVISION OF 46 EXTRA PARKING SPACES INCLUDING 4 DISABLED SPACES
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Applicant	HEART OF THE SHIRES LTD
Agent	T R DOBRASZCZYK
Case Officer	MRS K DANIELS
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Ward	DAVENTRY EAST WARD LONG BUCKBY WARD
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Reason for Referral	MAJOR APPLICATION
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Committee Date	3 NOVEMBER 2021
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EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

Proposal

The proposal is to diversify the existing retail complex with the addition of a garden centre and 10 additional units, and associated development, effectively doubling the size of the existing enterprise. The garden centre will create an additional floor space of 595 square metres and the new retail units will create 644 square metres of floor space.

Consultations

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

- Planning Policy

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

- Highways England, Weedon Parish Council, Environmental Health

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

- Norton Parish Council

0 letters of objection have been received and 0 letters of support have 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
- Impact on the character and appearance of the locality
- Highway Safety
- Flooding

The report looks into the key planning issues in detail, and Officers conclude that the development 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

APPLICATION SITE AND LOCALITY

The application site is located in open countryside to the north of the village of Weedon, south east of the village of Norton. The site lies immediately adjacent to and is accessed off the A5 which runs alongside and this increases its visibility in the landscape. The site comprises of a number of former agricultural units which have been converted into retail units with car parking area to the north. The site is not located within a Special Landscape Area (SLA). The ground slopes away to the east. A number of structures have been constructed without the benefit of planning permission on site, such as the play area. However it seems that these structures have been in place for a number of years, and it is likely that they are immune from enforcement action, yet they remain visually incongruous.

CONSTRAINTS

The site is considered to be in the open countryside outside the established confines.

DESCRIPTION OF PROPOSED DEVELOPMENT

The proposal comprises of three buildings which are described below the new garden centre with 6 retail units to the first floor. This building has been designed to look like an agricultural Dutch barn. This building measures 10m by 61m. This comprises of a single storey element for plant sales (which measures 30m by 10m with a height of 5.4m). The two storey element comprises of the garden centre and retail units on the first floor measures 31m by 10m with a height of 9m. The single storey element will be open sided, whilst the two storey element will have a mixture of brick and wooden cladding. This building is proposed to be located to the southeast of the site.

The proposal also includes the construction of a u-shaped single storey building, which comprises of three retail units. This building measures 25 metres in length and 6.7m in width. The returns measure 9.1 m by 6.8 m. The height of the building is 5.4m. This building has been designed so it is similar to the appearance of the existing brick-built buildings on site.

Another single storey building is proposed to the north of the u-shaped building. This is for a single retail unit which measures 15m by 6.9m with a height 5.5m. The building is of a similar design to the existing units on site, and the proposed u-shaped building. This building is proposed in the same location as the existing containers.

A new compound is being proposed to the southern edge of the building. This area will be fenced off. The proposal also includes landscaping to the southern boundary to reduce the dominance in the locality.

The proposal also includes the construction of 42 additional parking bays to the north towards the entrance of the site. Additional landscaping is proposed in this location.

RELEVANT PLANNING HISTORY

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

Application Ref.	Proposal	Decision
DA/1991/0565	Change of use from Agricultural building to three dwellings.	Approved
DA/1991/0566	Change of use from Agricultural buildings to B1 Use.	Approved
DA/1992/0825	Use of building for retaining reclaimed architectural buildings to B1 use	Approved
DA/1992/1028	Signs	Approved
DA/1993/0876	Change of use of existing barns to individual retail units, coffee bar and toilets	Approved
DA/1996/0112	Additional area for storage of reclaimed materials and extend car park area (larger site)	Approved

DA/2001/0687	Alterations and extensions to cottages to change of use of ground floor from dwelling to restaurant with private living accommodations over. Erections of brick enclosing garden walls.	Approved
DA/2006/0306	New LPG fuelling facility for privately owned vehicles	Withdrawn
DA/2006/0455	New Autogas LPG fuel facility for privately owned vehicles (Countryside account holders only)	Refused. Appeal dismissed
DA/2007/0170	Change of use from retail (A1) to beauty parlour (Unit 12)	Approved
DA/2007/1150/A	Entrance signs retrospective	Approved
DA/2007/1259	Convert existing open/retail storage area by construction a new range of buildings around a central courtyard to provide additional retail outlets and storage, provide better access for disabled people.	Withdrawn
DA/2008/0137	Convert existing open/retail storage area by construction a new range of buildings around a central courtyard to provide additional retail outlets and storage, provide better access for disabled people.	Refused

RELEVANT PLANNING POLICY AND GUIDANCE

Statutory Duty

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

Development Plan

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 Settlements and Countryside Local Plan (Part 2). The relevant planning policies of the statutory Development Plan are set out below:

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

The relevant policies of the LPP1 are:

- SA – Presumption in Favour of Sustainable Development
- S1 – Distribution of Development

- S2 – Hierarchy of Centres
- S7 – Provision of Jobs
- S8 – Distribution of Jobs
- S9 – Distribution of Retail Development
- S10 – Sustainable Development Principles
- BN5 – The Historic Environment and Landscape
- R1 – Spatial Strategy for the Rural Area
- R2 – Rural Economy

Settlements and Countryside Local Plan (Part 2) (LPP2)

The relevant policies of the LPP2 are:

- SP1 – Daventry District Strategy
- RA6 – Open Countryside
- ENV1 – Landscape
- ENV2 – Special Landscape Area
- ENV10 - Design

Material Considerations

Below is a list of the relevant Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

RESPONSE TO CONSULTATION

Below is a summary of the consultation responses received at the time of writing this report.

Consultee Name	Position	Comment
Weedon Parish Council	No comments	
Norton Parish Council	Supports the application	
Northamptonshire Highways	Please refer to Highways England	
Highways England	Have no concerns	
Environmental Health	Have no objections to the proposal	
Planning Policy	Concerns that the development will have a negative impact on the retail units within Daventry and a Sequential Test	Although the independent review raised concerns regarding the sequential test, it is considered that the applicants have overcome these concerns as described in the main body of the report.

	needs to be carried out and independently reviewed.	
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RESPONSE TO PUBLICITY

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

There have 0 number of objections/letters of support raising the following comments:

APPRAISAL

Principle of Development

WNJCS Policy S1 seeks to ensure economic activity will be distributed on the following basis; development will be concentrated primarily in and adjoining the principal urban area of Northampton (A); appropriate development of a lesser scale will be located in and adjoining the sub-regional centre of Daventry Town (B); the development needs of the rural service centres of Towcester and Brackley and the rural areas will also be provided for (C); new development in the rural areas will be limited with the emphasis being on; enhancing the distinctive character and vitality of rural communities (1), shortening journeys and facilitating access to jobs and services (2), strengthening rural enterprise and linkages between settlements and their hinterlands (3) and respecting the quality of tranquillity (4) (D).

Policy S2 seeks to provide a hierarchy of centres. The vitality and viability of these centres must be maintained and enhanced commensurate with their role and function.

Policy S7 seeks to create an additional 28,500 jobs between 2008 and 2029 to maintain a broad balance between new homes and jobs.

Policy S8 seeks to create the majority of job growth within the principal area of Northampton (1). Employment opportunities in Daventry will be broadened by provision of; renewal and regeneration of existing employment sites as set out in Policy E1 (a), office and leisure development in central area as set out in Policy E2 (b), supporting the growth of the Daventry International Rail Freight Terminal as set out in Policy E4 (c), Local employment provision within Daventry north east sustainable urban extension (d).

Policy S9 of the WNJCS requires retail floorspace to firstly be accommodated within the town centre. New retail space that cannot be accommodated within the town centre should be accommodated by a sequential test.

WNJCS Policy R2 allows for small scale expansion of existing businesses in the rural area. The site is a rural business; therefore, development should be of small scale.

WNJCS Policy R1 seeks to ensure development in the rural area sustains the rural economy, retain existing employment sites where possible and enabling small scale economic development, including tourism through rural diversification and supporting appropriate agricultural and forestry development (8).

Policy SP1 of LPP2 relates to the spatial strategy for Daventry District. Criterion G seeks to protect and enhance the built and natural environment.

Policy RA6 of the LPP2 seeks to recognise the intrinsic character, beauty and tranquillity of the open countryside. Development in the open countryside will only be supported for agriculture, equestrian, forestry, leisure, community or tourism use that is justified and of an appropriate scale for its location, and has no significant adverse impacts on its character, beauty and tranquillity (viii); or economic development that otherwise accords with Policy EC4 or Policy R2 of the West Northamptonshire Joint Core Strategy (ix).

The site is an existing retail enterprise in the open countryside. Currently it has 23 retail units comprising of a restaurant to shops. The amount of existing retail floorspace is approximately 1550 square metres. The area for the garden centre, which will sell specialist gardening goods is 595 square metres and the new retail units comprising an area of 644 square metres. According to the applicants there is a need for an expansion due to existing clients/tenants wishing to expand on site and has a waiting list for additional businesses wanting to take on units at the site. The proposal is for an additional of 9 retail units. 6 of these are smaller units, and 3 are larger units. The number of additional retail units (without the garden centre) would result in a 40% increase. The proposal would increase the overall built form by nearly 50%. Following further discussions with the applicant and their agent, a sequential test and an addendum has been submitted to the Council for consideration. These were sent out for an independent review, however it appears that this review only undertook a review of the original sequential test and not the addendum. Given the time delay in receiving the feedback from the independent reviewer and as they have now left the company as well, it was thought in the best interest for all parties to bring the application to committee for a decision.

The applicants consider the items which are sold within the retail units at Heart of the Shires are specialist goods and not chain stores, which hold a niche market, and require an individual setting. The current occupiers of the retail

units comprise of a cook shop, gift shop, hair salon, photographic studio, beauty, bridal boutique, interior shops, sweet shop, watch boutique, handbag/accessories shop and clothes shop. Regardless of the pandemic the applicant considers that there is still a strong demand for the existing premises to expand their existing business within the site.

The initial comment from Policy is the sequential test has not considered fully other available sites that could accommodate the retail units, which was agreed by the independent reviewer. However the addendum provides additional information, including that recent case law should take a flexible approach to sequential tests. The main concerns of the independent reviewer are highlighted below:

1. As no locations are provided, it is not possible to conclude whether the applicant has considered both in and edge of centre sites in their assessments. There is no reference to the potential sites set out in the 2004 vision work for the town centre
2. There is no clear evidence to justify why the need for the proposed development may be locationally specific.
3. The dismissal of one site as being in use for a hot food takeaway does not render it unsuitable in sequential terms.
4. The search parameters adopted should be set out much more clearly.
5. The garden centre element of the proposed development does not appear to have been considered as part of the sequential test.

The applicants within its addendum to the sequential test provided additional information on how the site assessment was carried out. A site appraisal was carried out within 3 miles of the Town Centre. It included sites which are within a different use class (industrial). The 2004 vision work for the town centre is out of date and is not a reasonable starting point for subsequent assessments in 2018 and 2019. In addition there are existing occupiers of the facility which wish to expand and if they were to move elsewhere, then this would result in an upheaval to the businesses as existing and their clientele. The existing facilities rely on each other to attract business to their units, and have made it clear within the submission documents that the existing location is their preferred location. The applicants have also made it clear following the impact of the pandemic these units still need to expand on the site, and Heart of the Shires is the preferred location. It is the floor area of the combined garden centre and the proposed units triggered the need for the sequential tests. The applicants consider that the garden centre element is not a town centre use as defined within the NPPF.

As a result the applicants consider the proposal will not result in a harmful impact to Daventry's town centre and the submitted information to support the application seeks to ensure the Local Planning Authority to be flexible in its approach to the consideration of the expansion of the existing facility at Heart

of the Shires especially as this offers a niche market, one which although is closely related to a typical town centre use, the business model is different to a town centre use.

Having regard to the comments of the independent reviewer, and to the information which the applicants have provided, especially as it appears that these have not been considered fully as part of the review, it is considered that although it is not small scale development, the proposal will not result in a detrimental impact to Daventry town centre, given the niche market of the business model. This is also having regard that the proposal includes an area of 595 square metres of a garden centre, which is not a town centre use, and one which is expected to be located within the rural area.

The proposal, although has a potential to impact Daventry's town centre, given that it's an existing facility, which has a niche market, which the existing occupiers wish to expand within, and the garden centre element which is not a town centre use it is considered not to have an adverse impact to Daventry Town Centre. Overall, the proposal is in accordance to WNJCS Policies SP9 and R2, and Countryside and Settlement Part 2 Local Plan.

Impact on Character of Area

WNJCS Policy BN5 seeks to protect the historic environment and landscape. Development should be sympathetic to locally distinctive landscape features, design styles and materials in order to contribute to a sense of place.

Policy ENV1 of the LPP2 seeks to protect the landscape. Proposals are supported that maintain the distinctive character and quality of the Districts landscape and it incorporates mitigation measures to integrate development into its surroundings and enhance or restore the local landscape (A);

Policy ENV10 of LPP2 seeks to ensure design of developments promote local distinctiveness (i), ensuring that the scale, density, massing, height and access of the proposal combine to ensure development blends well within the site and with its surroundings (ii), incorporates crime prevention measures (iv), integrating existing landscape features (v), details of suitable comprehensive landscaping scheme (vi).

The site is not located within an SLA, however the site is clearly within the open countryside. The site is visible from public vantage points (A5), and the proposed expansion will increase the size of built form on the site into the open countryside.

The applicants propose landscaping measures around the boundary of the site to reduce the impact upon the rural nature of the site. The proposals overall design is very much of traditional style barns, so the development would be seen in conjunction with the existing buildings albeit as an extension to its traditional form. The proposal also includes the creation of new area for storage

with storage containers. This will be located on the southern side of the site. Although the shipping containers could be seen as more industrial, it is considered that this concern could be overcome by the imposition of planning conditions, which includes landscaping the external cladding of the buildings. These will reduce the impact on the locality.

The proposal also includes the creation of additional car parking for the proposed site; this will add additional hardstanding to the north. The site will be further extended into the open countryside further urbanising the locality and altering the rural nature of the site, however this parking is contained within the existing landscaping of the site. In addition this can be mitigated by the imposition of planning conditions to ensure that the parking area impact is reduced, such as the surfacing of the car park and additional planting.

The cumulation of the proposed development will result in a negative impact to the character and appearance of the locality. At the present time the existing development sits well within its landscape and, it will retain the character of a converted farmstead albeit larger. Overall the proposal is considered to be in accordance to ENV1 and ENV10 of the Settlements and Countryside Part 2 Local Plan.

Flooding

The Environment Agency have any objection to proposal.

FINANCIAL CONSIDERATIONS

CIL is £149 919, and although there will be some additional benefits to the local economy both during construction and post construction. However these benefits are important however do not outweigh the recommendation.

PLANNING BALANCE AND CONCLUSION

The proposal will enable the expansion of an existing rural enterprise, although there are concerns over the impact on Daventry's Town Centre. It is considered that the information submitted demonstrates that they have considered various options, impacts of the development and how they could impact existing business on site by causing a serious upheaval. Consequently, it is considered acceptable. The expansion will benefit the existing rural enterprise without having a negative impact on Daventry Town Council or any other local centres.

There will be some harm to the character and appearance of the locality, by further developing the open countryside. The development is compatible with the existing site, and additional conditions need to be imposed to further mitigate the impact of the development, such as additional landscaping as well as the requirement for the cladding of the storage containers. It is therefore considered that the harm will be reduced and given its support an existing business the impacts can be made acceptable.

Overall the proposal is considered to be acceptable and in accordance with the development plan and having regard to the Framework.

RECOMMENDATION / CONDITIONS AND REASONS

The proposal is therefore recommended for **approval** subject to the following conditions and reasons:

CONDITIONS

- 1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.**
- 2. The development shall be carried out strictly in accordance with plans 2510/3A, 2510/4 made valid the 26th June 2018 and 2510/1A, 2510/2 , 2510/5AB received 24th June 2019.**
- 3. Prior to the first occupation of any of the buildings, and detailed landscaping scheme including a landscape management scheme for at least a period of 10 years shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall be undertaken in the first planting season.**
- 4. The garden centre as shown on plans 2510/1A, 2510/5AB shall be used as a garden centre only and for no other purpose.**
- 5. Prior to the construction above slab level details of the materials to be used in the construction of the buildings, parking area and cladding of the storage containers shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.**
- 6. The shipping containers as shown on drawing 2510/SAB shall be removed from the site within 5 years from the date of the permission, and the land returned to its former state unless another application for their retention has been submitted to the Local Planning Authority.**

REASONS

- 1. To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).**
- 2. To ensure development is in accordance with the submitted drawings and to enable the Local Planning Authority to consider the impact of any changes to the approved plans.**
- 3. In the interest of visual amenity and to ensure the proposed landscaping scheme is appropriate for its rural setting.**
- 4. The proposed development is deemed acceptable as the garden centre use is not one which you would expect to see within the Town Centre.**
- 5. In the interest of visual amenity and to ensure the materials are appropriate to the character of the locality.**
- 6. In the interests of visual amenity.**

NOTES

- 1. As required by Article 35 of the Town and Country (Development Management Procedure) (England) Order 2015 (as Amended) the following statement applies:**

In dealing with this planning application the Local Planning Authority have worked with the applicant in a positive and proactive manner with a view to seeking solutions to problems arising in relation to the consideration of this planning application.