



Planning Committee Report

Committee Date: 6th September 2022

Application Number: N/2020/1421

Location: Mayleigh House, Kettering Road North, Northampton

Development: Demolition of existing buildings and erection of Discount Foodstore (Use Class E), with associated car parking, access, landscaping and associated engineering works

Applicant: Lidl Great Britain Limited

Agent: Carney Sweeney

Case Officer: Christopher Wentworth

Ward: Boothville and Parklands Unitary Ward

Referred By: Assistant Director of Place and Economy

Reason for Referral: Major application

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

Proposal

The application seeks planning permission for the demolition of existing building on site and the erection of a Class E limited assortment discount food store with associated car parking, access, landscaping and associated engineering works.

Consultations

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

- Cllr Mike Hallam

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

- Highways
- Environment Agency
- Archaeology

- Anglian Water
- Arboricultural Officer
- Ecology
- Environmental Health
- LLFA
- Development Management
- Police

46 no. letters of objection, 2 no. petitions and 6 no. comments have been received and 14 no. 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
- Highway Safety
- Residential Amenity
- Character and Area
- Design and Layout

The assesses the key planning issues in detail and officers have concluded that the proposal is acceptable, subject to appropriate 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 application site is located fronting Kettering Road North in the Boothville area of north east Northampton. It contains a large office and industrial building set back from the public highway behind a deep grassed frontage.
- 1.2 The existing car parking is set to the side and rear of the existing building with grass verges and mature vegetation to the rearmost portion of the site. Access is taken from Kettering Road North and the site sits between two existing detached commercial buildings which are also accessed from Kettering Road North and are set back from the public highway behind an extensive grassed verge.

2 CONSTRAINTS

- 2.1 There are no relevant planning constraints.

3 DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1 The application seeks planning permission for the demolition of existing building on site and the erection of Class E limited assortment discount food store with associated car parking, access, landscaping and associated engineering works.

- 3.2 The proposed food store would be located towards the front of the site fronting onto Kettering Road North and would be set back from the public highway by a small, grassed verge and footway. A total of 126 parking spaces are proposed to serve the proposed development, including 8 disabled spaces, 13 parent and child spaces, and 2 electric vehicle charging points.
- 3.3 The proposed car park would be positioned alongside the buildings northern (side) elevation encompassing the depth of the site from the Public Highway to the rearmost part of the site. A new access point into the site is proposed from Kettering Road North that would provide access into the proposed car park for customers and delivery vehicles and would also serve an existing, adjoining commercial premises to the north of the site. A section of bunded land to the rear of the proposed building would remain undeveloped as part of the proposal.
- 3.4 The proposed food store would be single storey in scale with a footprint of some 2,274 square metres.

4 RELEVANT PLANNING HISTORY

- 4.1 The following planning application is considered of most relevance to the current proposal:

Application Ref.	Proposal	Decision
N/2005/1173	Change of use to offices (B1 use) and storage/repair of company vehicles.	Approved

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 and the adopted Northampton Local Plan. 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
 - S7 – Provision of Jobs
 - S8 – Distribution of Jobs
 - S9 – Distribution of Retail Development
 - S10 – Sustainable Development Principles
 - S11 – Low Carbon and Renewable Energy

- C1 – Changing behaviour and Modal Shifts
- C2 – New Developments
- E1 – Existing Employment Areas
- BN1 – Green Infrastructure Connections
- BN2 – Biodiversity
- BN7 – Flood Risk
- BN9 – Pollution Control

Northampton Local Plan (Part 2) (LPP2)

- 5.4 The relevant Saved Policies of the LPP2 are:
- E20 – New Developments (Design)

Material Considerations

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

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Northamptonshire Parking Standards
- Northampton Parking Standards SPD
- Planning out Crime in Northamptonshire SPG
- Biodiversity SPD
- Northampton Local Plan Part 2 (2011-2029) (Emerging) (LLP2)

Following the decision at the Full Council on 18 January 2021, the former Northampton Borough Council submitted the Northampton Local Plan Part 2 (2011 – 2029) and supporting documents to the Secretary of State for Housing, Communities and Local Government (now Secretary of State for Levelling Up, Housing and Communities) on 4 February 2021 for examination. This is in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).

In line with Paragraph 48 of the National Planning Policy Framework, the policies contained within the emerging Northampton Local Plan Part 2 are therefore a material consideration in the determination of planning applications. The weight afforded to the policies relevant to this application are set out below:

The relevant policies of the LPP2 are:

- Policy 2: Placemaking (Moderate weight)
- Policy 3: Design (Moderate weight)
- Policy 4: Amenity and layout (Moderate weight)
- Policy 5: Carbon Reduction, Community Energy Networks, Sustainable Design and Construction, and Water Use (Moderate weight)
- Policy 6 Health and Wellbeing (Significant weight)
- Policy 7 Flood Risk and Water Management (Significant weight)
- Policy 12 Development of Main Town Centre Uses (Significant weight)
- Policy 19: New Retail Developments & Retail Impact Assessments (Moderate Weight)
- Policy 27: Green Infrastructure (Significant weight)
- Policy 29: Biodiversity (Moderate Weight)
- Policy 32: Sustainable Transport and Travel (Significant weight)
- Policy 33: Highway Network and Safety (Significant weight)

- Policy 35: Parking Standards (Significant weight)

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.

Consultee Name	Comment
Anglian Water	No objections subject to a condition to secure a surface water management strategy
Arboricultural Officer	<p>The group of pines at the access are to be removed so that the entrance and egress to and from the site can be improved: the opportunity should be taken to plant new trees between the new road and the site boundary to the north. The other tree losses are minor and incidental.</p> <p>A landscape scheme should be prepared that helps to inject some interest into the site and to soften the characteristically angular architecture of the stores, and the narrow range of materials generally used. There would appear to be plenty of open space to the rear of the proposed store where biodiversity net gain could be achieved.</p>
Ecologist	<p>No objection subject to following conditions required.</p> <ul style="list-style-type: none"> - Protected Species disturbance licence. - Landscaping scheme. - Construction Environmental Management Plan.
Environment Agency	No comments.
Environmental Health	<p><u>Environmental Noise Assessment</u></p> <p>The submitted Noise Impact Assessment is of a good standard and considers the impact of external plant noise and site deliveries from the proposed development on residential noise sensitive receptors.</p> <p>Overall, the report concludes that noise from both noise sources will be below the measured background noise level and noise and in accordance with BS4142:2014 will have no impact.</p> <p>In addition, the assessed predicted noise impact levels at the nearest noise sensitive receptors fall under guidance criteria specified in relevant planning policy guidance specifically covering noise (e.g., NPPF, NPSE and NPPG documents).</p> <p>No further assessment is required.</p> <p><u>Opening Hours and Delivery Conditions</u></p> <p>It is recommended that conditions covering opening hours for and deliveries to the store are attached to any successful planning decision.</p> <p><u>Land Contamination</u></p> <p>The findings of the Ground Investigation Report are accepted based upon the end use being applied for. Further intrusive site investigation is required, and it is recommended to attach the model contaminated land.</p>

	<p><u>Construction Environmental Management Plan (CEMP)</u> A CEMP is required to address dust, mud and debris, noise and vibration and construction hours.</p> <p><u>External Lighting</u> Details of any external lighting should be controlled by a lighting scheme condition</p> <p><u>Shopping Trolleys</u> A condition should be imposed to prevent shopping trolleys from being taken beyond the site boundary</p> <p><u>Recycling Facilities</u> Suitable facilities to facilitate the recycling of waste materials by customers using the supermarket should be secured by condition</p> <p><u>Air Quality</u> Having reviewed the submitted air quality assessment would comments as follows:</p> <ul style="list-style-type: none"> - The developer undertook prior consultation with Environmental Health and it was agreed the proposed development met the medium impact for air quality in accordance with the Low Emission Strategy. - It is accepted that the dust impacts during demolition and construction are not significant and can be addressed in a CEMP - The developer has committed to install two rapid electric vehicle charging points and provide cabling infrastructure as a provision rate of 20 % of spaces to be utilised for EV charging to meet with future demand. This is accepted. - Type II mitigation details put forward are also accepted. - No further air quality assessment is required
Highways	<p>Deliveries - Because of the location of the loading area, it is necessary for a delivery plan to ensure loading is not undertaken during operational hours.</p> <p>Transport Assessment - Following a review of the Transport Assessment, the LHA does not believe that the proposed application will have an undue impact on the local highway network that will require mitigation. The reason for this is outlined below:</p> <p>Trip generation / distribution - The proposed change of use will increase the trip generation of users to the site, both vehicular and pedestrian.</p> <p>When considering the distribution and timing of the trips, the development will not increase the impact on any of the nearby junctions beyond the critical values of 0.85RFC or 0.90DoS to any quantifiable degree.</p> <p>One junction of particular concern is the Kettering Road (A5123) / Kenmuir Avenue and Broadmead Avenue, which is known to be at or over capacity. However, the development will act to draw traffic away from this junction as it will attract customers away from Morisons.</p> <p>With regards to the Kettering Road (A5123) / Lumbertubs Lane / Moulton lane, more traffic is likely to be attracted from the area north-east area of Boothville, however the draw from the south will be reduced due to the location of the Lidl and Tesco extra at Weston Favell Shopping Centre.</p> <p>Conditions for 278 works</p> <p>1. Unless otherwise agreed in writing, no development shall take place until full engineering, drainage and constructional details of the highway improvement works currently shown indicatively on plan/s ref. SCP/190282/SK07 have been submitted to, and approved in writing by, the</p>

	Local Planning Authority. These works being to improve the junction access into the site and the creation of the right turn lane. 2. No part of the development shall be occupied until the works outlined on plan/s ref. SCP/190282/SK07 and subsequently agreed in detail, subject to any changes arising from the appropriate technical and safety audit process, have been constructed on site and opened to traffic.
Lead Local Flood Authority	Advise that the impacts of surface water drainage will have been adequately addressed at this stage and conditions should be imposed to secure full details of a surface water scheme together with details of its maintenance and upkeep.
Cllr Mike Hallam	Application called into Planning Committee due to concerns about the increased level of traffic this will bring to an already extremely busy section of the Kettering Road.
NCC Development Management	A condition is suggested to secure details of fire hydrants and sprinklers together with guidance relating to broadband.
Northants Police	Northants Police has no objection to the creation of a LIDL supermarket in this location. These units tend to come with a generic template which is not easy to influence in terms of recommending security measures to adopt on site but if possible: There should be a secure fence line around the parcel of land it sits on. It should not be possible to get behind the back of the unit. Gates should prevent easy access to the rear and the fire exit doors, and these gates should be secured with key to thumb turn locks for use in the event of a fire. The car park should be lit with mast mounted white lighting to give a good level of uniformity. The building should be protected by a monitored fit for purpose intruder alarm. CCTV is recommended both internally and in the car park to reduce opportunities for crime and for evidential purposes. The car park should be delineated with directional markings to direct a smooth flow of traffic around the site to minimise congestion and the risk of stationary vehicles spilling back onto the Kettering Road.
Archaeology	No comments.

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 14 no. representations have been received in support of the application, which include the following comments:
- Ease of use.
 - Convenient for local residents.
 - Greater choice of shopping needed in area.
 - Facilities would be within walking distance.
- 7.2 2 no. petitions with a combined 169 no. signatures have been received objecting to the proposal on the following points.
- No need for an additional store.

- Area suffers from existing traffic congestion that would be made worse by proposal.
- Increased air pollution.
- Area acts as a floodplain.

7.3 49 no. representations along with 6 no. comments have been received objecting to the application, which include the following comments:

- Sequential assessment is self-serving by excluding the town centre.
- The approach to retail impact assessment is not robust having failed to adequately assess the existing health of centre.
- The proposal will likely reduce footfall to Weston Favell district centre.
- Proposal is based on an operating model that is inherently unsustainable in travel and transport terms.
- Would result in increased traffic levels and congestion on existing roads.
- Increased noise levels at all times of day/night.
- Overdevelopment already undertaken in the area.
- Further supermarket not needed.
- Car usage will be in excess of that predicted.
- Could additional landscaping be secured?
- Could the building be pushed back further into the site?
- Exacerbate light pollution.
- Adverse impacts on existing local shops.
- Access proposed is not sufficient.
- Insufficient information provided to assess access.
- Under provision of electric vehicle charging points.
- Adverse visual impact.
- Existing road infrastructure insufficient.
- Air pollution.
- Pedestrian crossing poorly located.
- Not appropriate in a residential area.
- Increased vermin.
- Left only exit should be sought.

8 APPRAISAL

Principle of Development – Employment site

- 8.1 Policy E1 of the Joint Core Strategy and Saved Policy B14 of the Northampton Local Plan seek to protect against the unjustified loss of business use classes and appropriate employment generating uses on existing and allocated employment sites. The supporting text of Policy E1 of the Joint Core Strategy sets out that vacant employment land may be considered for other non-B Class employment generating uses where it can be shown to be essential to viability and appropriate, including compliance with the sequential test in Policy S9 (retail) where relevant.
- 8.2 The application property comprises a large commercial building comprising of both warehouse and office space that was granted consent in 2005 for the change of use of the building to offices (B1 use) and storage/repair of company vehicles and was described within the committee report at that time that the use comprised of a mixture of B1, B2 and B8 uses and was therefore deemed to be Sui Generis due to the variety of uses undertaken on site.

- 8.3 The application has been accompanied by a review of the viability of the existing premises conducted by a local Commercial Estate Agent. This review details that whilst the site has a location with a frontage and access onto a main road, the main draw would likely be Moulton Park estate rather than Kettering Road North for industrial purposes. Furthermore, they go on to state that the building as it stands does not satisfy the needs of either office or industrial occupiers due to the building's configuration. The review also states that the existing building is reaching the end of its lifecycle, with substantial and "wholly uneconomic" works required to facilitate its re-occupation including replacement roof, windows, doors, heating and lighting, and refitting of the office suites and, even then, the EPC rating would be poor as the building benefits from no insulation such that building would be unattractive to a tenant due to the high cost of occupation. Furthermore, the submitted Review sets out that the configuration of the building is unfavourably from a market perspective (e.g., low roof eaves and lack of natural light, etc).
- 8.4 Turning to the proposed use, the new food store would introduce a viable employment generating use on a prominent site located on a key route into Northampton, with the application submission setting out that the store would directly provide some 40 full and part time jobs (20 full time equivalent) such that the proposal would offer benefits to the local economy and community.
- 8.5 Overall, subject to a sequential and retail assessment and a condition restricting the use of the proposed development, no objections are raised to the proposed redevelopment of this employment site for the proposed employment generating retail use.

Principle of Development – Retail development

- 8.6 Joint Core Strategy Policy S9 and Section 7 of the NPPF seeks to ensure the viability of town centres and require a sequential test to planning applications for retail uses that are not in an existing centre. In addition, Policy S9 of the Joint Core Strategy requires a retail impact assessment (over 1,000sqm) to be undertaken to demonstrate that the impacts of the proposals do not have a significant impact upon the vitality and viability of centres in the catchment area. Policy 19 of the emerging Local Plan Part 2 similarly requires proposals outside centres in the retail hierarchy to demonstrate compliance with the sequential approach and provide a full retail impact assessment (but reduces the threshold to 500sqm). The Planning Policy team advise that moderate weight can be given to this policy, acknowledging that a significant number of comments were received regarding the content of this policy as part of the consultation exercise on the new plan.
- 8.7 The application site comprises an out of centre location for retail development and has been accompanied by a Planning and Retail Statement. This submitted Statement includes a Sequential Assessment and a Retail Impact Assessment and this sets out including details of the requirements of the named applicant (i.e., Lidl) business model. Lidl's business model requires a minimum site area of 0.8ha, a minimum net floorspace of 1,325sqm on a single level, and a minimum of 120 adjacent surface level parking spaces. The Statement also highlights that the limited stock range distinguishes Lidl from other main grocers, and convenience stores, with only limited floor space (20% of the sales area) is given over to comparison goods.
- 8.8 The Council has engaged an independent Retail Planning Consultant to review the applicant's retail submissions. The independent Retail Planning Consultant advises that the Northampton Retail and Leisure Study (September 2018) identifies a relatively substantial requirement for new convenience retail floorspace; and this,

alongside the similarly substantial requirement embodied in adopted (JCS) policy, indicates that this is a market underserved by convenience retail which can absorb some new development. Furthermore, the independent Retail Planning Consultant advises that there is evidence of overtrading, with two points standing out. Firstly, there is evidence of overtrading in aggregate terms in each of the Zones examined by the applicant's Study; in Zones 5 and 6 this amounted to an estimated combined total of £20.5 million in 2018. Second, the Study suggests that the deep discounters – including Lidl and Aldi – are generally performing particularly well across Northampton. Again, this is supportive of an argument to suggest there is scope for the proposed development.

- 8.9 In addition, the independent Retail Planning Consultant advises that it is notable that the north-eastern fringe of Northampton is not immediately served by a supermarket or superstore. Indeed, there is no such provision in the town north of a line between Waitrose at Kingsthorpe, Morrisons Kettering Road, and Tesco Extra at Weston Favell. Instead, such provision is characterised by small shops serving only a local, top-up function, and there are no defined centres in the immediate area. The proposal would primarily serve this area, and the independent Retail Planning Consultant advises that there appears currently to be a gap in provision.
- 8.10 In terms of the sequential test, national and local planning policies require that main town centre developments such as the application proposal are directed towards allocated centres. Within Northampton, the allocated centres are Northampton Town Centre; the Kingsthorpe and Weston Favell district centres; and the local centres of St James End, Far Cotton (St Leonards Road), Wellingborough Road and Kettering Road (Kingsley). As the application site falls outside of these locations, the development needs to be subject to a sequential assessment to establish whether the development can be accommodated within an allocated centre, and failing this, edge of centre before well connected out of centres locations such as the application proposals should be considered. Such a sequential assessment should include a consideration of the suitability of sequentially preferable sites, the size and layout of such sites (with reference to whether there is a scope for flexibility in format to accommodate the development in a sequentially preferable site), and their availability.
- 8.11 The applicant has outlined within their submission that they did not intend to assess Northampton town centre an edge of town centre locations. The independent Planning Retail Consultant raises no concerns in this regard and states that the approach as outlined within policy S9 of the JCS could result in a preference in a site on the edge of the town centre rather than within the heart of a district centre which would not be consistent with national policy. Equally, in this particular case, they go on to say that sites within the town centre would serve a different market to that which would be addressed by the proposal, given the geography of the place and the distribution of other stores. On this basis it not considered necessary to assess town centre and edge of town centre sites from a sequential assessment perspective.
- 8.12 The independent Retail Planning Consultant advises that the key centres to be addressed from a sequential perspective comprise the Kingsthorpe and Weston Favell District Centres, having regard to the distribution of centres and markets to be served. In addition, the local centres of Wellingborough Road and Kettering Road, whilst considered to be more peripheral, are also considered to be relevant centres. These centres are addressed in the applicant's Planning and Retail Study and the independent Retail Planning Consultant concurs with the findings of the applicant's Study that there are no sequentially preferable opportunities in either of the District Centres and the local centres, allowing for a reasonable degree of flexibility. In this respect, consideration has been given to the former St Edmunds Hospital site north of

Wellingborough Road. However, whilst this site is currently vacant, it is understood that their current owners are progressing their own plans for redevelopment and as such this site can therefore be discounted from the sequential assessment due to a lack of availability.

- 8.13 Following the approval of a scheme for a new Lidl supermarket at Harlestone Road, Northampton under planning reference N/2020/1623 in February 2022, the cumulative impacts of both schemes (should the current scheme be approved) is considered to be a material consideration and therefore needs to be considered in reaching a decision on the current submission.
- 8.14 The independent Retail Planning Consultant advises that the markets served by the two proposed stores would largely be distinct; the sites are about 15 minutes' drive from each other. However, there are areas from which they might both attract trade, and existing stores that they would both divert sales from, and so the point does need to be properly examined. The applicant's submission continues to focus on the convenience goods impact of the proposals with the comparison goods impact not expected to be material in this instance which is agreed.
- 8.15 The additional information supplied by the applicant following the Harlestone Road approval, assesses six stores from which the current Kettering Road North proposal would be expected to draw the majority of its trade. Three of these are not within a designated centre and so are not protected by planning policy. Two stores are within Weston Favell and would only be affected to any material degree by the Kettering Road North proposal – they are too distant from the permitted Harlestone Road store for that to be relevant from a cumulative perspective. One store – Asda at Kingsthorpe – is within a designated centre located about mid-way between the two sites, so is relevant, and is a focal point for the additional analysis.
- 8.16 The independent Retail Planning Consultant advises that the overall balance of trade diversion adopted within the applicant's assessment is appropriate. They go on to state that the estimated trade diversion from Asda at Kingsthorpe from the permitted store at Harlestone Road is very slight, at 1.2% and that this increases to an estimated 4% cumulatively with the Kettering Road North proposal introduced. This is still not considered to be a significant level of trade diversion in this instance given the trading performance of that store, and certainly not at a point where the policy threshold of significant adverse impact on the centre would be crossed.
- 8.17 In addition, the applicant has submitted details showing an assessment of the proposal against the recent Aldi store opening at Sywell Road. They contend that the trade diversion from that store would not be significant and that the proposed development will not result in a significant adverse impact on existing, committed or planned in-centre investment and that having regard to the vitality and viability of existing centres and in-centre trade there is no evidence to indicate that the proposed development will likely give rise to a significant adverse impact on existing centres. This view is shared by the Independent Retail planning Consultant. In this context it is considered that the impact of the current Kettering Road North scheme assessed cumulatively would be acceptable.
- 8.18 Overall, it is considered that the development could not be readily accommodated within any relevant allocated centre. As such, and given the high accessibility of the application site, it is considered that the sequential test for retail uses has been satisfied for the application proposal.

- 8.19 Turning to retail impact, consideration should be given to whether the proposed development would put at risk future investment in Northampton Town Centre or impact on the long-term future viability and vitality of the allocated centres. The independent Retail Planning Consultant advises that the general approach to impact assessment taken in the applicant's report is an appropriate one, with the centres of most relevance comprising Weston Favell, Kingsthorpe, Wellingborough Road and Kettering Road to be relatively healthy.
- 8.20 The independent Retail Planning Consultant highlights only one of the relevant centres features a deep discount supermarket, a Lidl store at Weston Favell, and the available evidence indicates that this store performs very well. In terms of potential trade diversion, the independent Retail Planning Consultant highlights that the applicant's report suggests that the greatest impact would be on the Weston Favell District Centre and that the estimates of trade diversion arrived at by the applicant are not considered to be high, and not at a level where the potential for significant adverse impact might be a concern. They go on to state that the estimated impact there is 5.4% for the Lidl store, and 6.6% for Tesco and that it is considered that the trade diversion apportioned to Weston Favell by the applicant overall is of the right order, but that the balance between the Lidl and Tesco stores is questionable whereby the Independent Retail Planning Consultant considers that there would be rather more trade diversion from Lidl at Weston Favell, but less from the Tesco store there. However, the independent Retail Planning Consultant does not identify any concerns that would arise from the proposal in terms of its impact on investment and concludes that the impact is acceptable from a retail perspective.
- 8.21 Overall, subject to conditions to provide certainty regarding the impacts of the development, including restricting the use to a limited assortment discount retailer, the extent of retail floor space and percentage of non-food items and preventing the subdivision of the unit, it is considered the proposal would not result in an unacceptable impact on the viability and vitality of and future investment in the allocated centres in Northampton.
- 8.22 To conclude, no objections are raised to the principle of the proposed employment generating use and, turning to the retail impact of the proposal, subject to conditions, it is accepted that there are no sequential preferable sites, and that the application site is well connected and would not have an unacceptable impact on the vitality, viability and future investment in the hierarchy of centres across Northampton.

Character of Area

- 8.23 Saved Policy E20 of the Northampton Local Plan places great importance on the quality of design of new developments and is in conformity with the NPPF which advises that planning should always seek to secure high quality design.
- 8.24 The application site is located in a prominent position along Kettering Road North near to its junction with Booth Lane North. It is currently occupied by a large industrial/office building with a two-storey scale and flat roof. There are wide grassed verges to this section Kettering Road North related to commercial buildings although residential dwellings are positioned closer to the public highway. This section of Kettering Road North is located on a hill that falls towards the junction with Booth lane North. The unit on the application site has parking adjacent alongside the existing building and is accessed off Kettering Road North (the sites frontage).
- 8.25 The application proposes the demolition of the existing building on site and the construction of a new food store with associated parking to the southern and eastern

portion of the site fronting Kettering Road North. The new food store would be set approx. 10m back from Kettering Road North and would generally sit at the same level of the public highway. Given the fall in land levels along Kettering Road North, a retaining wall is proposed to the rear of the supermarket building between it and sites boundary with an adjacent access road serving nearby commercial/industrial units. The retaining wall would be to a maximum height of 2m to the rear of the supermarket building and would also extend to the front elevation of the building (the southern corner) to a maximum height of 1.7m for a length of approx. 13m.

- 8.26 The front elevation facing Kettering Road North is considered the more important elevation in design terms as this would be the primary view of the building from the public realm. This would be wholly glazed with an interesting and active frontage that wraps around the corner with a small, glazed section containing the store entrance facing towards Kettering Road North and the car park area. The car park elevation would have limited fenestration details other than the customer entrance to the building to one end. Whilst regrettable, this is considered typical in terms of design to a discount retailer where the interior format plays a part in the external appearance. On balance, it is considered that the good quality design and appearance secured to the most prominent part of the site results in an acceptable scheme.
- 8.27 The proposal includes some 126 parking spaces which would fill a large proportion of the food store site, with little space for landscaping within its car park area and there are only limited footways within the site for pedestrians. However, the parking has been located within a distinct location within the site which helps to reduce its visual dominance and the distance pedestrians would need to walk to access paths is only limited. Furthermore, all family parking and disabled spaces are located as close as possible to the building entrance and is not unusual for this type of food store. A grassed area is proposed to the front area between the building and public highway and a large proportion of the site to the rear is to remain undeveloped for ecological purposes and offers further opportunities for further landscaping.
- 8.28 The Council's Arboricultural Officer raises no objections to the loss of a limited number of trees (group of Pine trees) on the frontage to facilitate the redevelopment of the site. They do state that an opportunity to plant new trees should be undertaken which can be secured by planning condition through a landscaping scheme. Overall, as part of a balanced assessment, it is considered that the proposal would not have an unacceptable impact on the character and appearance of the area.

Residential amenity

- 8.29 Saved Policy E20 of the Northampton Local Plan and the guidance in the NPPF seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 8.30 Whilst the application site is located in a commercial/industrial site, there are residential properties to the opposite side of Kettering Road North within Chartwell Avenue (to the east of the application site). However, these are approx. 50m from the proposed supermarket building and given the single storey scale of the food store and the mature tree coverage and vegetation that serves the vast majority of properties between Chartwell Avenue and the application site, it would not have an adverse visual impact on these neighbouring properties nor detract from the sunlight or daylight received by these properties.
- 8.31 The application has been accompanied by a Noise Impact Assessment which has been reviewed by Environmental Health. Having regard to this, Environmental Health

advise that the impact of external plant noise and site deliveries from the proposed development on neighbouring residential properties will be acceptable subject to there being no significant deviation from the external mechanical plant detailed within the report, and conditions to control opening hours, external lighting and deliveries. In addition, Environmental health advise that a condition is required to secure a Construction Environmental Management Plan to address dust, mud and debris, noise and vibration and construction hours to protect residential amenity which is considered necessary in this case.

- 8.32 Overall, and subject to the conditions recommended by Environmental Health, it is considered that the proposal would not have an adverse impact on the residential amenities of any neighbouring properties.

Highway safety

- 8.33 Policy C2 of the Joint Core Strategy requires development to mitigate their impacts on the highway network and be supported by a Transport Assessment. Furthermore, Paragraph 111 of the NPPF advises that development should only be prevented or refused on highway grounds if there would be unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Detailed and complementary guidance on parking requirements is set out in the Northamptonshire Parking Standards and Northampton Parking Standards SPD.
- 8.34 The application proposes a revised access taken from the site's eastern boundary onto Kettering Road North and would be positioned adjacent to the existing access which would be removed. The access would also continue, albeit in a revised form within the application site, to provide access to the adjacent garage site. The development would be served by 126 no. parking spaces of which 8 no. would be disabled, 13 no. would be family spaces and there would be 2 no. electric vehicle charging points.
- 8.35 The concerns of the local Ward Councillor and local residents are noted regarding the safety of this section of Kettering Road North and the existing traffic congestion in the area. However, the application has been supported by a Transport Assessment which has been reviewed by the Council's Highway Engineer and, following the submission of further information, which included the provision of a dedicated right hand turn lane on Kettering Road North to facilitate access into the site to reduce congestion/queuing, the Council's Highway Engineer advises that whilst the proposed development would result in an increase in the trip generation of users to the site, both vehicular and pedestrian, the distribution and timing of the trips, the development will not increase the impact on any of the nearby junctions beyond the critical values, sufficient to warrant refusal. They go on to state that one junction of particular concern is the Kettering Road (A5123) / Kenmuir Avenue and Broadmead Avenue, which is known to be at or over capacity. However, the development as proposed will act to draw traffic away from this junction and with regards to the Kettering Road (A5123) / Lumbertubs Lane / Moulton lane roundabout junction, more traffic is likely to be attracted from the area north-east area of Boothville. However, the draw from the south will be reduced due to the location of the existing Lidl and Tesco Extra at Weston Favell Shopping Centre.
- 8.36 The Council's Highway Engineer also advises that the new access to the site from Kettering Road North would meet the required highway standards and suggests works should be undertaken to Kettering Road North to help facilitate right entries as outlined on the submitted plans, which can be secured as part of an access condition. In addition, they also state that because of the location of the loading area, it is

necessary for a delivery plan is provided to ensure loading is not undertaken during operational hours. Such details can be secured by planning condition.

- 8.37 In terms of parking provisions, the proposed 126 parking spaces would slightly exceed the 114 parking spaces required under the Parking Standards and includes a reasonable provision of disabled (8) and family parking spaces (13). In addition, two of the parking spaces would be served by electric vehicle charging points and the applicant has committed to provide cabling infrastructure as a provision rate of 20% of spaces to be utilised for electric vehicle charging to meet with future demand. Such provision can be secured by condition.
- 8.38 Turning to pedestrian routes, the position of the store building to the 'front' of the site would allow direct access from the public highway footway to the main entrance of the building without the need to access the car park area which is supported. Also, cycle storage is also proposed to the front elevation of the store building which ensures that pedestrians/cyclists do not need to access the car park with the cycle storage located in a highly visible location which is supported. Footways and a crossing are located within the car park that serve all disabled and parent with child bays.
- 8.39 Overall, as part of a balanced assessment and subject to conditions to secure the provision of the new access works, car park provision prior to occupation, delivery management plan, electric vehicle charging points and a travel plan, the proposal is considered to be acceptable on highway safety grounds.

Other considerations

- 8.40 The Council's Ecologist has reviewed the submitted Ecological Report and raised no objection to the proposal subject to a number of planning conditions to secure appropriate mitigation for protected species, a landscaping scheme for the site and a Construction Environmental Management Plan (CEMP) that references species protection measures as outlined within the submitted Ecological Report. Such matters are considered appropriate to be secured by planning condition.
- 8.41 The Council's Environmental Health Officer has reviewed the submitted Ground Investigation Report and raises no objection to the assessment undertaken. They go on to advise that further site investigation is required and that such matters can be secured by planning condition. It is also noted that the Council's Environmental Health suggests consideration should be given to the imposition of conditions to prevent shopping trolleys being taken beyond the site boundary and facilities for recycling by customers to be provided on site. Whilst it is considered that it would be reasonable and necessary to seek further details relating to measures to prevent shopping trolleys being removed from the site in the interests of amenity, in the absence of a planning policy basis for the provision of recycling facilities by customers it is not considered that this could be reasonably required by condition.
- 8.42 Turning to air quality mitigation, Environmental Health have previously agreed details with the applicant, including dust mitigation to be addressed as part of a Construction Environmental Management Plan, provision of electric vehicle charging points including infrastructure to meet future demand, and Type II mitigation details put forward are also accepted (i.e. travel plan, cycle parking, electric vehicle charging points and use of air source heat pumps and photovoltaics as opposed to gas boilers). The submitted Sustainability Statement sets out that the new store will be heated by Air Source Heat Pumps and some 592 photovoltaic panels will be installed on the roof of the building generating some 149 kWh/annum of electricity which is

considered to be a suitable and viable energy source option. Such measures can be secured by condition.

- 8.43 The application site is not located in flood zone 2 or 3 but comprises a major development and has therefore been accompanied by a Flood Risk Assessment and details of sustainable drainage. The Environment Agency raises no comments to the scheme and the Lead Local Flood Authority have advised that details of surface water drainage have been adequately addressed at this stage and conditions should be imposed to secure full details of a surface water scheme together with details of its maintenance and upkeep. Anglian Water similarly seek a surface water drainage condition.
- 8.44 Northamptonshire Police have made several recommendations to seek to ensure that the development is safe and secure, including requiring further details of enclosures, car park lighting and external CCTV which can be secured by condition.
- 8.45 It is noted that representations have been submitted seeking conditions to secure details of sprinklers/hydrants, however this matter is addressed under the Building Regulations.

9 FINANCIAL CONSIDERATIONS

- 9.1 The development would be CIL liable.

10 PLANNING BALANCE AND CONCLUSION

- 10.1 The proposed development would not, subject to conditions, have an unacceptable impact upon the viability and vitality of the hierarchy of allocated centres, the character of the area, residential amenity or highway safety and would support additional employment opportunities. The development is therefore in conformity with the requirements of the National Planning Policy Framework, Policies SA, S1, S2, S7, S8, S9, S10, S11, C1, C2, E1, BN1, BN2, BN7 and BN9 of the West Northamptonshire Joint Core Strategy and Policies B14 and E20 of the Northampton Local Plan.

11 RECOMMENDATION / CONDITIONS AND REASONS

- 11.1 The proposed development is recommended for approval subject to the following conditions and informatives:

Time Limit

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

Approved Plans

2. The development hereby permitted shall be carried out in accordance with the attached schedule of approved plans.

Schedule of Approved Plans

Drawing number

Drawing Title

PL-01C	Location Plan
PL-03H	Proposed Site Plan
PL-04	Proposed Building Plan
PL-05	Proposed Roof Plan
PL-06	Proposed Elevations

Reason: For the avoidance of doubt and to accord with the terms of the planning application.

Use Limitation

3. The retail unit hereby permitted shall only be occupied as a Limited Assortment Discounter and shall not be used for any other purpose within Use Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: In the interests of maintaining the viability and vitality of the allocated hierarchy of retail centres and employment sites in accordance with Policies E1, S2, S7, S9, S10 of the West Northamptonshire Joint Core Strategy and the guidance in the National Planning Policy Framework.

Retail Floor Space Restriction

4. The floor space of the development hereby permitted that can be used for the display and sale of goods and products to the public shall not exceed 1,414 square metres and no more than 20% of this figure (283 square metres) shall be used for the display and sale of comparison goods.

Reason: In the interests of maintaining the viability and vitality of the allocated hierarchy of retail centres and employment sites in accordance with Policies E1, S2, S7, S9, and S10 of the West Northamptonshire Joint Core Strategy and the guidance in the National Planning Policy Framework.

Retail Unit Restriction

5. The retail unit hereby permitted shall not be divided to form more than one retail unit.

Reason: In the interests of viability and vitality of the hierarchy of retail centres and employment sites in accordance with Policies E1, S2, S7, S9, S10 of the West Northamptonshire Joint Core Strategy and the guidance in the National Planning Policy Framework.

Opening Hours

6. The premises shall only be open to customers between the following hours:
 - Monday – Saturday: 08:00 am to 22:00 pm
 - Sunday: 10:00 am to 16:00 pm
 - Public/Bank Holidays 08:00 am to 22:00 pm.

Reason: In the interests of residential amenities in accordance with Policies S10 and BN9 of the West Northamptonshire Joint Core Strategy.

Delivery Hours

7. Deliveries to or collections from the site shall not take place before 07:00 hours or after 23:00 hours on any day.

Reason: In the interests of the protection of residential amenities in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.

Construction Environmental Management Plan (CEMP)

8. Prior to the commencement of the development hereby permitted, a Construction Environmental Management Plan (CEMP) (to include demolition works) shall be submitted to and approved in writing by the Local Planning Authority. Development shall then be carried out in accordance with the approved CEMP which shall include:
 - i. Traffic management and signage during construction.
 - ii. Parking for site operatives and visitors.
 - iii. Storage areas for plant and materials.
 - iv. The erection and maintenance of security fencing/hoardings and lighting.
 - v. Welfare and other site facilities.
 - vi. Working hours and delivery times.
 - vii. Measures to control noise, vibration, dust and fumes during construction.
 - viii. Measures to prevent mud and other debris being deposited on the surrounding highway.
 - ix. Ecological mitigation measures

Reason: To minimise the impact of the development during the construction phase in accordance with the National Planning Policy Framework. Pre-commencement condition to ensure details are agreed in a timely manner.

Finished Floor Levels

9. Prior to the commencement of the development hereby permitted, full details of the existing and proposed ground levels and finished floor levels of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy and Saved Policy E20 of the Northampton Local Plan. Pre-commencement condition to ensure details are agreed in a timely manner.

Surface Water Drainage

10. Prior to the commencement of the development hereby permitted, a detailed design of the surface water drainage scheme for the site based on the submitted Flood Risk Assessment & Outline Drainage Strategy Report ref: R100 rev 1.1 dated 21st December 2020 (prepared by Baynham Meikle) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details. The detailed design of the scheme shall include:
 - a) Details (i.e., designs, diameters, invert and cover levels, gradients, dimensions and so on) of all elements of the proposed drainage system, to include pipes, inspection chambers, outfalls/inlets and attenuation basins. Details of the

drainage system are to be accompanied by full and appropriately cross-referenced supporting calculations.

- b) Cross sections of all control chambers (including site specific levels mAOD) and manufacturers' hydraulic curves for all hydrobrakes and any other flow control devices.
- c) Demonstration that for events with a return-period in excess of 3.3% (1in30), exceedance flow routes are appropriately routed such that there is no residual risk to property and critical infrastructure.

Reason: To prevent the increased risk of flooding, both on and off site, in accordance with Policy BN7 of the West Northamptonshire Joint Core Strategy. Pre-commencement condition to ensure details are agreed in a timely manner and to ensure a satisfactory standard of development.

11. Prior to the commencement of the development hereby permitted, a detailed scheme for the maintenance and upkeep of every element of the surface water drainage system proposed on the site shall be submitted to and approved in writing by the Local Planning Authority and the maintenance plan shall be carried out in full thereafter. This scheme shall include details of any drainage elements that will require replacement within the lifetime of the proposed development.

Reason: To prevent the increased risk of flooding, both on and off site, in accordance with Policy BN7 of the West Northamptonshire Joint Core Strategy. Pre-commencement condition to ensure details are agreed in a timely manner and to ensure a satisfactory standard of development.

12. Prior to the occupation of the development hereby permitted a verification report(s) for the installed surface water drainage system for the site shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:
- a) Any departure from the agreed design is keeping with the approved principles
 - b) As-Built Drawings and accompanying photos
 - c) Results of any Performance testing undertaken as a part of the application process
(if required / necessary)
 - d) Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc.
 - e) CCTV Confirmation that the system is free from defects, damage and foreign objects.

Reason: To prevent the increased risk of flooding, both on and off site, in accordance with Policy BN7 of the West Northamptonshire Joint Core Strategy.

Contaminated Land

13. 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).

Reason: To ensure the effective investigation and remediation of contaminated land sites and in the interests of health and safety and the quality of the environment in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.

14. Prior to the commencement of the development hereby permitted, 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.

Reason: To ensure the effective investigation and remediation of contaminated land sites and in the interests of health and safety and the quality of the environment in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.

15. 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 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.

Reason: To ensure the effective investigation and remediation of contaminated land sites and in the interests of health and safety and the quality of the environment in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.

16. 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 and where remediation is necessary a remediation scheme must be 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.

Reason: To ensure the effective investigation and remediation of contaminated land sites and in the interests of health and safety and the quality of the environment in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.

Materials

17. Prior to the construction of the development hereby approved above ground floor slab level, full details of all proposed external facing materials shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and to ensure that the development will harmonise with its surroundings in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy and Saved Policy E20 of the Northampton Local Plan

Vehicular Access

18. Prior to the construction of the new store hereby permitted above ground floor slab level, full engineering and construction details for the new access hereby permitted to Kettering Road North together with associated highway improvements to Kettering Road North to facilitate right entries into the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the first occupation of the retail unit hereby permitted.

Reason: In the interests of highway safety in accordance with Policies S10 and C2 of the West Northamptonshire Joint Core Strategy.

Parking Area

19. Prior to the occupation of the development hereby permitted, the new car parking and manoeuvring areas shall be constructed and laid out in accordance with the approved details and retained thereafter.

Reason: To ensure that the proposed development does not prejudice the free flow of traffic or conditions of highway safety in accordance with Policies S10 and C2 of the West Northamptonshire Joint Core Strategy.

Electric Vehicle Charging

20. Prior to occupation of the development hereby permitted, full details of a scheme for the installation of at least 2 no. electric vehicle charging points within the site together with details of cable infrastructure to meet future demand shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the occupation of the permitted development.

Reason: In the interests of reducing carbon emissions and to secure a satisfactory standard of development in accordance with Policies S10 and BN9 of the West Northamptonshire Joint Core Strategy.

Travel Plan

21. Notwithstanding the submitted details and prior to the occupation of the development hereby permitted, a travel plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be fully implemented within two months of the first occupation of the development hereby permitted and retained thereafter.

Reason: In the interests of promoting more sustainable means of travel and air quality in accordance with Policies S10, C2 and BN9 of the West Northamptonshire Joint Core Strategy.

External Lighting

22. Prior to the occupation of the development hereby permitted, full details of all external lighting within the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and be fully implemented prior to the occupation of the permitted development and retained thereafter.

Reason: In the interests of amenity, crime prevention and biodiversity in accordance with Policies S10, BN1 and BN2 of the West Northamptonshire Joint Core Strategy and Saved Policy E20 of the Northampton Local Plan.

CCTV

23. Prior to the occupation of the development hereby permitted, full details of all CCTV within the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and be fully implemented prior to the occupation of the permitted development and retained thereafter.

Reason: In the interests of amenity, and crime prevention in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy

Shopping Trolley Restrictive Details

24. Prior to the occupation of the development hereby permitted, full details of measures designed to prevent shopping trolleys from being taken beyond the site boundary shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented prior to the occupation of the permitted development and retained thereafter.

Reason: In the interests of amenity in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy.

Boundary Details

25. Prior to the occupation of the development hereby permitted, full details of all means enclosures to be erected within the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the occupation development and retained thereafter.

Reason: In the interests of the appearance of the locality and crime prevention in accordance with Saved Policy E20 of the Northampton Local Plan and Policy S10 of the West Northamptonshire Joint Core Strategy.

Landscaping

26. Prior to the occupation of the development hereby permitted, a detailed scheme of hard and soft landscaping for the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include, where present, the location and species of any existing trees and hedgerows on the land and details of any to be retained and a tree planting method statement including details of tree pits. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner, and which shall be maintained for a period of five years; such maintenance to include the replacement in the current or nearest planting season whichever is the sooner or shrubs that may die are removed or become seriously damaged or diseased with others of similar size and species. Any approved hard landscaping shall be carried out prior to occupation of the development hereby permitted.

Reason: In the interests of amenity, biodiversity and green infrastructure, and to secure a satisfactory standard of development in accordance with Policies S10, BN1 and BN2 of the West Northamptonshire Joint Core Strategy and Saved Policy E20 of the Northampton Local Plan.

External Plant Noise Restriction

27. The external plant to serve the development hereby permitted shall be provided in accordance with the details specified in the submitted Noise Impact Assessment reference 8516/JA/BL and retained in accordance with these details thereafter.

Reason: In the interests of residential amenity in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy and the guidance in the National Planning Policy Framework.

Renewable Energy

28. Prior to the occupation of the development hereby permitted air source heat pumps and photovoltaic panels shall be installed in accordance with the details specified in the submitted Energy Usage and Sustainability Statement.

Reason: In the interests of sustainability, climate change and air quality in accordance with Policies BN9, S10 and S11 of the West Northamptonshire Joint Core Strategy.

Wildlife Licences

29. Prior to the commencement of development (including demolition works), the local planning authority shall be provided with either:
- a) A licence issued by Natural England pursuant to section 10 of The Protection of Badgers Act 1992 authorising the specified activity/development to go ahead; or
 - b) A statement in writing from a suitably qualified ecologist to the effect that they do not consider that the specified activity/development will require a licence.

Once approved, the works shall be undertaken in full within the terms of the licence, if one is required.

Reason: To ensure that protected species are not adversely impacted by the approved works and in accordance with Policies S10, BN1 and BN2 of the West Northamptonshire Joint Core Strategy and the NPPF.

Informatives:

1. A Limited Assortment Discounter is a retailer as defined in Part 1 of The Groceries Market Investigation (Controlled Land) Order 2010 and for the avoidance of doubt includes a Convenience Goods Retailer, which sells a limited ranged of Convenience Goods at a low price.
 2. Convenience Goods are defined as goods that include foods, pet food, drinks, cleaning products, toiletries, newspapers and magazines and non-durable household goods
 3. Comparison Goods are defined as goods that include, but shall not be limited to, clothing, shoes and other footwear, DIY products, furniture and furnishings, carpets and other floor coverings, household textiles, major household appliances (whether electrical or not), small electric household appliances, tools and other miscellaneous accessories, glassware, tableware, household utensils, non-prescription medical goods and other pharmaceutical products, therapeutic appliances and equipment, perfumes, bicycles, recording media, games, toys, hobbies and craft materials, tools and equipment, musical instruments, plants and flowers, pets and pet related products, books and stationary, greetings cards, audio-visual, photographic and information processing equipment, appliances for personal care, jewellery, watches and clocks, petrol, tobacco and tobacco products and financial services
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**West
Northamptonshire
Council**

Title: **Mayleigh House, Kettering Rd North**

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