

Inspector's Note.

6.5 The original objections to Policies RT1 and RT3 are numerous and in many ways so complementary that it would be an inappropriate and a repetitive process if I were to deal with them on an individual basis. It would also ignore the Council's suggested changes to these policies which are also complementary and wide ranging. I therefore adopt the approach I have already used in this report of dealing with the objections in the round. But I start my assessment by first considering to what extent the Council's suggested changes meet the original objections and only then do I deal with the outstanding differences of opinion. Because of their length I do not reproduce the Council's proposed changes as set out in Appendix 5 of Core Document No.12 except where it is convenient to make reference to particular passages thereof.

POLICY RT1

PLANNING PERMISSION WILL NOT NORMALLY BE GRANTED FOR THE DEVELOPMENT OF LARGE-SCALE RETAIL OUTLETS (CLASS A1) WHICH WOULD SERIOUSLY AFFECT THE VITALITY AND VIABILITY OF A NEARBY TOWN CENTRE AS A WHOLE OR OF NEIGHBOURHOOD CENTRES OR OF CENTRES PROPOSED IN THIS PLAN.

6.6 **OBJECTIONS by :**

909	Tesco Stores Ltd. (911)	500	Gateway Foodmarkets Ltd.
697	Chelverton Properties Ltd.	879	British Timken (3015)
891	Mr M Moser		(3017)
914	Safeway Stores plc.	997	British Gas Properties
	(3018) (3019) (3020)	1235	Renslade Investments
2222	DoE (2223)		(City) Ltd.

and

POLICY RT3

PLANNING PERMISSION WILL NORMALLY BE GRANTED FOR THE DEVELOPMENT OF RETAIL OUTLETS (CLASS A1) PROVIDED THAT THEY ARE LOCATED WITHIN TOWN CENTRES OR NEIGHBOURHOOD CENTRES OR ON SITES IDENTIFIED IN THIS PLAN FOR RETAIL DEVELOPMENT.

6.7 **OBJECTIONS by :**

94	Alsop Verrill (93)	502	Gateway Foodmarkets Ltd.
881	British Timken	910	Tesco Stores Ltd.
1237	Renslade Investments (City) Ltd.	2099	CPRE (2100) (2101)

SUMMARY OF OBJECTIONS : [POLICY RT1].

6.8 Policy RT1 in the Local Plan does not conform to the approach recommended in PPG6 and should be deleted in this form, [(Alsop Verrill) and Renslade Investments (City) Ltd.]. Policy RT1, as proposed to be changed, is similarly flawed. It should be replaced by a positively worded and criteria based policy, viz :

'The development would complement the shopping function of the town or neighbourhood centre and not seriously affect the vitality and viability of a nearby town centre as a whole or of the centres proposed in the Plan'.

'The scale and type of development is such that it cannot be provided within the defined town centre of Daventry'.

'The additional traffic which the development will generate can be satisfactorily and safely accommodated by the surrounding road network'.

'The development would be accessible to the majority of shoppers, including pedestrians, the disabled and those using public transport'.

'The design, siting and landscaping is in keeping with the character of the area'

or similar. [(Gateway Foodmarkets Ltd.) (Chelverton Properties Ltd.) (Tesco Stores Ltd.) (Safeway Stores plc.)]

6.9 Paragraph 6.7 should reflect the conclusions of Healey and Baker's Report, viz. that the Gateway Store should not be regarded as an 'anchor' store and that Daventry could accommodate a large food store without adverse effect on the vitality and viability of the town centre as a whole. [(Tesco Stores Ltd.) (British Timken)]. In the interests of greater clarity the suggested Policies RT1B and RT3 should be amalgamated.

6.10 The definition of 'large scale' in paragraph 6.9 is inappropriate in the context of Daventry as a retailing centre. The policy can be interpreted to imply that all 'large scale' retail developments will seriously affect established shopping areas, [(British Gas) (Tesco Stores plc.)]

6.11 Paragraph 6.19 should be deleted; there could be circumstances wherein the town centre would be incapable of accommodating the large scale development referred to, [Tesco Stores Ltd.].

6.12 The suggested paragraph 6.8 is incorrect in its implication that further town centre investment 'should not be prejudiced by the development of large retail outlets, such as food stores', [Safeway Stores plc.].

6.13 The word, 'normally' adds no more flexibility than is provided for in the basic legislative requirement to have regard to other material considerations. The word 'normally' should be removed. [DoE]

SUMMARY OF OBJECTIONS : [POLICY RT3].

6.14 Policy RT3 should be more flexible and should be changed by the deletion of Criterion A, [British Timken]. It does not make allowance for development, which could be both feasible and desirable, other than in the town centre, in neighbourhood centres or on sites identified in the Plan, [(Tesco Stores Ltd.) (Renslade Investments (City) Ltd.)]. It could be reworded in place of RT1, viz :

'Planning permission will normally be granted for the development of retail outlets (Class A1) provided that they would :

- a) Not directly, or when considered with other committed schemes likely to be developed in the short term, seriously affect the vitality and viability of town centres within the District or in adjoining Districts; and
- b) Be accessible by private and public transport; and
- c) Be well related to the main road network; and
- d) Not give rise to unacceptable vehicular and/or pedestrian traffic conditions; and
- e) Be constructed to standards of design and finish appropriate to the locality and provide adequate parking and manoeuvring space for customers and service vehicles; and
- f) Not result in the loss of land identified in the Plan for employment use where there is a proven demand for that land to be so used which cannot be met elsewhere on the Plan area; and
- g) Not materially contravene other policies in the Plan.
[(Alsop Verrill)]

6.15 Alternatively, it should be clarified by cross referencing to other relevant retail policies, [Gateway Foodmarkets Ltd.], viz :

'Planning permission will normally be granted for the development of retail outlets (Class A1) provided that they are located within town centres or neighbourhood centres or on sites identified in this Plan for retail development at Policies RT2 and RT5'.

6.16 A firmer and more positive application of the policy would result if the words, 'planning permission ... may be granted ..' were substituted for the words, 'planning permission ... will normally be granted ..' . [CPRE]

THE ISSUE

1. Whether the objectors' suggested changes would more accurately reflect the aims and objectives of the Local Plan ?

ASSESSMENT

6.17 The main thrust of the objections to Policies RT1 and RT3 are aimed at the perceived 'prejudgement' of the issues which would undoubtedly be raised by any proposal for an 'out of centre' retail development especially one which involved a food store. These objections, and the 'prejudgement', (if that is a fair description), are made in the light of advice from the Council's own consultants which culminated in the Healey and Baker report of January 1994. This report concluded that there was no clear evidence that a 2,787 sq.m, (30,000 sq.ft.), out of centre food store would undermine the present vitality of the Town Centre, but that the commercial impact would be likely to deter the continued investment required to sustain it. The Council takes its lead from this recent research and from the Structure Plan's Policies Shop 1 and Shop 3, and seeks to protect the status quo and to encourage investment into the Town Centre. The objectors seek criteria-based policies in substitution of Policies RT1 and RT3 and a more 'neutral' attitude in the supporting text.

6.18 There is no direct criticism of the Council's aims and objectives in the above objections but of its approach and of its interpretation of the studies carried out under its own auspices. Some of its conclusions are questioned. The Council's suggested changes go some way to meeting these objections. The suggested Policy RT3 now incorporates a number of criteria which feature large in the objectors' draft policies. The reference to 'major stores' has been toned down to 'main stores' which is a more accurate description. The reference to 'large scale' in paragraph 6.9 disappears in the redrafting of the supporting text. The suggested change to paragraph 6.19 makes clear that the reference to 'large scale developments' is in the context of the scale of development in the Town Centre and that they are therefore capable of being accommodated in that place.

6.19 I am content, therefore, that the Council's changes do meet some of the objections but the references to 'large scale' and 'small scale', (in Policy RT5), continue to confuse the picture. They are relative terms of little value which the Council are right to omit in its suggested changes to Policies RT1 and RT3; I therefore recommend the phrase be omitted from paragraph 6.19.

6.20 The criticism that there is still an element of prejudgement and inconsistency remains however. This continued objection to the Council's suggested changes raises the fundamental issue of just how far should the Council go in resisting out of town retail development in pursuit of its preferred strategy of encouraging Town Centre investment. Put another way, should the Local Plan simply present a level neutral playing field and if not, would the Council be entitled to take advantage of any favourable inclination in matters of development control. I am sure the answers must be in the negative and affirmative respectively but it is also incumbent on the Council to be realistic in its assessment of the likely success of such a strategy in drawing up its Local Plan.

6.21 It is one thing to have a strategy, another to have a fair chance of carrying it through. The Healy Baker Report (January 1994) makes the point that the investment required to sustain the vitality and viability of Daventry Town Centre is largely focussed in three agencies, the Council, Waitrose and Boots Properties. Their inter-relationship and dependence is not a sure recipe for success; the best the Council can promise is that its current emphasis is to 'deliver' the investment necessary but how that is to be achieved is not explained. For giving up the existing car park the quid pro quo for Waitrose is new parking space and an extension to their premises. But these improvements are far from being guaranteed, neither is the return on investment in new units which Boots Properties would have to finance. The prospect of Town Centre development should not be overstated, and the possible failure 'to deliver' or the consequences of the failure of strategy should be faced. [I draw attention to ways of bolstering Town Centre trade in my consideration of housing land allocations in Part 2 of the Housing Chapter].

6.22 The remaining objections devolve into issues relating to the suggested new policies, (do they clearly signal the Council's aims and set out adequate criteria against which all retail development proposals should be judged?), and the supporting text, (does it fairly reflect the background to the Council's aims and justify the policies?). Obviously the objectors think not and I am of the opinion that both could be improved.

6.23 It is suggested by the Council that Policy RT1 in the Local Plan should be replaced by Policies RT1A and RT1B and Policy RT3 be reworded; I am not convinced that the combination of these three policies improves the understanding of the Council's aims and objectives. New Policy RT1A is a bald statement which on its own is unenlightening, it could be combined with the new Policy RT3. New Policy RT1B does, however, provide a more balanced statement of the Council's opposition to retail developments which could undermine the vitality and viability of a town centre because it now contains the proviso that the latter should be judged to be serving the community well. The proviso is important, it would be wrong for the Council to continue with a policy which provided the worst of two worlds for the shoppers of Daventry, ie. a town centre which no longer served them well and no prospect of alternative outlets. New Policy RT1B avoids that trap and should therefore replace Policy RT1 in the Local Plan as an appropriate 'cornerstone' statement of the Council's preferred strategy.

6.24 I am also largely content that the suggested text, (paragraphs 6.7 - 6.10 in Appendix 5 of Core Document No.12), should support this new policy but the references to the 'recent' research carried out by consultants in paragraph 6.8 are not appropriate for a Local Plan with a projected life of 10 years. Neither can it be certain that the conclusions 'recently' drawn by independent consultants would still be valid later in the Plan's life nor that the investment that the Council wishes to attract will be forthcoming. Paragraph 6.8 would date rapidly during the life of the Local Plan. It should not form part of the modifications to the Local Plan but the gist of the latter part could be usefully added to the preceding paragraph as a further justification of the policy. I recommend accordingly and accept that the agreed changes to the suggested text of paragraph 6.10, ie. the words, 'shopping provision', for the word, 'stores', and the words, 'it is considered important', for the words, 'so as', be also incorporated.

6.25 New Policy RT3 provides the counterbalance to New Policy RT1 and is criteria based as the objectors have urged. However, I prefer the language of the objector, (Alsop Verrill), for Criteria A; it is plainer and more to the point and I recommend its substitution therefor.

6.26 As to the CPRE's objection to this and Policies TM3, TM4 and TM5, I have dealt with similar objections from the CPRE in other sections of this report and I have come to the same conclusion. The suggested change would add an element of uncertainty into this policy and to Policies RT10 and RT11 and be contrary to the advice in paragraph 5.3 of PPG12 which advocates clear, succinct and easily understood Plans. Given the flexibility that will be required in providing for the provision of shopping opportunities I am content that the use of the word 'normally' in Policy RT3 is quite appropriate.

RECOMMENDATIONS.

6.27 That the Local Plan be modified by the deletion of Policies RT1 and RT3 together with the related supporting text and the substitution therefor of Appendix 5 of Core Document No.12, insofar as it relates to those policies. Except that Policy RT1A and paragraph 6.8 be deleted and that Policy RT1B be renumbered Policy RT1 and that to paragraph 6.7 of the supporting text be added the sentence, viz :

'Development which would have an adverse effect on the overall attractiveness of the Town Centre and jeopardise its established role as an important shopping centre will therefore be resisted as long as this remains the case. Within the larger villages, outlets which will provide a wide range of products and which will serve the local population without being likely to cause the closure of existing stores will be permitted'.

And that the words, 'shopping provision' be substituted for the word, 'stores' and the words 'it is considered important' substituted for the words, 'so as' and that the words, 'large scale' be omitted in paragraph 6.10 of Appendix 5.

6.28 That New Policy RT3 be modified by the substitution of the following sentence for the first sentence thereof, viz :

PLANNING PERMISSION WILL NORMALLY BE GRANTED FOR RETAIL DEVELOPMENT THAT WOULD SUSTAIN OR ENHANCE THE VITALITY AND VIABILITY OF A NEARBY TOWN CENTRE AND WHICH IS LOCATED WITHIN OR ON THE EDGE OF A TOWN CENTRE OR WITHIN LOCAL CENTRES OR ON SITES IDENTIFIED IN THIS PLAN FOR RETAIL DEVELOPMENT.

And that Criterion A in New Policy RT3 be deleted and the following substituted in its place, viz :

A. BE CONSTRUCTED TO STANDARDS AND FINISH APPROPRIATE TO THE LOCALITY AND PROVIDE ADEQUATE PARKING AND MANOEUVERING SPACE FOR CUSTOMERS AND SERVICE VEHICLES.

And that the numbering of the paragraphs of the supporting text be amended accordingly.

POLICY RT2

PLANNING PERMISSION WILL NORMALLY BE GRANTED FOR LARGE NON-FOOD BASED RETAIL UNITS ON LAND SOUTH OF DRAYTON WAY AND WEST OF SOPWITH WAY (DAVENTRY RETAIL PARK) AS IDENTIFIED ON THE PROPOSALS MAP (DAVENTRY INSET) PROVIDED THAT THEY COLLECTIVELY DO NOT EXCEED 5,600 SQUARE METRES GROSS RETAIL FLOORSPACE. SUCH PERMISSIONS WILL BE SUBJECT TO CONDITIONS RESTRICTING UNITS TO SALES OF NON-FOOD GOODS WITHIN CLASS 1 ONLY. DEVELOPMENT SHALL HAVE REGARD TO THE DEVELOPMENT BRIEF PREPARED BY THE DISTRICT COUNCIL.

[Proposed Changes : See Core Document No.12]

6.29 OBJECTIONS by :

501	Gateway Stores Ltd.	677	Nene Group plc.
698	Chelverton Properties Ltd.	880	British Timken (882)
1236	Renslade Investments (City) Ltd.		(3016)
2263	DoE		

SUMMARY OF OBJECTIONS

6.30 The site is not 'the most suitable', (paragraph 6.11); the British Timken site is better and meets the criteria of paragraph 6.11 as well as offering the opportunity to secure redevelopment of a vacant industrial site. The policy should make provision for retail development on that site. Other suitable sites should not be precluded.

6.31 The policy is otiose, the land already has planning permission for non-food retail development and should therefore be regarded as a commitment rather than a proposal; the inclusion of floorspace limits is contrary to paragraph 11 of Annex B of PPG6. The policy should be strengthened by the insertion of the word 'only' to qualify the words, 'large non-food retail units'.

6.32 The land should be extended to include the adjacent 1.1 ha. (2.75 acres) which would provide a possible secondary access and form a peripheral stop to the adjacent industrial buildings.

6.33 The reference to other documentation in the Local Plan runs counter to the legal precedent established in the case of Great Portland Estates v City of Westminster where it was established that all policies and guidance on which the Council rely should be included in the Plan. The references should be incorporated or removed.

THE ISSUE

1. Whether the changes suggested by the objectors would more accurately reflect the aims and the objectives of the Local Plan ?

ASSESSMENT

6.34 The British Timken objection makes no criticism of the land south of Drayton Way except to challenge the claim that it is the 'most suitable'. It is not my task to make judgments about the relative virtues, (as opposed to the shortcomings), of sites which might be promoted in the course of the making of this Local Plan. The Council is entitled to exercise a certain degree of discretion in the land allocations it makes; the reasons it provides for selecting this particular site are logical and perfectly acceptable and I find no cause to recommend an alternative. I make no recommendation regarding the provision of retailing development on the British Timken site. The objector will know of my recommendation that the site be allocated for housing. Whereas that would not preclude an element of retail development, the matter is best judged by the Secretary of State who has the evidence of an other inquiry before him.

6.35 Whether the policy is otiose as a result of the planning permission already granted is a valid question but in suggesting a change in the policy the Council would obviously prefer to operate it under different conditions if the opportunity arose; I am of the same disposition. There is criticism of the imposition of floorspace limits which the Council justify by arguing they are required to avoid replicating the shopping units of the Town Centre. The need to safeguard Town Centre trading is recognised as a legitimate objective but the surer method is by way of planning conditions, rather than by dictating floor standards. The latter course would be both prescriptive and inflexible. The limitation by conditions of trading to a range of goods which would not normally be sold in the confines of Town Centre shops would be in keeping with the Council's recognised strategy, provided it did not seek to control the details of particular products. The supporting text should make clear the Council's intentions in that respect, thus making the qualification suggested by Gateway Stores unnecessary. I recommend accordingly.

6.36 I make no recommendation regarding the addition of 1.1 ha. of land suggested by the Nene Group. The land is obviously suitable for either employment or retailing purposes and it will be for the objector and the Council to determine the most appropriate use in due course.

6.37 I have considered the objection of the DoE to development briefs elsewhere in this report and concluded the reference should be modified to indicate that whereas the responsibility for their issue lies with the Council, developers and others will be afforded the opportunity to co-operate in their production.

RECOMMENDATIONS.

6.38 That Policy RT2 be modified, viz :

PLANNING PERMISSION WILL NORMALLY BE GRANTED FOR LARGE NON-FOOD BASED RETAIL UNITS ON LAND SOUTH OF DRAYTON WAY AND WEST OF SOPWITH WAY (DAVENTRY RETAIL PARK) AS IDENTIFIED ON THE PROPOSALS MAP (DAVENTRY INSET). SUCH PERMISSIONS WILL BE SUBJECT TO CONDITIONS RESTRICTING UNITS TO SALES OF NON-FOOD GOODS WITHIN CLASS A1 ONLY. DEVELOPMENT OF THIS SITE WILL BE IN ACCORDANCE WITH DEVELOPMENT BRIEFS ISSUED BY THE DISTRICT COUNCIL.

And that the following be added to paragraph 6.11, viz :

'... by widening the range of goods available to the public. To limit the impact on the vitality and viability of the Town Centre the granting of planning permission will therefore be subject to conditions limiting sales to goods in the following categories:

[to be completed].

And that to paragraph 6.12 be added, viz :

'The District Council has successfully promoted and secured development that creates good standards of environment via the issue of development briefs. This good practice shall continue with the co-operation of developers who are advised that such briefs will be material considerations for the District Council in determining planning applications'

0 - - -

POLICY RT5

PLANNING PERMISSION WILL NORMALLY BE GRANTED FOR DEVELOPMENT CONSISTING OF SMALL-SCALE SHOP UNITS ON THE FOLLOWING SITES:

- A. LAND BETWEEN ABBEY STREET, ST. JOHNS SQUARE AND GOLDING CLOSE (Site 14).
- B. WEST OF BROOK STREET (Site 4).
- C. SOUTH OF TAVERN LANE (Site 12).
- D. CORNER OF ST. JAMES STREET AND WARWICK STREET (Site 6).
- E. BOWEN SQUARE (Site 13).

(Site numbers refer to the Proposals Map (Daventry Town Centre Inset).

[Proposed Changes : See Core Document No.12]

6.39 **OBJECTIONS** by :

999	British Gas Properties	1278	Stepnell Estates Ltd.
2023	Boots Properties plc.		(1280)

SUMMARY OF OBJECTIONS

6.40 Policy RT5 is restrictive in specifying 'small scale', the qualification should be deleted allowing each proposal to be judged on its merits. The Brook Street site should be added to the list.

6.41 Site 14 is capable of providing additional retail space and should therefore be designated for retail uses to accommodate large stores principally and thereby resist the demand for out of town food retailing. In the alternative, 'small scale' development is acceptable if the impact of any convenience retailing does not affect the vitality and viability of existing retail areas.

THE ISSUES

1. Whether the Brook Street site could be reasonably added to the list of sites under a suitably changed policy which removed the qualification 'small-scale', thereby permitting all proposals to be judged on their respective merits ?

2. Whether Site 14 is inappropriately designated for small scale shop units ?

3. Whether the impact of convenience retailing on the site could significantly affect the viability of the existing stores ?

ASSESSMENT**First Issue : Brook Street**

6.42 The issue of the Brook Street site has been comprehensively dealt with elsewhere in this report and I have concluded that there is no good cause to include it amongst the sites considered to fall under the aegis of Policy RT3, as recommended.

6.43 A definition of 'small scale' does not appear in the Local Plan but one is not necessary nor is the description desirable. The Council argues that the space remaining on Site 14 is insufficient to support 'large scale' retail development, (see below), in which case it is unlikely that any of the others listed under Policy RT5 could do so. I have also recommended elsewhere in this report that the term 'large scale' be omitted from any policies and supporting text related to Town Centre development on the basis that it is a relative term which has no value unless defined. Size is not an important consideration in a strategy which has only one aim, ie. to enhance the viability and vitality of the Town Centre. I therefore recommend the omission of the description from Policy RT5.

Second Issue : Site 14

6.44 Events have largely overtaken this objection by the planning permission granted for the Leisure Centre and the commencement of construction. The Council is right to point out that the site space remaining would be inadequate for large scale retail stores in the common meaning of the term. In the event, any retail development on Site 14 could be realistically expected to be on a scale commensurate with its Town Centre location. I therefore make no recommendation for any modification to the Local Plan in respect of objection No.1278.

Third Issue : Impact

6.45 The impact of convenience retailing from this site would be minimal, given the size of the units and the likelihood that they would be used for both convenience and comparison retailing. The objector is now satisfied with the Council's aims for the Town Centre which I endorse in my recommendations for Policies RT1 and RT3, above.

RECOMMENDATIONS.

6.46 That the Local Plan be modified in accordance with Core Document No.12 except that the words 'small scale' be deleted from Policy RT5, and from the suggested changes, and the word 'ISSUED' be substituted for the word 'AGREED', in the final clause.

POLICY RT6

PLANNING PERMISSION WILL NOT NORMALLY BE GRANTED FOR CHANGES OF USE FROM SHOPPING (USE CLASS A1) TO FINANCIAL AND PROFESSIONAL SERVICES OR OFFICES (USE CLASS A2 OR B1) ON THE GROUND FLOOR OF PREMISES IN BOWEN SQUARE, SHEAF STREET AND HIGH STREET.

[Proposed Changes : See Core Document No.12]

6.47 OBJECTIONS by :

337 National Westminster Estate 940 Nationwide BS.
Management

SUMMARY OF OBJECTIONS

6.48 It is inappropriate to restrict Class A2 and B1 uses to secondary or tertiary frontages and to exclude them from the primary shopping frontages. Banks and the like provide essential services, they make an important contribution to the vitality and viability of shopping centres; new banking practices make bank frontages compatible with other shopping frontages. Advice in PPG6 and Circular 13/87 gives support to the contribution made by A2 uses to the character and vitality of shopping centres.

THE ISSUE

1. Whether the restrictions of Policy RT6 are appropriate in the context of the primary shopping area of Daventry ?

ASSESSMENT

6.49 The restrictions imposed by the policy would seem to go beyond the advice in PPG6 which aims to prevent the dominance of non-retail uses while acknowledging the contribution they can make to the vitality and viability of town centres. PPG6 stresses the need for variety and activity that should not be sacrificed by the rigidity of a policy which may not sit comfortably with the competitive and promotional aims of Policy RT5. It is in the interests of all that the shop frontage of the pedestrian shopping circuit remains viable which may require exceptions being made to A1 uses. The interests of the Council, and of potential providers of A2 services, would be better served by a criteria-based policy rather than have those exceptions established by ad hoc 'material considerations'. I recommend accordingly.

RECOMMENDATIONS.

6.50 That Policy RT6 be modified by the deletion of the word, 'normally' from the main clause and by the addition of the following, viz :

EXCEPTIONS MAY BE MADE FOR USES FALLING WITHIN CLASS A2 (FINANCIAL AND PROFESSIONAL SERVICES) OF THE 1987 USE CLASSES ORDER IF ALL THE FOLLOWING CIRCUMSTANCES APPLY :

- A. THE PROPOSAL DOES NOT FORM A PROMINENT PART OF THE SHOPPING FRONTAGE OR AN IMPORTANT LINK BETWEEN SHOPPING FRONTAGES;
- B. THE PROPOSAL DOES NOT FORM A CONTINUOUS FRONTAGE WITH ONE OR MORE EXISTING NON-RETAIL USES.

WHEN ASSESSING SUCH PROPOSALS CONSIDERATION WILL ALSO BE GIVEN TO THE PROPORTION OF NON-RETAIL FRONTAGE EXISTING IN THE SPECIFIED AREA.

- - - 0 - - -

POLICY RT8

PLANNING PERMISSION WILL NORMALLY BE GRANTED FOR SMALL SCALE SHOP UNITS DESIGNED PRIMARILY TO SERVE LOCAL RESIDENTS ONLY WITHIN THE PROPOSED NORTHERN AREA AND BURNT WALLS PARK LOCAL CENTRES.

6.51 OBJECTIONS by :

313	Christ Church, Oxford	424	Alfred McAlpine Quarry
1263	English Heritage		Products Ltd.
1288	Mr R Gilbert		

SUMMARY OF OBJECTIONS

6.52 The reference to 'Burnt Walls' is premature, at best, and should be deleted as a consequence of objections to Policy HS7

THE ISSUE

1. Whether or not the Burnt Walls development should proceed ?

ASSESSMENT

6.53 I have made my assessment of the Burnt Walls proposals and concluded that Policy HS7 should be deleted from the Local Plan. If the Council accept that recommendation the reference to Burnt Walls in Policy RC13 should also be deleted.

RECOMMENDATIONS.

- 6.54 That the Policy RT8 be modified, viz :

PLANNING PERMISSION WILL NORMALLY BE GRANTED FOR SMALL SCALE SHOP UNITS DESIGNED PRIMARILY TO SERVE LOCAL RESIDENTS ONLY WITHIN THE PROPOSED NORTHERN AREA CENTRE.

- - - 0 - - -

POLICY RT11

PLANNING PERMISSION WILL NORMALLY BE GRANTED FOR SMALL SCALE SHOPPING DEVELOPMENT RELATED TO RECREATION AND TOURISM IN THE RURAL SETTLEMENTS AND IN THE OPEN COUNTRYSIDE PROVIDED THAT THEY RE-USE EXISTING BUILDINGS AND COMPLY WITH POLICIES EN21 TO EN29 OF THIS LOCAL PLAN.

[Proposed Changes : See Core Document No.12]

6.55 OBJECTIONS by :

37	NFU	471	Country Landowners Association
2043	MAFF		

SUMMARY OF OBJECTIONS

6.56 The absence of a specific reference to farm shops. The words, 'provided that they use existing buildings' places too great a restriction on farm shops and would unreasonably inhibit the diversification projects of farmers selling farm produce and regional and speciality foods.

THE ISSUE

1. Whether the policy should encompass farm shops and, as presently worded, would be too restrictive of farm diversification projects ? If so, whether the suggested new policy would be less restrictive ?

ASSESSMENT

6.57 The conflict of interest revealed by these objections lies between the established retailing outlets in rural centres and the farming community; the latter would surely benefit from a widening of its traditional role of selling farm produce if it were to include imported produce and if it were allowed to trade from locations of its own choosing. I have little doubt that the former would suffer as a consequence.

6.58 The Council clearly recognise the fact that farm shops have become part of the rural economy but its suggested new policy would do little more than acknowledge an ancillary activity which does not require planning permission. It is not prepared to concede more and I am of the view that it is right to resist upsetting the delicate balance which exists in the field of rural retailing. Village shops are under severe pressure and it would be wrong to deliberately undermine their shaky foundations. They play an important role in the rural areas; their demise would affect not only their proprietors but the community as a whole.

6.59 I do not think the Council's suggested policy would add anything to the Local Plan but my recommendations for the modification of Policies EN21 and EN23 would represent a small concession in the manner in which rural buildings could be reused and adapted. I do not recommend the inclusion of the Council's additional policy in respect of these objections but recommend that its accompanying additional explanation be expanded to incorporate the substance thereof.

RECOMMENDATIONS.

6.60 That the Local Plan be modified by the inclusion of an additional paragraph to follow paragraph 6.30, viz :

'Diversification has become a feature of modern agriculture and it is appropriate to allow for the sale of foodstuffs from farm shops at farms at which it is produced. This ancillary activity does not usually require planning permission provided the produce is generated as part of the normal business of the farm and a safe access and adequate customer parking can be provided off the public highway. Retailing development other than from farm shops complying with these conditions will be subject to the policies of this Local Plan'.

And that Policy RT11 be amended to reflect any modifications the Council adopt in respect of Policies EN21 - EN29 of this Local Plan.

- - - 0 - - -

POLICY RT12

PLANNING PERMISSION WILL NORMALLY BE GRANTED FOR GARDEN CENTRES PROVIDED THAT THEY ARE:

- A. LOCATED WITHIN OR CLOSELY RELATED TO EXISTING SETTLEMENTS.
- B. NOT ENVIRONMENTALLY INTRUSIVE.
- C. LOCATED OUTSIDE OF THE SPECIAL LANDSCAPE AREAS OR GREEN WEDGES.

[Proposed Changes : See Core Document No.12]

6.61 OBJECTIONS by :

1016 Mr M Spicer 2102 CPRE

SUMMARY OF OBJECTIONS

6.62 The absence of a policy promoting land at Drayton Lodge for development as a garden centre.

6.63 To provide a firmer and more positive application of the policy, Criterion B should read, viz :

- B. Not environmentally intrusive in general and specifically not within or in close proximity to a conservation area or a listed building whose setting may be adversely affected'.

THE ISSUES

1. Whether there is a need for a garden centre at Drayton Lodge ?
2. Whether the objector's suggested change would more accurately reflect the aims and objectives of the Local Plan ?

ASSESSMENT

First Issue : Need for a Garden Centre

6.64 I have dealt with objection No.1013 into the designation of this site as part of the Special Landscape Area and concluded that it is inappropriately included. I therefore reject the Council's case which is based solely on the premise that an allocation would run against such designation. Nevertheless, I am not convinced that the case for the proposed allocation is made. The objector offers no more evidence than a couple of letters from the County and District Councils stating that, in principle, those Councils would not be opposed to a garden centre development on the site. The opinion is not surprising given the present mixed uses of the site.

6.65 It is significant that the Council goes no further than agreeing development in principle but I would expect no more or less. It is through the Local Plan process that Planning Authorities make realistic provision for the development needs of the area, not through the individual opinions of officers concerned only with development control. Moreover, it would be quite wrong for the Local Plan to allocate land for a particular purpose simply on the basis of suitability. It would be unrealistic, devoid of any consideration of the development needs of the area and probably lacking the refinement and detail of site appraisal when a choice has to be made. I therefore make no recommendation for any modification of the Local Plan in respect of objection No.1016.

Second Issue : Criterion B

6.66 The Council's suggested change to paragraph 6.31 would meet the objection and would be an appropriate reminder of the protection afforded to designated areas within the District; I recommend accordingly.

RECOMMENDATIONS.

6.67 That the Local Plan be modified by the inclusion of a new policy, viz:

'PLANNING PERMISSION WILL NOT BE GRANTED FOR GARDEN CENTRES WITHIN OR IN CLOSE PROXIMITY TO A SPECIAL LANDSCAPE AREA; A GREEN WEDGE AREA, A CONSERVATION AREA OR A LISTED BUILDING WHOSE SETTING MAY BE ADVERSELY AFFECTED'.

0

6.68 OBJECTIONS by :

1000 British Gas Properties (996), (1001)

SUMMARY OF OBJECTIONS

6.69 The absence of a policy making provision for 'out of town' or 'edge of town' locations for retail development in the range of 650 sq.m. - 7,000 sq.m., contrary to the advice in PPG6.

6.70 Ground conditions on the site of the former Gasholder Site, Brook Street, allocated under Policy HS10(A) for residential development, render it unsuitable for housing whereas its location makes it suitable for retail development.

6.71 The inclusion of the Brook Street site on the Proposals Map as suitable for community or recreational facilities is inappropriate given its size and suitability for retail or residential development.

THE ISSUES

1. Whether the Local Plan is deficient in not addressing the subject of 'edge of town' retail development, other than in Policy RT1 ?
2. Whether the cost of the clearing and the decontamination of the Brook Street site would make it uneconomic to redevelop for residential purposes but economic for retail purposes and whether the site could reasonably be regarded as located on the edge of the town centre under the terms of the suggested and reworded Policy RT3 ?
3. Whether the dual designations of the Brook Street site under Policies HS10 and RC24 are confusing and inappropriate given the allocation of the site for housing and its claimed suitability for retail uses ?

ASSESSMENT**First Issue : Deficiency in the Local Plan**

6.72 The Council's suggested changes to the Retail Chapter would seem to acknowledge deficiencies in the Local Plan including the lack of any reference to 'edge of town centre' locations. These would incorporate references to such locations for retail outlets and I am content therefore that the objection is met in that respect. And, moreover, that the New Policy RT3, (as recommended), being criteria-based provides an adequate yardstick by which to judge retail proposals on their merits in such locations.

Second Issue : Site Suitability

6.73 In considering the question of the suitability of the site for the allocated purposes and its use for retail purposes I have the benefit of evidence produced at a later Section 78 inquiry although I note at the time of writing that the Inspector's decision is the subject of a High Court challenge. However, the facts of the evidence presented at the two inquiries, insofar as they relate to remedial costs and land values, were not disputed at the time. I am content, therefore, to take the evidence presented at the Section 78 inquiry as being the more accurate as that evidence was presented jointly and was prepared with the benefit of a more considered estimate of the remedial works necessary for a range of housing developments. (It is, incidentally, more favourable to the Council's case than that presented in respect of this objection). At 1995 prices the minimum cost of remediation is estimated to be £255,000 whereas the present site value is estimated to be £157,000. Assuming the costs of remediation to rise by 5% per annum and values by 10%, the former would only just equate with the latter at the very end of the Plan period.

6.74 Clearly, on that basis, the assumption of residential development on the site is unrealistic as is the Council's argument that land values are so volatile that applying compound percentage rates is a risky method of estimating them over a period of time. That argument offers no alternative method and ignores the mathematical certainty that any resultant increase, (or decrease), could be expressed precisely in those terms. The only questionable assumption is the appropriate rate to apply, but given Government policy to reduce inflation and maintain it at a low level the assumptions about rates are sound; a reasonable conclusion is that the designation of this site for housing is unsound. Such land should be free of any impediment to its proposed development but this site is not. I must therefore conclude that the allocation and designation should be removed from Policy HS10 and the Proposals Map.

6.75 Whether or not the objection site could be reasonably described as 'edge of town' is a moot point but I recognise that in the view of the Council and a fellow Inspector it is not. Their judgment is based on the visual separation of the site, (rather than any practical obstacle), the fact that it is connected by a steeply inclined Brook Street and that it is a site from which 'one stop' shopping would be impracticable. I recognise all those factors as relevant while accepting that there may be other material considerations which would make development of the objection site for retail purposes acceptable. However, insofar as that proposition has been tested at the recent Section 78 Inquiry, I recognise no overriding argument which would warrant allocating the site therefor in this Local Plan.

Third Issue : Dual Designations

6.76 I have indicated above that I consider the housing designation of this site to be unsound; I note that the Council recognise its unsuitability for community uses in its proposed change to Policy RC24 which removes that designation also. The result is an area of unallocated land but that would appear to be a fair reflection of its present state and the policies which the Council wish to pursue. In the course of the lifetime of this Local Plan circumstances may suggest an acceptable and economically sound use.

RECOMMENDATIONS.

6.77 That Policy HS10 be modified by the deletion of the former gasholder site, Brook Street, (Site 3).

- - - 0 - - -

6.78 OBJECTION by :

251 Hallam Land Management (250)

SUMMARY OF OBJECTION

6.79 The absence of a policy allocating land at Holly Lodge Drive, Boughton, for retail and commercial purposes.

THE ISSUE

1. Whether there is a need for retail outlets combined with business premises on the objection site which is located in the proposed Green Wedge ?

ASSESSMENT

6.80 In considering the question of need for the proposed development, the evidence provided from the Moulton Park Business Survey is not without some merit but it is more indicative of the lack of facilities than conclusive proof that the provision of these on the objection site would represent a viable development. I am with the Council in regarding the results with some scepticism, given the wording of the covering letter and the questionnaire which invited a favourable response.

6.81 Nevertheless, this lack of facilities does appear to be exercising the attention of the Northampton Borough Council in pursuing a business support centre on the south eastern edge of Moulton Park. The Parklands scheme would be comprehensive, combining the same facilities which the objector would provide for the local business community, but with more wide ranging provisions for the residents of the area. Moreover, its location and catchment area would seem to have advantages over the objection site although I note that a catchment population of about 3,000 employees represents a 'break even' point for a business support centre. Given the 15,000/10,000 or so estimated to be in the area it might suggest that there is scope for the two, but that is a commercial judgment which I shall leave to others. It is fair to conclude, nevertheless, that plans for Parklands seem set fair and that the development would be in competition with the objector's proposals.

6.82 The main plank of the Council's response to this objection rests on the 'Green Wedge' designation of the site but that argument is seriously weakened by the 'residual' nature of that designation. I and my colleague have considered the objections to the 'Green Wedge' policies and arrived at what might be considered complementary conclusions. For my part, I would prefer that particular designation to be used more partially, being applied to areas which fitted that description and which provided amenity value. Other areas, where development was necessarily restricted to guarantee the orderly expansion of settlements, would be designated 'Areas of Restraint', in my book. (My colleague recognises the need for such restraint in the Northampton area, as do I, and while we might prefer different terminologies our intentions for this area are similar).

6.83 The approach of a 'residual' designation fits well with the concept of an 'Area of Restraint' and it is the approach which, in effect, has been adopted in the vicinity of the objection site, (although some inconsistency seems to have arisen over the designation and the planning permission granted for the development of the Stonepits Hotel). I am not convinced, therefore, by the 'Green Wedge' argument nor its corollary, the 'open countryside' argument. The fact that the District Council is only proposing the construction of 100 dwellings in the immediate vicinity also seems to be a poor excuse for not recognising the overall deficiencies of the area and making some provision for their relief. Planning should be able to rise above administrative boundaries and if there were a need for a business support centre and retailing outlets for this area this site is worthy of consideration, alongside Parklands.

6.84 But this is as far as the arguments take me. With the prospect of Parklands the case for the allocation of the objection site in the Local Plan is not made. There is sufficient guidance in the PPGs and RPG8 to indicate that it is a matter which the Daventry District and Northampton Borough Councils should address jointly and in the light of the policies which they adopt for the control of retail and commercial development. It will then be for the objector to pursue the proposals through the usual channels of development control.

RECOMMENDATIONS.

6.85 That no modification be made to the Local Plan in respect of these objections.

6.86 OBJECTION by :

1015 Mr & Mrs M Spicer

SUMMARY OF OBJECTION

6.87 The absence of a policies relating to the suitability of Drayton Lodge as a site for a superstore.

THE ISSUE

1. Whether there is a need for proposed superstore ?

ASSESSMENT

6.88 I have dealt with objection No.1013 into the designation of this site as part of the Special Landscape Area and concluded that it is inappropriately included. I therefore reject the Council's case which is based on the premise that an allocation would run against such designation. Nevertheless, I am not convinced that the case for the proposed allocation is made. The objector offers no more evidence than a couple of letters from the County and District Councils stating that, in principle, those Councils would not be opposed to an hotel and a garden centre development on the site. They cast no light on the substance of this objection so I therefore make no recommendation for a change in the Local Plan in respect of this objection No.1015.

RECOMMENDATIONS

6.89 That no modification be made to the Local Plan in respect of this objection.

- - - 0 - - -

6.90 **OBJECTION** by :

2024 Boots Properties (2025)

SUMMARY OF OBJECTION

6.91 The absence of a policy relating to town centre management with encouragement given to bringing the vacant space above shops into residential use.

THE ISSUE

1. Whether the Local Plan is deficient in not stating the Council's strategy for the management of the Town Centre ?

ASSESSMENT

6.92 I have stated elsewhere in this report that the Local Plan should be a comprehensive document even if that were to require repeating some of the Structure Plan policies and including elements of supplementary planning guidance. The Council's Town Centre Strategy comes into that latter category and both the objector and Council recognise the importance of incorporating its principles in some form in the Local Plan. Their preference is for a policy, the wording of which has also been largely agreed, together with a supporting text. I see no good reason for the former in the light of the changes already suggested and my recommendations for Policies RT1 and RT3 which, in effect, incorporate the philosophy of the Town Centre Strategy. The suggested policy would simply repeat policies already in the Local Plan but there is a need for a wider ranging explanation than that contained in Appendix 5 of Core Document No.12. In its response to these objections the Council has suggested a suitable explanation. I am content that that should provide the basis for an addition to the supporting text of new Policies RT1, RT2 and RT3. I recommend accordingly.

RECOMMENDATIONS

6.93 That the Local Plan be modified by the addition of a statement in the supporting text to Policies RT1, RT2 and RT3 setting out the gist of the Council's Town Centre Strategy and to confirm the Council's positive approach to the conversion of vacant upper floor space to residential use.

- - - 0 - - -

CHAPTER 7.7.0 COMMUNICATIONS.7.1 OBJECTIONS by :

166 Mr and Mrs WJC Thomas 2360 Northamptonshire CC.

SUMMARY OF OBJECTIONS

7.2 The absence of a policy allocating land for a service area at the junction of Overstone Lane with the proposed A43 Moulton Bypass. Structure Plan Policy TRANS 15 requires that provision be made for a limited number of high standard service areas on strategic routes adjacent to towns. Apart from the proposed service area on the A14 the Local Plan contains neither evidence of the assessment of the adequacy of provision nor policies against which proposals might be judged.

7.3 On completion of the A43 Moulton Bypass the objection land will be isolated and uneconomic to farm. Its location satisfies the criteria of Policy TRANS 15; its development would satisfy a genuine need given the existing and committed facilities on the A43.

THE ISSUES

1. Whether the Local Plan is deficient in not addressing the need for service stations on the strategic routes in the District Council's administrative area, in not setting out criteria for the assessment of sites and in not identifying suitable locations on those routes ?
2. If so, whether the objection site meets the criteria of Policy TRANS 15 or whether there are overriding reasons for not allocating the land for use as a high standard service area ?

ASSESSMENTFirst Issue : Deficiency in the Local Plan

7.4 The starting point for any consideration of this issue is undoubtedly Structure Plan Policy TRANS 15. It is essentially non-prescriptive and does little more than acknowledge the Government advice and the growing trend towards larger and more comprehensive service areas and, implicitly, the demise of the smaller functional petrol filling station. Its references to the needs of all travellers is a token recognition of that trend while Criteria C and D represent the counterbalancing concern for the environment and the safety of traffic. As a policy statement it does not provide the criteria whereby a would-be developer might judge the appropriateness or otherwise of any site. It has been left to the District Councils to provide that level of detail, as some in the County have already done. I come to the conclusion that the Local plan is, therefore, deficient in that respect and that that deficiency should be remedied.