

BOROUGH OF KETTERING

Committee	Full Planning Committee - 22/05/2012	Item No: 5.4
Report Originator	Susan Garbutt Senior Development Officer	Application No: KET/2012/0074
Wards Affected		
Location	Skew Bridge Ski Slope (Land Adj), Northampton Road, Rushden	
Proposal	Consultation from Other LPA: Hybrid planning application comprising: full application for the erection of a home and garden centre, retail units, drive thru restaurant, gatehouse, lakeside visitors centre, restaurants, boat house, together with proposals for access. Outline application for the erection of a hotel, creche and leisure club with some matters reserved (appearance) plus removal of ski slope and associated site levelling, landscaping, habitat management and improvement works, vehicular access and servicing proposals together with the provision of car and cycle parking and a bus stop (EN/12/00010/FUL)	
Applicant	LxB RP (Rushden) Ltd	

1. PURPOSE OF REPORT

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

2. RECOMMENDATION

THE DEVELOPMENT CONTROL MANAGER RECOMMENDS that Members note and consider the report and agree that the Council OBJECTS to the application for the reasons set out in the report.

Officers Report

3.0 Information

Relevant Planning History

The planning history of the site is a material consideration. The site has a history of permission for employment use. The most recent permission (EN/04/02395/VAR) was granted in January 2005 for 50,976sqm gross floorspace of B1 office, a 175 bed hotel, recreation and leisure uses related to water based activities (max 3,606sqm gross floorspace) and a marina for no more than 100 boats. The permission also includes ancillary retail uses, within the floorspace figures referred to above. An approved reserved matters application (EN/07/02475/REM/PGHS) has defined the ancillary retail floorspace as 3,800 sqm (10 units of 376 sqm each).

Therefore, the history of the site shows a history of economic development uses, but this does not include retail.

Site Description

The application site is an area of approximately 30 hectares to the north of Rushden in East Northamptonshire District. The site is outside the built up area of the town. The site is bounded to the south by the A45 dual carriageway, and to the east, west and north by open fields containing various lakes/bodies of water. The site is accessed from the roundabout to the south-east corner of the site. The proposed built development is to be focused to the south of the site, the northern portion of the site contains a lake which is part of the Upper Nene Valley Gravel Pits SSSI, Ramsar site and Special Protection Area. The site also contains Reedbeds and Deciduous Woodland, both of which are Biodiversity Action Plan Priority Habitat.

Proposed Development

The application is a hybrid application, part full and part outline. The outline elements are for the hotel, crèche and leisure centre (the only reserved matter is appearance).

The proposed development consists of:

Use Class	Description	sqm gross internal floorspace
A1	Retail units x 24 (Home and Garden Centre)	43,289 (of which 11,787 is Home and Garden Centre) Up to 929sqm of unit B8 could be food sales
A3	Restaurants (2 x 464sqm) and drive through cafes (186sqm)	1,114
C1	Hotel (112 rooms)	4,087
D1	Creche	181
D2	Leisure Club	1,456
Other	Visitor centre (289sqm), boathouse (289sqm), site management building (66sqm) and garage/store (50sqm)	694
	TOTAL	50,821

The submitted plans also show 6 sub-stations and a pump station.

Proposed hours of opening for the A1 units are 06:00-24:00 Mon-Sat and 08:00-23:00 Sun. For the C1, D1 and other uses the proposed hours of opening are 00:00-23:59 Mon-Sun. No proposed hours of opening are stated for the D2 use.

Parking proposed is: 1300 cars, 98 disabled spaces, 126 cycle spaces, 11 bus, 10 coaches and space for 1 no. bus drop off. The applicant predicts that over 3 million people per annum will visit the site.

The applicant considers the proposal will meet location specific needs, i.e. meet the retail needs of Rushden, increase self-sufficiency and reduce trade leakage to other centres, and reduce the need to travel.

The scale of the A1 retail development proposed is similar to that of Fosse Park on the edge of Leicester, although the Rushden Lakes proposal is larger. Fosse Park opened in 1989 and now includes 38,686sqm of gross internal floorspace, including fashion retailers, electrical and furniture retailers and a food court.

The proposals are also larger than the existing comparison goods sales floorspace of Kettering (23,368 sqm net), Corby (17,648 sqm net) and Wellingborough (19,468 sqm net) and over 3 times larger than Rushden town centre.

The application is accompanied by an Environmental Statement.

Any Constraints Affecting the Site

Upper Nene Valley Gravel Pits Site of Special Scientific Interest (SSSI), Ramsar site and Special Protection Area (SPA)

Biodiversity Action Plan Priority Habitat (reedbeds and deciduous woodland)

4.0 Consultation and Customer Impact

No consultation was undertaken, as Kettering Borough Local Planning Authority has been consulted as a neighbouring authority and East Northamptonshire Council is the determining Local Planning Authority.

5.0 Planning Policy

National Planning Policy Framework

Section 2: Ensuring the vitality of town centres

Development Plan Policies

East Midlands Regional Plan

22 Regional Priorities for town centres and retail development

North Northamptonshire Core Spatial Strategy

1 Strengthening the network of settlements

9 Distribution and location of development

12 Distribution of retail development

Other relevant documents:

Independent Assessment of the Retail Strategy for North Northamptonshire and the Implications of the Rushden Lakes Proposals, April 2012 by GVA

6.0 Financial/Resource Implications

The applicant proposes a S106 Obligation:

- To procure the extension of bus 49 (Kettering-Irthlingborough-Rushden) to serve the application site for 3 years from the first retail occupation
- Appropriate financial contribution towards a Rushden Town Centre Manager
- Refurbish the existing Bailey Bridge to provide a cycle and pedestrian link across the River Nene
- To provide a footbridge/cycle bridge across the A45
- To provide appropriate financial contributions towards the Greenway proposals along Crown Way
- To provide and make available for community use the Boathouse
- To pay the legal fees of the Council in negotiating the S106 agreement

7.0 Planning Considerations

The key issues for consideration in this application are:-

1. Principle of Development
2. Sequential Test

3. Impact on Kettering town centre
4. The Environmental Statement

1. Principle of Development

Section 2 of the NPPF provides national policy on ensuring the vitality of town centres. For a development of this scale in an out of town location and not in accordance with the Development Plan, the NPPF states that the LPA should apply a sequential test and require an impact assessment of the proposal. If the application fails the sequential test or the proposal will have a significant adverse impact, it should be refused.

Policy 22 of the EMRP supports retail and leisure development in town centres. The policy states that LPAs should prevent the development of regional scale out of town retail and leisure development. The supporting text to the policy highlights the need for retail growth at Northampton, Kettering, Corby and Wellingborough.

The adopted CSS has a clear strategy to direct growth to the three towns of Corby, Kettering and Wellingborough (policy 1). Table 1 highlights the roles of these towns as 'sub regional centres' and a focus for new retail development. In contrast, Rushden has a role as a small town, where the focus will be town centre regeneration and consolidating its role as the fourth main town centre. Policy 9 states that the town centres of Corby, Kettering and Wellingborough will be strengthened as the focus for retail, employment, leisure and other uses attracting lots of people. Policy 12 and figure 14 set out the retail strategy for North Northamptonshire. The focus is on Corby, Kettering and Wellingborough to between them accommodate a minimum of 51,500sqm new comparison shopping floorspace. No new floorspace is allocated to Rushden, but town centre development of an appropriate scale will be encouraged and supported.

The North Northamptonshire Joint Planning Unit has timetabled consultation on a revised CSS for July/September 2012 with a pre-submission consultation in January/February 2013. Therefore at this time no draft policies are available. However, several background documents have been published. A document of particular relevance is the Independent Assessment of the Retail Strategy for North Northamptonshire and the Implications of the Rushden Lakes Proposals, April 2012 by GVA (the GVA Report).

The GVA Report considers the need for increased retail floorspace in North Northamptonshire. The scale of retail floorspace proposed is similar to the total global comparison goods capacity identified for the area up to 2021 i.e. 22,490-24,706 sqm net (source: 2011 Retail Capacity Update). The GVA Report considers that due to a continuing decline in consumer spending, the 2010 forecasts may be optimistic. The GVA Report states that based on Rushdens current market share, and the level of retained expenditure up to 2020, or 2031, it is insufficient to support the scale of retail development proposed. Therefore, the consequence of permitting Rushden Lakes would be to absorb all the identified expenditure capacity for North Northamptonshire for

the next 10 years, and re-direct current market shares away from the defined town centres to an out of centre location.

The Kettering Town Centre AAP was adopted in July 2011. Policies 15 and 16 of the APP allocate the Wadcroft/Newlands Phase 1 site to deliver a minimum of 20,500sqm new comparison goods floorspace for the town centre. This is in full accordance with the retail strategy as set out in the adopted CSS.

There are no saved policies in the East Northamptonshire Local Plan 1995 which relate to the site, or allocate it for development.

The application includes proposals to support nature conservation, in particular the SSSI which forms part of the site. This is a material consideration but there is no evidence within the application to demonstrate that the nature conservation benefits could not take place without the other elements of the proposal.

In conclusion, there is no Development Plan support for the proposed development in an out of town location at Rushden. The history of the site is a material consideration, but it is not considered that the history of economic development permissions on the site outweighs the Development Plan policy which is clearly opposed to the proposal. The proposal is considered to be unacceptable in principle.

2. Sequential Test

The NPPF states that the sequential test applies to the main town centre uses proposed, i.e. retail, restaurants, drive through café, leisure club and hotel. The applicant has submitted a PPS4 Assessment to support the application. The key points from the assessment can be summarised as:

- The sequential assessment (section 4 and Appendix 6 of the Assessment) has considered sites in and around Rushden only. This is because the applicant considers the retail need that the scheme addresses relates only to zone 10 (the immediate Rushden catchment).
- The assessment also states that the garden centre is not viable without the retail units. No evidence is included to support this view.
- The proposed lakeside restaurants are justified by the applicant as having a location specific requirement to locate by the lake. The proposed drive through and restaurants are viable as they will serve the 3 million visitors per year.
- The hotel is justified in this location as it will also serve the 3 million visitors per year.

It is considered that the sequential assessment is flawed and not fit for purpose. The assessment does not assess all the town centre uses proposed, only the retail element. The assessment only considers Rushden for alternative sites; whereas the catchment of the scheme is likely to be significantly wider than Rushden; including Kettering, Wellingborough, Corby, Northampton and Bedford. The justification for the restaurants, drive through café, leisure club and hotel are all commercial objectives, and not justified by the specific needs of Rushden (or other wider catchment). The assessment

demonstrates no flexibility in the location of each of the proposed uses. The GVA Report supports the view that the applicant has failed to demonstrate compliance with the sequential approach.

The Assessment is also considered to be deficient in the following ways:

1. The assessment has no methodology
2. The assessment refers to 38,392sqm, but the applicant has amended this to 43,289sqm gross. The PPS4 assessment is therefore not fit for purpose and should be updated.
3. The Assessment should be updated to reflect the change in national policy in the NPPF.
4. The Assessment should be updated to reflect the change in the application description and the revised floorspace figures for each use.
5. The Assessment considers only the retail element of the scheme and not the other main town centre uses.
6. There are discrepancies between section 4 and Appendix 6 of the assessment, concerning the size of units proposed in the scheme.
7. The assessment does not assess the sites in terms of their availability, suitability and viability for each town centre use proposed.
8. The Assessment should form part of the Environmental Statement.

In conclusion, the application fails to satisfy the sequential test, and so in accordance with paragraph 27 of the NPPF and policy 12 of the CSS, the application should be refused.

3. Impact on Kettering town centre

The applicant has included an impact test in their PPS4 Assessment. The NPPF states that the impact test should assess the impact of the proposal on existing, committed or planned public and private investment in the catchment area. Plus, assess the impact on town centre vitality and viability including 5 and 10 years ahead.

Then GVA Report concludes that the impact assessment is flawed. The assessment does not consider the impact of the convenience element of the scheme (the 929sqm of food sales in unit B8) or the impact of the other town centre uses proposed (the restaurants, drive through café and leisure club). The assessment also does not consider planned retail developments such as Evolution Corby, or proposals at Northampton. The assessment significantly underestimates the scheme's potential turnover. The applicant estimates £83m in 2016 (total comparison goods turnover). The GVA Report considers £147m is more realistic. The applicant's impact estimates therefore differ from those estimated by the GVA Report.

The impact on Kettering and Wellingborough is likely to be larger than that stated in the applicant's assessment, as it has not taken account of the Evolution Corby scheme or development at Northampton town centre.

The GVA Report also refers to the North Northamptonshire Retail Capacity Update 2011. That report states that Kettering Town Centre's market share has already fallen from 19.8% to 14.2% from 2005-2011. This is due to

strengthened out of town retail in the town during that period, which has increased its market share from 3.4% to 9%. Therefore, further diversion of trade from the town centre, by the development of Rushden Lakes will be harmful to Kettering town centre.

In addition to the direct effect on trade and turnover in Kettering town centre discussed above, the proposal is likely to have a significant impact on investor confidence. The GVA Report concludes the deliverability of the Wadcroft/Newlands retail development would therefore be significantly compromised.

It is therefore considered that the impact assessment of the proposal is inadequate and in accordance with paragraph 27 of the NPPF and policy 12 of the CSS, the application should be refused. It is considered the proposal is likely to have a significant adverse impact upon investment in Kettering town centre, and on its vitality and viability.

4. The Environmental Statement

The proposed development is a project which requires a full Environmental Impact Assessment (EIA). Officers consider that the Environmental Statement submitted with the application is very seriously flawed and inadequate, primarily because the EIA only takes account of localised impacts and fails to take account of the wider socio-economic impacts of the development including the economic retail impacts on other centres. Officers consider the application should be refused.

Conclusion

The proposed development is unacceptable in principle. There is no Development Plan support for the proposed development in an out of town location at Rushden. The application has failed to satisfy the sequential test and the impact test and therefore the NPPF directs the application should be refused. The application is therefore contrary to policy 22 of the East Midlands Regional Plan and policies 1, 9 and 12 of the North Northamptonshire Core Spatial Strategy and it is recommended that the Local Planning Authority object to the proposal.

Background Papers

Title of Document:

Date:

Contact Officer:

Previous Reports/Minutes

Ref:

Date:

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