

## BOROUGH OF KETTERING

<b>Committee</b>	<b>Full Planning Committee - 30/07/2013</b>	<b>Item No: 5.3</b>
<b>Report Originator</b>	<b>Simon Richardson Development Manager</b>	<b>Application No: KET/2013/0081</b>
<b>Wards Affected</b>	<b>Northfield</b>	
<b>Location</b>	<b>Wickes Retail Warehouse, Northfield Avenue, Kettering</b>	
<b>Proposal</b>	<b>s.73 Application: Variation of Condition 6 of KE/03/0882 to allow for the sale of bulky and non-bulky comparison goods and the ancillary sale of food and drink</b>	
<b>Applicant</b>	<b>Wickes Building Supplies Limited</b>	

### 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 this application be APPROVED subject to the following Condition(s):-

**Conditions to follow in Committee Update Report.**

## Officers Report

### 3.0 Information

#### **Relevant Planning History**

KET/2010/0315 Change of use of part of car park to stationing of a hot food trailer APPROVED 28/06/2010

KET/2006/0792 To vary condition 5 (trading hours) of planning permission ref: KET/2003/0882 to read 08.00-20.00 on publicly recognised Bank Holidays excluding Christmas Day and Easter Sunday REFUSED 3/10/06, APPROVED ON APPEAL 6/8/2007

KET/2006/0538 Elevational changes to the south and east elevations APPROVED 7/8/2006 (allowing the sub-let of the Wickes unit)

KET/2006/0106 Application to vary condition 5 of KE/2003/0882 To Read "...7am to 9pm on Bank Holidays" REFUSED 18/4/2006

KET/2005/0863 Variation of Condition 15 of planning permission KET/2003/0882 APPROVED 23/11/05. Condition 15 re-worded to:- 'The display of goods shall be restricted to the ground floor of the building and an area of upto 835 square metres for the display of paving slabs and similar large goods'.

KET/2005/0983 Variation of Condition 5 of KE/2003/0882 to read 7.00 am - 9.00 pm on Bank Holidays REFUSED 13/12/2005

KE/03/0882 Erection of non food retail warehouse (as defined by Condition 6) together with access, servicing and car parking arrangements and landscaping APPROVED 20/5/2005 (S106 KBC\_062)

KE/02/0903 Erection of retail park with replacement premises for car wash and creation of industrial plot with demolition of existing buildings and partial truncation of Stanier Close WITHDRAWN

KE/01/0491 Erection of retail park with replacement premises for car wash and teamwork and creation of industrial plot with demolition of existing buildings and partial truncation of Stanier Close. NOT DETERMINED, REFUSED ON APPEAL 17/5/04 (B&Q decision)

KE/00/0318 Erection of a non-food retail warehouse (Use class A1) together with access, servicing and car parking arrangements and landscaping APPROVED 4/7/00

KE/99/0704 Change of use: to temporary 80 space car park APPROVED 26/11/99

KE/98/0401 B1, B2, B8, A1 & A3 non food retail, light industrial, fast food (Amended Scheme) APPROVED 22/1/99

## Site Description

Officer's site inspection was carried out on 16 July 2013.

The site is located in the town of Kettering. The site is on the west side of Northfield Avenue, on the north-west side of the town. The site is bounded to the east by Northfield Avenue, to the west by the railway line, to the south by four retail units and associated car parking and to the north by bulky goods retail units and their associated car parking. The site includes two vehicular access points from Northfield Avenue.

Within the western part of the site is a large retail building, split into two retail units. The larger northern portion of the building is occupied by Wickes Extra, and the smaller southern portion is occupied by Carpetright. There is a large area of surface car parking (approximately 242 spaces) between the building and Northfield Avenue. In the south-west corner of the site is the service area for the building, separated from the car park.

## Proposed Development

This is a S73 application to vary condition 6 of planning permission number KET/2003/0882 (as varied by planning permission number KET/2006/0792). Condition 6 limited the range of goods to be sold from all the premises on the site to bulky goods retail only.

Condition 6 of KET/2003/0882 reads:

*The premises hereby permitted shall be used for the sale of bulky non-food retail items as follows: DIY/garden goods and furniture, carpets and floor coverings, bulky electrical goods and related goods, unless otherwise agreed in writing by the Local Planning Authority, and for no other purpose in Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that order with or without modification, including the Use Classes (Amendment) Order 2005.*

*REASON: In accordance with the national and local planning policies and to define this permission.*

The application seeks to vary the range of goods that can be sold from part of the Wickes unit (2,055 sqm) to enable the sale of bulky goods and non-bulky goods (i.e. all types of A1 retail goods) with the sale of food and drink limited to 10% only. The applicant is making the application with a view to the Wickes Extra unit being sub-divided and the 2,055 sqm occupied by B&M Homestore. (Sub-division of the unit is not considered in this application, as it is permitted under the existing 2003 permission).

The KET/2003/0882 permission approved a single retail unit of 5,574sqm total gross internal floorspace, plus 835sqm of outdoor retail space as well as a first floor amenity space. The unit was subsequently sub-divided into 2 units; Wickes Extra 4,642 sqm and Carpetright 886sqm. This application seeks to reduce the Wickes Extra floorspace to 2,587sqm, leaving 2,055sqm for a B&M Homestore.

## **Any Constraints Affecting The Site**

A Road  
Flood Plain

### **4.0 Consultation and Customer Impact**

#### **Anglian Water**

No comment to make

#### **Highway Authority**

No objections.

#### **KBC Environmental Health**

No objection. Suggest an informative regarding registration of food premises.

#### **Police**

No objection.

#### **Third Party**

No third party representations have been received.

### **5.0 Planning Policy**

#### **National Planning Policy Framework**

- 1 Building a strong competitive economy
- 2 Ensuring the vitality of town centres
- 4 Promoting sustainable development

#### **Development Plan Policies**

#### **North Northamptonshire Core Spatial Strategy**

- 1 Strengthening the network of settlements
- 4 Enhancing local connections
- 6 Infrastructure delivery and developer contributions
- 8 Delivering economic prosperity
- 9 Distribution and location of development
- 12 Distribution of retail development
- 13 General sustainable development principles

#### **Local Plan**

- 58 Employment within towns

#### **Kettering Town Centre Area Action Plan**

- 3 Primary shopping area and evening economy
- 15 The shopping quarter
- 16 Site SHQ1 Wadcroft/ Newlands Phase 1

### **6.0 Financial/Resource Implications**

None

Section 106

## 7.0 Planning Considerations

The key issues for consideration in this application are:-

1. Principle of Development
2. Sequential assessment
3. Impact assessment
4. Highways Impact and parking

### 1. Principle of Development

The permission that this application seeks to vary was determined by the Planning Committee on 27/07/2004 and approved subject to S106 obligation. The S106 was completed and decision issued on 20/5/2005.

A S73 application, if approved, grants a new planning permission for the whole development. However, as the permission has been implemented, the only issue to be considered is the difference between the implemented permission and the application proposal; namely the change of use of 2,055 sqm of the Wickes unit to bulky and non-bulky comparison non-food goods, with 10% ancillary food and drink sales. This is considered below.

The site has three extant planning permissions for bulky goods retail (KET/2003/0882, KET/2005/0863 and KET/2006/0792). However, these applications did not consider the principle of non-bulky goods retail in this location and so this must be considered carefully.

Since the original application was determined, the policy context has changed, although retail policy still seeks to focus retail development in town centres and support their vitality and viability.

The application site is located in the growth town of Kettering. National policy is clear that retail uses should be directed to town centres. Local policies also support this approach. The site is located in an out of centre location, being over 300m walking distance from the defined primary shopping area.

Policy 1 of the adopted Core Spatial Strategy (CSS) states that development will be focused upon towns, with an emphasis on regeneration of town centres in order to provide jobs and services. Policy 9 states that town centres will be strengthened as the focal point for retail, employment, leisure and other uses attracting a lot of people. The policy supports the adoption of Area Action Plans to enable significant new development in town centres. Policy 12 requires that Kettering make provision for a minimum of 20,500sqm of net comparison shopping floorspace. Policy 12 states that, where there is an identified need for retail development, a sequential approach to its location should be followed. The scale of retail should also be appropriate to the role and function of the centre where it is located and not have an adverse impact on the long term vitality and viability of the centre, or the ability of North Northamptonshire to retain expenditure. The supporting text to the policy states that applications over 1,000sqm gross floorspace should include an impact assessment. The sequential approach, scale and the impact of the

proposal are discussed further below.

The Council adopted the Kettering Town Centre AAP in 2011. The AAP allocated land in Kettering town centre for retail development. The Council have allocated site SHQ1 to provide around 16,000sqm net A1 floorspace. Sites SHQ4, 5 and 6 are also allocated to deliver A1 floorspace, in association with residential development. Combined, the sites are allocated to provide a minimum 20,500sqm of net comparison retail floorspace by 2021.

The emerging CSS (emerging draft August 2012) did not include a retail policy and so is not considered relevant.

Town centre uses are also 'economic development' as defined in the NPPF. A core principle of the NPPF is to proactively drive and support sustainable economic development. CSS policy 1 states that jobs should be provided through the regeneration of town centres. The application states that it will create up to 35 new jobs. Although this is welcomed, jobs could be created by the sub-division of the unit for bulky goods retail, which could be done without permission. Also, the jobs are not being created through regeneration of the town centre, as required by the policy. Therefore, the creation of jobs is given little weight in this instance.

Although the unit is located in the growth town of Kettering, which is the Borough's focus for retail growth and jobs, the unit is out of centre. Therefore, the change of use from A1 bulky goods retail to 70% bulky and 30% non-bulky non-food comparison goods with 10% ancillary food and drink goods in this out of centre location is contrary to adopted Development Plan policy. CSS policy 12 requires that a sequential approach and an impact test are required for the proposal. These are discussed below.

Kettering Borough Council raised a strong objection to a major out-of-town retail development at Skew Bridge, Rushden, recently called in by the Secretary of State, and heard by a Planning Inspector. The scheme name is Rushden Lakes.

Comparisons with this application are limited, particularly by way of the nature of the proposal, its scale, and potential impacts.

Furthermore, Rushden Lakes is unable to provide a named operator with a clearly defined requirement. This application provides a specific retail proposal, supported by a named operator with a clearly defined requirement. The Practice Guide to PPS4 confirms that in the case of a single retailer, it is not the purpose of national policy to require development to be split up onto separate sites where flexibility has been demonstrated.

## 2. Sequential test

Officers have received external advice from consultants, Peter Brett Associates (Roger Tym & Partners) on matters of retail policy in relation to this application.

The NPPF states that the sequential test should be applied to main town centre uses that are not in an existing centre and not in accordance with an up to date

development plan. Flexibility should be sought on issues such as scale and format.

The NPPF states that where an application fails to satisfy the sequential test or is likely to have significant adverse impact, it should be refused. Policy 12 of the CSS requires that proposals for major retail development will be assessed to ensure that they do not have an adverse impact on the long term vitality and viability of other town centres or the ability of North Northamptonshire to retain expenditure.

The application proposes A1 retail which is a main town centre use and the site is an out of centre location (more than 300 metres walking distance from the defined primary shopping area).

The applicant's Retail Assessment was undertaken with the prospective tenant's specific retail model in mind. The proposed floorspace for the B&M Homestore is 2,055sqm gross floorspace (1,644 net) for a mix of bulky goods (minimum 70%), non-bulky goods (maximum 30%) and ancillary non-perishable food and drink goods (limited to 10% of the net sales floorspace). The principle product ranges of a B&M Homestore are: gardening products, garden furniture and DIY products, furniture and home furnishings, kitchen and household goods, luggage and holiday products, beauty and baby products, computer accessories/telecoms, electrical products, toys and games, car accessories and non-perishable food, confectionary and drinks. Examples of the ancillary products include confectionary, crisps and snacks, tinned and dried foods, cereals, jams/preserves, dried herbs and spices, packaged sauces, and bottled/canned drinks. There is no sale of fresh, chilled or frozen products.

The sequential and impact assessments have not assessed open A1 use. Therefore it is considered appropriate, reasonable and necessary to condition the floorspace according to the applicant's assessment. Officers consider that this will meet the purpose of the application i.e. to allow B&M Homestore to trade in this location, whilst being restrictive enough to protect the town centre by not allowing a general A1 use in an out of centre location (which the submitted retail assessment does not consider).

The applicant has defined the catchment area as a 10 minute drive time from the site, and includes the towns of Kettering, Rothwell and Burton Latimer.

The sequential assessment has considered sites of 1,000sqm and above. The applicant has considered disaggregation, based on the B&M business model and the need to sell a full range of goods in one store. Officers accept that disaggregation in this case would not be feasible.

Officers consider that given the scale and nature of the development sought, it is reasonable to only consider alternative sites that would be available in the short term. This discounts many of the allocated AAP sites, which may not be viable for a single operator to bring forward.

The applicant's assessment relies upon the business model for a B&M

Homestore, but the applicant's suggested condition would make the floorspace suitable for a much wider range of retailers and prospective occupiers.

The applicant's sequential assessment has considered 8 sites. That assessment concluded the following:

	<b>Available</b>	<b>Viable</b>	<b>Suitable</b>
SHQ1 Wadcroft/Newlands Phase 1	Unavailable	Unviable	Unsuitable
SHQ4 Iceland car park	Unavailable	Unviable	Unsuitable
SHQ5 Tanners Gate 1, Northall Street (Blockbuster etc)	Unavailable	Unviable	Unsuitable
SHQ6 Tanners Gate 2 (gym etc)	Unavailable	Unviable	Unsuitable
37-41 Montagu Street (on corner with Eskdail St) (furniture shop etc)	Unavailable	Unviable	Unsuitable
AE Smith Bodycraft and adjacent land, Carrington Street (vacant)		Unviable	Unsuitable
SSQ5 Beddows Motors and adjacent land, Queen Street	Unavailable	Unviable	Unsuitable
NRQ5 Former Comet, Meadow Road (vacant)		Unviable	Unsuitable

The applicant's assessment concludes that the sequentially preferable sites are all unavailable, unsuitable and unviable. This is mainly due to the site size, the sites being allocated for comprehensive redevelopment, the predominantly bulky nature of the proposed use, and the proposed users need for car parking.

Officers consider that investor confidence is unlikely to be impacted and nor is operator demand given the timescales involved, the lack of available sequentially preferable sites in the short term, and that the proposed retail format is unlikely to be accommodated in conventional high street or shopping centre locations.

It is therefore considered that the applicant has satisfied the sequential test.

### 3. Impact Assessment

The NPPF states that an impact assessment is required for retail development if a locally set threshold is reached. The local threshold is 1,000sqm, as discussed above. The applicant has therefore submitted an impact assessment with the application.

The NPPF states that the impact assessment should cover:

- Impact on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- Impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to 5 years from the time the application is made.



The applicant's assessment has taken account of the fallback position, i.e. that the unit is an existing unit that could be subdivided and then occupied by a bulky-goods retailer, who could generate a higher turnover.

The impact assessment assumes a sales density of £3,500 per sqm. Officers consider this is reasonable, on the basis that the site would be occupied by B&M Homestore retailing predominantly bulky goods, also selling goods at discounted prices.

The applicant's assessment concludes that if the use of the unit were to be changed as proposed, the trade diversion from Kettering town centre would be £0.99m in 2017, and the impact on other retailers at Belgrave Retail Park would be £1.6m in 2017. As the B&M Homestore format would predominantly sell bulky goods, Officers consider it is a reasonable assumption that most trade would be drawn from alternative out of centre facilities. Although impacts on the town centre may be underestimated, officers consider that the resulting impacts would not be significant.

The applicant's assessment states that the solus impact of the application (i.e. the impact of this one proposal) on the turnover of Kettering town centre will be -0.5% in 2017 (and still less than -1% if assessed just against comparison goods turnover). Officers consider this level of impact is not significant.

The cumulative impact (i.e. the impact of this proposal and other extant retail permissions) would be higher at -2.7% in 2017 (and still under -5% if assessed just against comparison goods turnover). Even at this level, Officers consider the application proposals will not give rise to any significant impacts on town centre trade and turnover.

Given that the assessment is based upon a B&M Homestore occupying the floorspace, Officers consider it reasonable to base the revised condition on the details included in the applicant's assessment. The revised condition should therefore state that the floorspace shall be used for the sale of bulky comparison goods with up to 30% of the net sales area used for the ancillary sale of non-bulky goods, of which no more than 10% of the total net sales area used for the sale of food and drink items.

GVA, Kettering Borough Council's retail expert witness at the recent Rushden Lakes Inquiry provided a health check on town centres in the area, including Kettering town centre. In summary, GVA report there to have been a decrease in the number of comparison goods units in the town centre between 2003 and 2012, from 172 units to 147 units, a drop of 14.5%. Comparison units still account for 42.5% of total units, which is slightly higher than the national average of 40.9%. GVA repeat the findings of the 2012 Retail Study Update (Roger Tym & Partners) which found that since 2005 there has been *"reduction in the popularity of Kettering and Northampton town centres as comparison shopping destinations and a corresponding increase in the popularity of out-of-town shopping in each of the three growth towns"*.

The Borough Council has an adopted Area Action Plan for Kettering town centre, which seeks to bring forward and deliver new retail development in the

town centre, mainly at Newlands Phase 1 and Wadcroft. This will attract more high street comparison retailers (i.e. mainstream fashion) which will help to enhance the town centre, and its vitality and viability. It is accepted that the B&M Homestore business model is not suitable for the town centre and is also likely to draw the majority of trade from other competing out-of-centre stores. As such, it is accepted that the impact of the scheme on town centre will not be significant.

Given the level of trade diversion from the town centre to the proposed development, it is considered unlikely that there would be any significant adverse impacts on investment in the town centre.

Therefore, it is considered that subject to conditions restricting the use of the floor space, the impact test has been satisfied.

#### 4. Highways impact including parking

Policy 4 of the North Northamptonshire Core Spatial Strategy requires that local connections within urban areas are enhanced, and that bus services and walking and cycling networks are improved. In addition, policy 13 (d) and (n) respectively requires that developments have a satisfactory means of access and provide for parking, servicing and manoeuvring and do not have an adverse impact on the highway network or prejudice highway safety.

The scheme proposes no changes to the existing vehicular accesses from Northfield Avenue and the existing car parking spaces serving the units will remain unchanged.

In support of the application, a Transport Assessment has been submitted. The Transport Assessment concludes there will be a very small increase in new trips on both Northfield Avenue and the Northfield Avenue/ Lower Street/ Rothwell Road roundabout, for which the road network has sufficient capacity to accommodate any new trips will be generated by the proposal. The Highways Authority have been consulted on this Transport Assessment and concur with these conclusions. The Highway Authority have also advised that the existing car park and access arrangements to the site can accommodate any increased trips which will be generated. It is therefore considered that the scheme is in accordance with highways requirements.

The Transport Assessment also demonstrates that the site it is well connected to the urban area, being well served by public transport with bus stops on Northfield Avenue and Lower Street and public footpaths and cycle paths on Northfield Avenue and Rothwell Road.

Comments on other points raised by proposal:

It is noted that if granted, this permission enables the use of part of the Wickes store for a B&M Homestore. However, in practice this is not possible, as that floorspace has no entrance or exit and the proposed layout (see new plan) does not allow Wickes access to the service area. The applicant is aware that a planning application will be required for alterations to the exterior of the unit, and to consider servicing of the Wickes unit, to enable the unit to trade. This

permission does not in any way pre-judge the outcome of that application.

### **Conclusion**

The variation of condition 6 to allow a wider range of goods to be sold from part of the Wickes Unit is considered acceptable in this instance. Although the Development Plan is not supportive of out of town retail provision, the applicant has demonstrated that the sequential and impact tests have been satisfied, and the application is not likely to have an adverse impact on the long term vitality and viability of Kettering town centre. Therefore subject to the imposition of conditions the application is recommended for approval.

### **Background Papers**

Title of Document:

Date:

Contact Officer:

### **Previous Reports/Minutes**

Ref:

Date:

Simon Richardson, Development Manager on 01536 534316

# SITE LOCATION PLAN

Wickes Retail Warehouse, Northfield Avenue, Kettering  
Application No.: KET/2013/0081



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