

PLANNING COMMITTEE:	30 th July 2019
DEPARTMENT:	Planning Service
HEAD OF PLANNING:	Peter Baguley
APPLICATION REF:	N/2019/0850
LOCATION:	Land West of Rushden Lakes, Ditchford Lane, Rushden Northamptonshire
DESCRIPTION:	Hybrid application comprising: A full application for the erection of retail units, restaurant units, office floorspace, physiotherapy/leisure floorspace, ancillary storage floorspace, (with associated site clearance, earthworks, site levelling and formation of banks) together with proposals for access, footpaths, parking and servicing space, hard and soft landscaping, drainage works, attenuation ponds and other associated works and an outline application for the erection of employment units with some matters reserved (layout, scale, appearance). Plus construction of a new link road between Ditchford Road and Rushden Lakes (with associated site clearance and earthworks) alongside junction works, footpaths, cycleways, lighting, hard and soft landscaping and associated works (Resubmission of 18/01197/FUL)
WARD:	N/A
APPLICANT:	Anonymous Ltd
AGENT:	Quod
REFERRED BY:	Head of Planning
REASON:	Major Fringe Area Application
DEPARTURE:	No

CONSULTATION BY EAST NORTHAMPTONSHIRE COUNCIL:

1 RECOMMENDATION

- 1.1 That the Council **RAISE OBJECTIONS** to the proposed development on the grounds of the impact on the viability and vitality of Northampton town centre.

2 THE PROPOSAL

- 2.1 The proposal is for a hybrid application to extend the Rushden Lakes out-of-centre shopping and leisure complex to the west to provide 5,606sqm (Gross Internal Area) of mixed use development (some 14 units). The development would comprise 1,294sqm of Class A1 retail (3 units – 2 units / 922sqm food uses and 1 unit / 372sqm non-food uses such as clothing and footwear); 464sqm of

Class A3 restaurant/cafes (2 units); 294sqm Use Class B1(a) offices (1 unit); Use Class B1(c)/B2 industrial (5 units); and 635sqm Use Class D1/D2 physiotherapy/strength conditioner use, dental surgery and a crèche (3 units).

2.2 In addition, the proposal includes some 160 parking spaces and a new link road between Ditchford Road and Rushden Lakes, incorporating a new junction onto and alterations to Ditchford Road. The new link road would provide direct access to the proposed development and also an alternative access route to the existing Rushden Lake development.

2.3 The application is accompanied by an Environmental Statement (ES) as it represents Environmental Impact Assessment (EIA) development.

3 SITE DESCRIPTION

3.1 The application site lies entirely within the administrative boundary of East Northamptonshire Council and is to the east of Wellingborough and to the north west of Rushden, adjacent to the A45.

3.2 The application site is specifically located to the west of the existing Rushden Lakes out-of-centre shopping complex, to the north of the A45 and A45 service area and to the east of Ditchford Road. It has a site area of some 11.07 hectares and incorporates arable land as well as a disused railway embankment.

4 PLANNING HISTORY

4.1 The wider Rushden Lakes out-of-centre shopping and leisure complex has a long and complex planning history, with the original application the subject of an appeal by public inquiry in 2013. The application was subsequently approved by the Secretary of State in June 2014, with full planning permission granted for the erection of a home and garden centre, retail units, drive thru restaurant, gatehouse, lakeside visitor centre, restaurants, boathouse, together with proposals for access and outline planning permission granted for the erection of a hotel, crèche and leisure club; plus removal of the ski slope and associated 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.

4.2 The appeal application was subject to a number of minor material and non-material applications to reconfigure the retail terraces and increase the overall floorspace, with the first phase of the development opening in July 2017.

4.3 In addition, there have been a number of subsequent applications for a specific leisure complex including a cinema and additional retailing to replace the previously permitted garden centre and hotel.

4.4 An application for a new link road between Ditchford Road and Rushden Lakes was approved last year. This link road is essentially similar in alignment to the link road the subject of the current application, with the current proposal principally differing in respect of land levels.

4.5 Finally, an application submitted last year for a mixed use development of 11,903sqm (some 29 units) relating to the same site as the current proposal has recently been withdrawn.

5 PLANNING POLICY

5.1 National Policies

5.2 The **National Planning Policy Framework (NPPF)** sets out the current aims and objectives for the planning system and how these should be applied. In delivering sustainable development, decisions should have regard to the mutually dependent social, economic and environmental roles

of the planning system. The NPPF should be read as one complete document. However, the following sections are of particular relevance to this application:

Paragraph 85 – Seeks to support the role that town centres play at the heart of local communities and to promote their long term vitality and viability.

Paragraph 86 – requires a sequential test for applications for town centre uses not in an existing centre and not in accordance with an up-to-date Local Plan.

Paragraph 89 – requires an impact assessment if the development is over a proportionate, locally set floorspace threshold or, if no threshold, 2,500sqm.

6 CONSULTATIONS/ REPRESENTATIONS

6.1 None.

7 APPRAISAL

7.1 The National Planning Policy Framework (NPPF) seeks to ensure the vitality and viability of town centres. It sets out the requirement for a sequential approach to the provision of main town centre uses and allows for the allocation of such uses in other locations. Furthermore, Policy 12 of the North Northamptonshire Joint Core Strategy (2016) sets out a limit of 32,511sqm net retail sales area for the existing out-of-centre Rushden Lakes shopping complex. It is understood that this has already been exceeded by the previously permitted schemes and, accordingly, the proposed development would serve to exacerbate the impact of an out-of-centre development that is already not compliant with local planning policy.

7.2 In addition, government guidance in the NPPF makes it clear that planning decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.

7.3 The proposed development is intended to extend considerably to the west of the envelope of the permitted out-of-centre shopping complex at Rushden Lakes. It is acknowledged that the floor space of the proposal is half that of the previous scheme and that a series of wetland walks has been introduced between the existing and new development such that Rushden Lakes would have a sprawling form that would likely result in users driving between the existing and proposed developments.

7.4 The proposal would however still seek to provide a different, but complementary, offer from the existing Rushden Lakes development including town centre uses, a wide range of units targeting local/regional independents, pedestrian spaces for events and units for local manufacturers to showcase their brands such that the proposal includes the type of offer typically provided and promoted in town centres like Northampton. Indeed, one of Northampton's advantages is the presence of relatively small units that can be used flexibly and the proposal is effectively seeking to mirror such facilities but in an out-of-centre location. As such, collectively, the new and existing provisions, would effectively transition Rushden Lakes into a town centre in its own right and therefore add to the problems already faced by surrounding traditional high streets and town centres in their attempts to survive and evolve. Moreover, the proposal would only add to the attractiveness, choice and accessibility to an existing out-of-centre development. As such, it is considered that the proposal would undermine the role, vitality and viability of surrounding town centres, including Northampton town centre, and is contrary to government guidance in the NPPF.

7.5 In addition, it is noted that the original Rushden Lakes scheme for a mixed retail, recreation and leisure scheme was granted planning permission by the Secretary of State (SoS) in 2014. The Inspector and SoS concluded that the original scheme passed the NPPF sequential and impacts tests, and were not persuaded that a grant of planning permission would preclude future investment at the Grosvenor Centre in Northampton town centre on the grounds of viability. The SoS also concluded that it is unlikely that substantial numbers of people living in Northampton and

beyond would be drawn to Rushden Lakes. Finally, the SoS stated that the effect on the town centres including Northampton would not be significant. However, since then, the Grosvenor Centre extension has not materialised. In addition, Northampton Borough Council commissioned a Retail and Leisure Study this year to inform the preparation of the Local Plan Part 2 and this study has found that Rushden Lakes is already beginning to have an impact on expenditure patterns in Northampton. Indeed, specifically for clothing and footwear, Rushden Lakes is identified as absorbing 9.3% of Northampton residents' expenditure. In addition, the opening of Rushden Lakes has been cited as a factor in Marks & Spencer's decision to close their store in Northampton town centre. It is clear that the decision to grant permission for Rushden Lakes has already had a negative impact on Northampton town centre's viability and vitality, including local consumer choice and trade. Therefore, whilst it is acknowledged that the current scheme is for a reduced quantum of development than the withdrawn scheme, it is considered that any further expansion of Rushden Lakes would likely exacerbate the existing adverse impacts on Northampton town centre.

- 7.6 Also, whilst the proposal details that approximately half of the units would be light/heavy industrial units, the documentation also suggest that these would include retail elements and thus these quasi retail units would also cumulatively add to the retail impacts arising from the proposal. Furthermore, the design and poor servicing arrangements for the industrial units would likely result in pressure for them to change to retail units in the future and thus exacerbate further the long term impacts of the proposal on the vitality of surrounding town centres.
- 7.7 It is also noted that the application documents contain a number of inconsistencies, with the Design and Access Statement for example referring to the central area containing a mixture of retail, restaurant, office and physiotherapy/leisure, but omits any reference to the two light/heavy industrial units which enclose the eastern side of the central public hub. Another example relates to parking, with the Design and Access Statement refers to 212 parking spaces, but the plans only showing some 160 spaces. Finally, the Retail Impact Assessment, refers to a physio/conditioning use in the introduction as different to a health and fitness centre, but later in the document suggests that the uppers floors would be a physio/health and fitness use.
- 7.8 Overall, the proposal would comprise a substantial expansion to and change the nature of the Rushden Lakes shopping and leisure complex. As such, the resulting complex would effectively replicate and resemble a town centre environment in an out-of-centre location to the detriment of the vitality and viability of surrounding town centres including Northampton town centre. The proposal is therefore contrary to government guidance in the NPPF and is recommended that the Council raise objections to the application.

8 CONCLUSION

- 8.1 The proposed development would comprise a substantial expansion to and change the nature of the Rushden Lakes shopping and leisure complex to the detriment of the viability and vitality of Northampton Town Centre. As such, it is recommended that the Council object to the application.

9 BACKGROUND PAPERS

- 9.1 N/2019/0850.

10 LEGAL IMPLICATIONS

- 10.1 None.

11 SUMMARY AND LINKS TO CORPORATE PLAN

- 11.1 In reaching the attached recommendations regard has been given to securing the objectives, visions and priorities outlined in the Corporate Plan together with those of associated Frameworks and Strategies.

