



The Planning
Inspectorate

Report to Northampton Borough Council

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an Inspector appointed by the Secretary of State for Communities and Local Government

Date: 12th November 2012

PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)

SECTION 20

**REPORT ON THE EXAMINATION INTO THE NORTHAMPTON CENTRAL AREA
ACTION PLAN**

LOCAL PLAN

Document submitted for examination on 24 May 2012

Examination hearings held between 4 and 6 September 2012

File Ref: PINS/Y2825/429/3

Abbreviations Used in this Report

A1	Retail use in the Use Classes Order
AA	Appropriate Assessment
AAP	Area Action Plan
DAS	Development Agreement Summary, regarding the Grosvenor Centre Development Agreement of 14 October 2009.
GI	Green Infrastructure
HRA	Habitats Regulations Assessment
IDP	Infrastructure Delivery Plan
IRR	Inner Ring Road
JPU	Joint Planning Unit
LDS	Local Development Scheme
MM	Main Modification
NCC	Northamptonshire County Council
RP	Regional Plan
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SCS	Sustainable Community Strategy
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment
WNDC	West Northamptonshire Development Corporation

Non-Technical Summary

This report concludes that the *Northampton Central Area Action Plan* provides an appropriate basis for the planning of Northampton Central Area over the next 15 years, providing a number of modifications are made to the plan. The Council has specifically requested that I recommend any modifications necessary to enable them to adopt the plan. All of the modifications to address this were proposed by the LPA, and I have recommended their inclusion after full consideration of the representations from other parties on these issues.

The modifications can be summarised under seven broad headings as follows:

- **Sustainable development** – including a new policy of a presumption in favour of sustainable development.
- **The local economy** – clarifying the amount of proposed retail floorspace on key town centre sites; and increasing the flexibility of uses on key Waterside sites to take advantage of realistic employment and cultural development opportunities in addition to major office development, and introducing more flexibility in relation to the amount of office development required on a number of sites.
- **Housing** – maximising the potential of the Central Area to secure affordable housing.
- **Access and movement** – clarifying the need for improvements to pedestrian movement and cycling, and landscape and environmental improvement, in relation to the Inner Ring Road; ensuring that the proposed river crossing near the A45 flyover incorporates pedestrian and cycling routes.
- **Built environment** – provision of sufficient guidance to safeguard key elements of the built environment in comprehensive development schemes.
- **Flood risk** – increasing the effective management of flood risk and the resilience of the Central Area through sustainable drainage techniques.
- **Monitoring** – amending targets to monitor the impact of development on heritage assets.

Introduction

1. This report contains my assessment of the Northampton Central Area Action Plan Local Plan in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the plan's preparation has complied with the duty to co-operate, in recognition that there is no scope to remedy any failure in this regard. It then considers whether the plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework (*the Framework*) (paragraph 182) makes it clear that to be sound, a local plan should be positively prepared; justified; effective; and consistent with national policy.
2. The starting point for the Examination is the assumption that the local authority has submitted what it considers to be a sound plan. The basis for my Examination is the submitted *Draft Plan*¹ (April 2012) which incorporates its Schedule of Focused Changes (November 2011). Both the Pre-Submission Draft (November 2010) and the Focused Changes went out to public consultation and the consultation responses² were submitted to the Examination.
3. My report deals with the main modifications that are needed to make the plan sound and legally compliant and they are identified in bold in the report (**MM**). In accordance with section 20(7C) of the 2004 Act the Council requested that I should make any modifications needed to rectify matters that make the plan unsound/not legally compliant and thus incapable of being adopted. These main modifications are set out in the Appendix.
4. The main modifications that go to soundness have been subject to public consultation and, where necessary, Sustainability Appraisal (SA) and I have taken the consultation responses into account in writing this report.

Assessment of Duty to Co-operate

5. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on them by section 33A of the 2004 Act in relation to the plan's preparation.
6. The arrangements within Northamptonshire lend themselves to joint working, and the close cooperation between the Council, the West Northamptonshire Development Corporation (WNDC), the West Northamptonshire Joint Planning Unit (JPU) and Northamptonshire County Council (NCC) was evident throughout the Examination, and was demonstrated at the Hearings. Several 'key players', such as the JPU, WNDC, NCC and the Environment Agency emphasised the quality and depth of their working relationships with the Council in the preparation of the AAP, and I am satisfied that the joint *Core Strategy* for West Northamptonshire has been fully 'bought into' by Northampton Borough Council. There is also

¹ Northampton Borough Council: *Northampton Central Area Action Plan*; May 2012 [Document CAAP/1].

² Northampton Borough Council: Pre-Submission Consultation Responses; November 2010 and Focused Change Consultation Responses; November 2011 [Documents CAAP/5a and CAAP/5b].

evidence that the Council has engaged constructively with a wide range of statutory undertakers, commercial organisations and community groups in the preparation of the submitted plan. I am therefore satisfied that the Council has amply demonstrated that the AAP has been prepared in full compliance with the Duty to Co-operate.

Assessment of Soundness

Overview

7. Northampton is a large market town with a history stretching back to pre-Norman times. Its population growth took off spectacularly after a planned expansion occurred under the New Towns Commission in the 1970s. This has continued with its role as a growth area, as amplified in the East Midlands *Regional Plan (RP)*³, which is largely based on the earlier *Milton Keynes and South Midlands Sub-Regional Strategy*⁴. Although Northampton's recent population growth is less than the town experienced in the latter decades of the twentieth century, it is still anticipated to grow significantly from about 212,000 in 2010 to approximately 240,000 by 2026, at the end of the plan period.
8. One of the main effects of the town's expansion has been a dissipation of retailing and other forms of economic development from the town centre into the suburbs; the plan aims to tackle the drift towards decentralisation and refocus on consolidating the central area as the principal economic centre for Northamptonshire. This 'town centre first' approach aims to manifest itself in several ways. These include major regeneration schemes, including new and enhanced retail and other facilities, heightened sensitivity to planning in accordance with the historic urban grain, increased townscape legibility, making the centre accessible and 'walkable', repopulating the central area with high quality housing, and ensuring a high standard of sustainable development. The 'town centre first' approach also involves resisting retail schemes which are not well connected to the town centre or other established centres and which fail the sequential test as set out in *the Framework* (paragraph 24).
9. Although the *Core Strategy*⁵ for West Northamptonshire is still emerging, with its Examination programmed for spring 2013, there is a clear synergy between the two documents. The need to press ahead with vital Central Area regeneration schemes is evident in the poor environmental quality of several facilities, including the tired looking bus station and principal shopping centre, and in the prevalence of underused sites and the unprepossessing environmental quality of parts of the plan area. The extensive Waterside alongside the River Nene is another challenging area which would benefit significantly from a step change. The need for urgent action is also borne out in the extent of the retail and employment draw

³ Department of Communities and Local Government: *East Midlands Regional Plan (RP)*; March 2009.

⁴ Office of the Deputy Prime Minister: *Milton Keynes & South Midlands Sub-Regional Strategy*; March 2005.

⁵ West Northamptonshire Joint Planning Unit (JPU): *West Northamptonshire Joint Core Strategy*: Pre-submission; February 2011 [Document CAAP/11]. This document has been amended and is currently out for public consultation [Document CAAP/S/006].

away from central Northampton to rival centres, such as Milton Keynes, but also to out-of-town/out-of-centre shopping malls and office developments in and around Northampton.

10. *Core Strategy* policy N2 provides the strategic framework for Northampton Central Area. It identifies the need for a net increase of a minimum of 37,500 m² of comparison shopping floorspace for the period 2010-2026. Provision is also made in the region of 3,000 m² of convenience shopping over the same period, and around 100,000 m² of office floorspace.
11. The AAP seeks to put flesh on the bones of the *Core Strategy* and set the site-by-site policy requirements to achieve its aims. The foreword states that the key objective of the plan is to embrace and manage change and growth, whilst retaining and enhancing the town's heritage assets. The challenge of delivering sustainable growth which respects the Central Area's sensitive heritage assets is an exacting one, which the plan addresses in a positive way.
12. National planning policy has changed significantly during the preparation of the plan. The Government's National Planning Policy Framework, which I shall refer to as *the Framework*⁶, introduced in March 2012, replaces the previous set of policy documents. In the light of this new national policy context, the Council has submitted a self-assessment against the provisions of *the Framework*, using the Local Government Association's Planning Advisory Service checklist⁷. I have had full regard both to *the Framework*, and also to the Government's *Planning for Growth* Agenda and the Localism Act 2012. The Government has announced its intention to revoke the *East Midlands* RP, but it remains in force at the time of writing and I have therefore had regard to it.

Main Issues

13. Taking account of all the representations, written evidence and the discussions that took place at the Examination Hearings I have identified seven main issues upon which the soundness of the plan depends.

Issue 1 – Is the strategy of the plan soundly based to meet the needs of Northampton in relation to national policy, the *East Midlands Regional Plan*, the *West Northamptonshire Joint Core Strategy*, the *Northampton Sustainable Community Strategy*, the plans and agendas for the surrounding areas and the selection of justified and realistic alternatives based on the Sustainability Appraisal?

14. The plan aims to deliver the basis for transformational change in Northampton's Central Area over the period to 2026. Its strategy accords with the economic, social and environmental aims of national policy, including *the Framework*, the *Growth Agenda* and the Localism Act, subject

⁶ Department for Communities and Local Government: National Planning Policy Framework (*the Framework*); March 2012.

⁷ Local Government Association Planning Advisory Service: *Local Plans and the National Planning Policy Framework: Compatibility Self Assessment Check List* by Northampton Borough Council; April 2012 [Document CAAP/9].

to the following modifications which are required to make the plan sound: a new policy in presumption of sustainable development and associated explanatory text [MM1-2]. These modifications accord with the pursuit of sustainable development in *the Framework* (paragraph 9).

15. The plan has been prepared in tandem with the emerging *Core Strategy*, which in turn is in broad conformity with the RP. It also reflects the aspirations of the *Sustainable Community Strategy*⁸, which highlights, among other things, the need for empowered communities and better homes. The common agenda is a call for Northampton to be a key economic driver for the region, with the recognition that a step change in the regeneration of the Central Area is needed to achieve this. The strategic objectives (set out in section 3.6 of the plan) tie in with the core objectives of the above documents and provide a clear mechanism to achieve a strategy to meet the needs of the Central Area and its hinterland.
16. The timescale for the preparation of the plan is closely linked to the *Core Strategy* and they share a common evidence base. There has been close working between the JPU, which is responsible for preparing the *Core Strategy*, and the Council, together with the other two districts that make up the West Northamptonshire area (Daventry and South Northamptonshire). This joined-up approach also extends to neighbouring councils to the east, including Wellingborough, the highway authority (NCC) and WNDC, which has an important regeneration role in the Central Area.
17. The plan has been prepared within a culture of close working arrangements with statutory providers and regulatory agencies, as evidenced by the general lack of objections and Statements of Common Ground submitted to the Examination.
18. The Council's Situation Update on the selection of options⁹ explains how the SA considered the main strategic options and their social, environmental and economic impacts. The SA concludes that the preferred option best meets both the quantitative development needs in relation to retail, offices and residential use, and their locations, and in particular its 'town centre first' approach. The options showing higher and lower levels of provision of these uses were not considered to be as sustainable as the preferred option, primarily on the grounds that a significantly lower quantum would fail to meet the Central Area's development needs, whilst a significantly higher quantum would stretch resources, and result in potential oversupply of retail and commercial uses and greater environmental impacts. I see no reason to disagree with the overall conclusion of the SA, and the Council's Matter 1 Statement¹⁰ details the reasons why alternatives were selected in relation to key sites. The main negative effect which has been identified in all the options is air quality, especially around the Inner Ring Road (IRR), and there are measures in the plan to address this.

⁸ Northampton Local Strategic Partnership: *A Sustainable Community Strategy for Northampton 2008-2011* (with a long term vision to 2031) [Document CAAP/5/009].

⁹ Northampton Borough Council: Northampton Central Area Action Plan: Situation Update on Selection of Alternative Options; August 2012.

¹⁰ Northampton Borough Council Statement- Matter 1: Legal Compliance, Appendix 3; August 2012.

19. I therefore conclude that the plan's strategy, subject to the above modifications, is positively prepared, justified and accords with national policy, the *Core Strategy* and the RS.

Issue 2 - Is the plan's provision for the local economy sound in the face of the current economic climate and in terms of the scale and location of retail and office provision, its treatment of sensitive sites in Conservation Areas, the evening economy, its definition of the town centre boundary and control of retail frontages?

Scale and location of the proposed retail provision

20. The amended *Core Strategy* provides for a minimum of 37,500 m² (net) comparison (non-food) shopping for the period 2010 to 2026 in Northampton Central Area. Modifications are required to reduce the submitted plan's retail provision from 45,000 m² to 40,700 m² in order to correct mistakes in relation to gross to nett conversions in policies 14, 17, 18 and 32 [MM 3-6]. These modifications are supported in the interests of a properly justified plan, which provides a scale of retail provision which is consistent with the minimum figure in the *Core Strategy*. The plan's retail provision accords with the assessments of the independent retail capacity studies which have been undertaken since the inception of the plan.
21. Although the latest retail study¹¹ shows a reduced picture of retail floorspace needs compared with previous studies, it assumes a static market share in the catchment area, which is defined in the document as primarily west Northamptonshire plus the rural fringes to the east of Northampton. I agree with the Council that to maintain the market share status quo would not create the step change required, and that some flexibility is also important.
22. Whilst continued population growth will increase retail demand, the lack of significant high quality retail investment has left the town centre at a disadvantage in comparison to its rivals; a substantial proportion of Northampton's retail spending is 'exported' to rival centres, such as Milton Keynes and to a lesser extent Leicester. This situation is compounded by a lack of available town centre sites for modern retail development; at the Hearings, the Council's consultants pointed to an active retail interest, with an estimated 22 unmet retailer requirements for Northampton town centre¹². It was pointed out that, without the confidence created by the prospect of additional quantitative and qualitative retail investment, there is a danger that some of the town's anchor stores may be at a turning point. This assertion was not robustly challenged, and I see no reason to disagree.
23. Several representations stated that the plan should concentrate on bringing into use existing vacant properties before embarking on ambitious plans for new retail floorspace. Although the Council stated that vacancy rates in the Central Area are consistent with the national average and are lower still in the primary shopping areas, the independently assessed town centre health

¹¹ West Northamptonshire Joint Planning Unit (JPU): *West Northamptonshire Retail Capacity – 2012 Update: Final Report*; July 2012 [Document R/005/14].

¹² *Retail Requirements: Detailed Report*; April 2012, submitted by R Tym at the Hearings.

check¹³ showed a high level of vacancies in October 2009. The Council's own update¹⁴ in June 2010 shows a patchy, albeit improved situation, with the lowest levels on the south side of Abington Street and in the Grosvenor Centre, whilst the more up-to-date information on active retailer interest (see paragraph 22 above) reinforces this message.

24. A key consideration, however, is that many national multiple retailers, including those currently expressing an interest to establish a foothold in the town centre, require larger 'footplates' than are generally on offer from most of the currently vacant retail units. A second qualitative gain from providing properties that meet current retail needs is the opportunity for some existing national multiples in the town to move from secondary locations into the prime shopping areas; this would enable more affordable premises to open up for niche retailers within these secondary locations, but within relatively easy reach of the primary shopping area.
25. The plan identifies three sites to accommodate most of the proposed new comparison retail development for the Central Area. The key site is the Grosvenor Centre (policy 17), whilst further provision is proposed for Abington Street East (policy 18) and the Drapery (policy 32) in the later stages of the plan period. These sites are centrally and conveniently located within the retail core, (although the Grosvenor site takes in the existing bus station and adjacent land to the north); they are well related to the existing principal shopping streets, the Market Square, the proposed replacement bus interchange on the Fishmarket site and the principal multi-storey car parks. I am satisfied from the evidence before me that these sites are justified and will ensure effective delivery of the proposed comparison retail development to meet the needs of the Central Area over the plan period.
26. Policy 14, in accordance with the *Core Strategy*, establishes an overall provision of 3,000 m² of convenience retail floorspace within the Central Area. The Council considers that further detailed provision is not necessary, because the sector remains healthy, and is likely to remain so. It is also likely that a significant proportion of the plan's convenience retail provision will be realised in the proposed Grosvenor Centre redevelopment (policy 17, bullet point 5).
27. A representation has been submitted to change policy 26 (The Waterside: Brampton Branch St Peter's Way) to the south of the IRR by referring to large scale retail development, on the grounds that such a high value use would pay for the remediation of ground contamination connected with its former National Grid use. The plan's stance on retail development is in line with *the Framework*, and the National Grid site is outside the Primary Shopping Area, which is the sequentially preferred location for retailing.
28. I therefore consider that the scale and location of retail provision in the plan is justified, subject to the above modifications. I deal with the effectiveness of the plan's retail policies under Issue 7 below.

¹³ Northampton Borough Council: *Town Centre Health Check*: Roger Tym and Partners; Final Report October 2009.

¹⁴ Northampton Borough Council: *Northampton Town Centre Survey*; June 2010.

Scale and location of proposed office provision

29. The *Core Strategy* provides for office development in the region of 100,000 m² (nett) over the plan period. The plan provision of 132,500 m² (gross) of new office development over the plan period approximates to the *Core Strategy* and equates to around 7,500 new jobs. It was debated at the Hearings whether the size of the office floorspace provision for the Central Area was over-ambitious, especially in relation to the Waterside sites. The independently produced *Employment Land Study*¹⁵ notes that (in late 2010) there was little interest in pursuing town centre office opportunities in Northampton, which could continue for the foreseeable future. This is confirmed by the Central Area's delivery track record (less than 20,000 m² nett additional office space over the period 2001 – 2010), which would appear to be low for a market town of the size of Northampton.
30. The *Employment Land Study* concludes by stating that in Northampton town centre the redevelopment of sites for office use should be promoted wherever possible, and the plan seeks to do this. In a number of sites, such as Castle Station (policy 19), St John's (policy 20), Project Angel (policy 21), and Bridge Street (policy 22), the office component is envisaged as part of a broader mix of uses; these vary from site to site but cumulatively include residential, retail and other services and facilities. In each of these sites, the size of the proposed office development is referred to in terms of "up to" a floorspace total, which together with the range of other uses within the policies, ensures a level of flexibility which is justified in the current economic circumstances. Modifications are required, in the interests of the effectiveness of the plan, to extend this flexibility to policy 15, which covers offices and business uses within the Central Area, the Avon/Nunn Mills site (policy 28) and the Freeschool site (policy 33) **[MM 7-9]**.
31. Some representations stated that vacant town centre units could be used for offices, thus reducing the need for one or more of the above policies, especially where heritage assets would be affected. Many of these units, however, are too small, too low in quality or too poorly located to meet the high-grade needs of many office occupiers.
32. Almost half of the plan's provision for new offices is in the Waterside area, which is seen as a major development opportunity and a gateway site. It has been the subject of a master plan prepared by WNDC. There has been progress, through the combined efforts of WNDC, NCC, the Council, other agencies and the private sector, in regenerating tracts of derelict and overgrown land straddling the multiple courses of the River Nene. An impressive example is the recently completed European headquarters of the Avon cosmetics company, which is seen as a 'flagship' for transformation through purpose-built, sustainably constructed and well landscaped offices.
33. Modifications to two of the Waterside policies in the plan (policies 26 and 28) and their supporting text introduce an element of flexibility **[MM10-14]**. This is a realistic response to advice in *the Framework* which states that planning policies should avoid the long term protection of sites allocated for

¹⁵ Roger Tym and Partners: *West Northamptonshire Employment Land Study: Final Report*; July 2010, commissioned by the West Northamptonshire JPU [Document CAAP/006/1].

employment use where there is no reasonable prospect of a site being used for that purpose (paragraph 22). There is a balance to be struck where there is potential for some office development, but other, acceptable uses in principle are presenting themselves with realistic prospects of delivery, consequential jobs and potential environmental gains.

34. A major employer, Carlsberg, has recently invested significantly in its confined site. It has serious intentions of expanding its operations onto part of the adjacent site at Waterside: Brampton Branch, St Peter's Way, which would secure around 60 new jobs. Modification of policy 26 would enable this to happen (subject to ownership agreements). At the same time it would secure appropriate boundary treatment to enable an office frontage along St Peter's Way; enhance the Waterfront; and ensure satisfactory mitigation against potentially harmful impacts, eg floodlighting, on the living conditions and general amenities of neighbouring occupiers.
35. This modification (MM10) would strike an acceptable balance between meeting the needs of a key employer and planning for the wider needs of the area. In particular it would accord with the need, as expressed in *the Framework*, to plan positively for the expansion of existing business sectors and allow a rapid response to changing circumstances (paragraph 21).
36. Turning to the Avon/Nunn Mills/Ransome Road site, modification of policy 28 (MM12) would enable the University of Northampton to develop on part of the site. This would open up the possibility of significant employment and cultural benefits to the town, in accordance with *the Framework's* requirement to plan proactively for education (paragraph 72). In addition to the provision for mixed uses, the modification would introduce an element of flexibility by referring to an approximate amount of office floorspace, rather than a minimum requirement.
37. Several representations stated that the requirement in policy 28 for an overall average housing density of 55 dwellings per hectare was excessive. However, recently completed housing sites to the north of the river, at densities around or in excess of 100 dwellings per hectare, appear successful in terms of their layout, design and quality of external areas, and they are in sustainable locations close to the town centre and public transport. The proposed improvements to pedestrian and cycle links in policy 28 would bring the land within easy striking distance of the town centre on sites that would lend themselves to high density development; in view of these local circumstances the modified policy is justified and in accordance with *the Framework* (paragraph 47, 5th bullet point).

The evening economy

38. Policy13 (improving the retail offer) is sufficient to ensure that nightclubs and hot food takeaway outlets do not become overly concentrated in a particular area of the town. I consider that the plan's approach to the evening economy is justified and effective.

Primary and secondary shopping areas

39. The primary shopping area boundary has been drawn following advice from independent consultants (see footnote 13). It is tightly drawn to provide a

focus for town centre shopping, whilst supporting/ancillary uses can be provided within easy access of the primary shopping area within secondary frontages. As such, its location and geographical extent are justified.

40. The Council has increased the flexibility of policy 13 (improving the retail offer) by increasing the percentage allowance for non-A1 units (ie non-retail units) at ground floor level within the primary shopping area, where it would not result in falling below 80% of the street frontage, instead of 90% in existing policy. The corresponding permitted threshold for non-A1 uses in secondary retail frontages has also been reduced, from 70% to 60%.
41. Representations on behalf of banks and building societies stated that because they contribute to the vitality, viability and diversity of town centres, they should be encouraged within all designated retail frontages without restriction. In support of their case, they pointed to high levels of footfall in a number of large towns and cities where the policy has been relaxed to allow this to happen¹⁶.
42. Whilst the Council accepted that some banks have adopted an innovative approach, e.g. through attractive window displays, my attention was also drawn to a spate of other non-A1 consents in the town centre, including gaming parlours and betting shops in sensitive areas. These are now viewed as inappropriate in relation to the vitality and viability of the town centre.
43. On the whole, the existing balance between A1 and non-A1 uses within primary retail frontages appears to have been beneficial to the vibrancy of the town centre, taking account of the demand for coffee shops and sandwich bars which generate footfall and remain open at least as long as most shops and in some cases contribute to the evening economy. Banks and building societies, in contrast, generally operate shorter working hours than most shops, with less weekend opening. The small geographic extent of the designated retail frontages means that banks and building societies can be located within a short walking distance from the retail core.
44. The Council's stance has recently been vindicated through an appeal decision in Northampton's primary retail frontage¹⁷ which dismissed a proposed change of use from retail to a bank at ground floor level, whilst evidence submitted at the Hearings showed that in the thriving centre of Milton Keynes, there are only 5 banks and building societies in the primary retail frontage, and a further 4 in the secondary retail frontage, out of a total of 200 retail facades¹⁸.
45. I therefore conclude that the plan's stance towards primary and secondary shopping areas, which has been relaxed slightly, is justified, effective and in accordance with *the Framework*, which requires that plans should provide a clear definition of primary and secondary frontages, and make it clear which uses will be permitted in such locations (paragraph 23, 3rd bullet point).

¹⁶ Shire Consulting, representing Barclays Bank, Statement in response to Matter 3; dated June 2012.

¹⁷ Appeal Decision APP/M9570/A/11/2144014, dated 25 March 2011, which dismissed a proposed change of use from retail (Use Class A1) to bank (Use Class A2 of ground and first floors) [Document R/005/15].

¹⁸ © 2012 the centre: mk: Milton Keynes Shopping Centre Shop Map; dated 2012.

Issue 3 - Is the plan's accessibility and movement strategy sound in terms of changes to the Inner Ring Road, the proposed new bus interchange, car parking and access for pedestrians?

46. The plan's access and movement policies promote the need to reduce travel and balance the transport system in favour of sustainable modes, in accordance with *the Framework* (paragraph 29) and the *Northamptonshire Transport Plan*¹⁹. The plan seeks to do this against a backdrop of continued population growth and an expectation that at some point in the plan period, the economy will recover and generate more travel demand. A key aspiration of the plan is for the Central Area to be 'walkable', which means convenient access both within and also to and from surrounding areas. The plan also aims to improve air quality and provide more user-friendly facilities to increase the use of public transport and cycling. Car parking is also recognised as critical to the vitality and viability of the Central Area.

The Inner Ring Road

47. The IRR is a major challenge to the achievement of some of the key aspirations of the plan. It has been described as a 'concrete collar', which effectively inhibits pedestrian movement, and the principal cause of air pollution in the Central Area, which was identified as a main issue in the SA. On the other hand, the IRR is integral to Northampton's strategic road network; although there are capacity issues, it distributes high volumes of traffic and provides essential access to and from the Central Area. A balance therefore has to be struck in the interests of the economy, the environment and community cohesion.
48. Policy 6 addresses the need for this balance. It provides for improvements to the IRR junctions, pedestrian and cycle crossing points and the environmental treatment of the road corridor. It also aims to improve IRR traffic flows, improve air quality in the Central Area, and increase safety and convenient pedestrian and cycle movement into and out of the town centre. The environmental improvements to the road corridor are also subject to policy 1, which promotes design excellence.
49. A modification to policy 6 **[MM 15]** makes the plan focused and effective by setting out the range of interventions which are necessary to ensure that the Council's objectives for the IRR are realised, including reference to the *Public Realm Implementation Framework*²⁰.

New bus interchange

50. Policy 7 provides for a new bus interchange, following a robust and detailed consideration of several site options. These are succinctly summarised in the table at Appendix 1 in the Council's Statement on Matter 4²¹. The proposed

¹⁹ Northamptonshire County Council: *Northamptonshire Transport Plan: Local Transport Plan*; March 2012.

²⁰ Atkins, Northamptonshire County Council, Northampton Borough Council and West Northamptonshire Development Corporation: *Public Realm Implementation Framework*; October 2007 [Document DPR 001/4].

²¹ Northampton Borough Council Statement - Matter 4: Accessibility and Movement, Appendix 1; August 2012.

interchange, on the former Fishmarket site and adjacent frontage buildings on Sheep Street, is in the heart of the town, close to the Market Square and the proposed Grosvenor Centre redevelopment scheme. It would offer easy pedestrian access throughout the Central Area and is close to the IRR.

51. Although the proposed interchange will be smaller than the existing bus station at Greyfriars, it can be supplemented by on-street provision on the Drapery, so that it can accommodate an increased number of bus movements, from around 100 an hour, at present, to 150. This would help to achieve the *Northamptonshire Transport Plan's* strategic policy aims of a 5% reduction in single occupancy car journeys to work from existing built up areas and a more ambitious 20% shift from new developments. It can do this by increased efficiency. The bus depot facility at the existing bus station will be relocated to Far Cotton, just to the south of the river, which will free up additional operational capacity at the proposed interchange.
52. Widespread concern was expressed over both the impact of the interchange on the character and appearance of the All Saints Conservation Area, together with the lack of detailed criteria in policy 7 to protect neighbouring heritage assets. Policy 7 is not stand-alone; it is supported by policy 1 and the Council's shopfront guidance²², which set clear parameters for developers in relation to design and conservation. Policy 7 is therefore endorsed as justified. It is also important to weigh any visual impacts against the environmental benefits of demolishing the existing, prominent and unprepossessing bus station, whilst the pedestrian footfall generated by the new interchange could be a catalyst in securing increased vitality in the generally moribund area around the former Fishmarket.
53. The proposed interchange will bring about substantial modal shift, inject new life into a neglected part of the town centre and be critical in enabling the redevelopment of the existing bus station as part of the Grosvenor Centre scheme (policy 17). It is endorsed as positively prepared and justified, and accords with *Core Strategy* policy C4, which identifies a central Northampton bus interchange as a priority public transport facility. It is a prime example of sustainable development, in line with *the Framework* (paragraph 14). I deal with the effectiveness of policy 7 under Issue 7.

New public transport river crossing

54. A modification amends the 3rd bullet point in policy 30 to specifically state that the proposed river crossing close to the A45 flyover is for pedestrians and cyclists [MM 16]. Subject to this modification, the plan's access and movement policies accord with national policy and are justified and effective.

Issue 4 – Is the plan's provision for housing sound in terms of the provision of a balanced mix of communities, affordable housing, student accommodation and other forms of specialised housing?

55. Policy 16 provides for up to 3,400 homes, about a third of the *Core Strategy* housing requirement for Northampton over the plan period. This figure

²² Northampton Borough Council: *Shopfront Design Guide* - Supplementary Planning Document; 2011. [Document CAAP/005/5].

relates to the SHLAA²³ findings for the Central Area and identifies a number of key sites which are expected to contribute to the majority of these homes. The Council's independent feasibility study on a number of Central Area sites²⁴ concludes that the financial viability and sustainability of Northampton town centre's retail offer would be bolstered by having more people living and working centrally in the town, and I see no reason to disagree.

56. The provision of the housing mix in policy 16 is based on the updated SHMA²⁵, which indicates a need to provide specialised housing, for example, 1 and 2 bedroom properties to meet both the existing need and attract younger professionals and students interested in living in a town centre environment. This accords with the general approach in *Core Strategy* policy H1 and is reflected in the proposed densities.
57. The need for affordable housing within Northampton is set out in the SHMA. The Central Area should not be viewed as exempt from this need, despite house prices in Northampton being the lowest in the sub region. Modifications to policy 16 and the supporting text **[MM 17-18]** require 35% affordable housing on all sites of 15 dwellings or more, which accords with *Core Strategy* policy H2 and *the Framework* (paragraph 50 (3rd bullet point)). I therefore conclude that the plan's housing provision, subject to the above modifications, accords with national policy and is justified and effective.

Issue 5 – Is the plan's environmental strategy sound in terms of the Green Infrastructure and flood risk and drainage?

Green Infrastructure

58. Policy 4 provides for the safeguarding and enhancement of the Green Infrastructure (GI), based on the work carried out by independent consultants²⁶. In particular, the River Nene, with its various branches and the Grand Union Canal, together with the meadowlands alongside these watercourses, has the potential to link the Central Area and the town with the wider countryside and provide an important recreational area.
59. The plan also recognises that much of the Waterside is not currently fulfilling its potential to contribute to the GI, and a suite of policies covering Waterside sites set out more detailed requirements for key areas in terms of development, access, landscaping and safeguarding and enhancing existing environmental assets, whilst reducing the risk of flooding.
60. I am satisfied that the plan's provision for safeguarding and enhancing the GI, is positively prepared, justified and effective. This approach is also

²³ Potential Housing Sites (West Northamptonshire Strategic Housing Land Availability Assessment) (SHLAA): Appendix H to submitted *Northampton Central Area Action Plan*.

²⁴ Roger Tym and Partners: *Northampton Central Area Sites Feasibility Study-Final Report*; August 2010 [Document CAAP/005/2].

²⁵ Opinion Research Services: *West Northamptonshire Strategic Housing Market Assessment Update*; (SHMA update) August 2011 [Document CAAP/007/4].

²⁶ Living Landscapes Consultancy Ltd: *Northampton Landscape Sensitivity and Green Infrastructure Study; Final Report*; February 2009 [Document CAAP/002/1]; and PMP: *Open Space, Sport and Recreational Needs Assessment and Audit – an Update Report*; September 2009 [Document CAAP/002/2].

widely supported in *the Framework*, for example in paragraph 109.

Flood risk and drainage

61. The River Nene is one of the principal rivers in the east of England. It flows through the Central Area, just to the south of the town centre, where it is joined by a number of tributaries. Much of the Central Area is located in its flood plain. Severe flooding in April 1998 led to the implementation of a series of flood defences that protect against the likelihood of flooding to one of the highest standards in the country – a 1:200 year level (0.5% probability of flooding).
62. Several factors have led to the need to increase the effectiveness of water management in the Central Area. These include the increasingly extreme rainfall events linked to climate change, the relatively large scale of development within the catchment area, both upstream from Northampton and within the town itself, and the potential of the Waterside for significant economic, cultural and residential development.
63. A *Statement of Common Ground* between the Council, NCC, the Environment Agency and Anglian Water²⁷ has led to modifications to policy 5 and the supporting text **[MM 19-20]** to make the plan sound. These modifications cover the need for detailed flood risk assessments (in accordance with the requirements of the *Level 2 Strategic Flood Risk Assessment for Northampton*²⁸) in relation to development proposals for specified sites in or near the Waterside, plus any other sites where drainage problems are likely; the modified policy also places an expectation on developments to implement measures to ensure that there is no increase in the flow of surface water or foul sewage through additional measures such as site control and water efficiency measures.
64. The modifications also refer to the need for development to be in accordance with the *Northampton Drainage Plan Part 1*²⁹, with connections to the existing combined and foul system only permitted if there are no other practicable solutions for the discharge of surface water runoff, with mitigation, compensation and drainage to be agreed with the relevant agency. The modifications to the supporting text refer to the possibility that some schemes for development will need to seek approval from the Sustainable Drainage Approval Body which is required in view of the importance of reducing flood risk in this area.
65. These modifications incorporate best practice, and help to ensure that the plan is effective in managing the risk of flooding to an acceptable level and improve the resilience of the Central Area through sustainable drainage techniques. Policy 5, subject to the above modifications, is endorsed as positively prepared and in accordance with *the Framework* (paragraph 94).

²⁷ Northampton Central Area Action Plan: *Statement of Common Ground* between Northampton Borough Council and the Environment Agency, Anglian Water Services and Northamptonshire County Council; dated August 2012.

²⁸ *Northampton Level 2 Strategic Flood Risk Assessment Living Document*; February 2010 [Document FL/003/02].

²⁹ *Northampton Central Area Drainage Assessment: Final Report*; August 2012 [Document FL/003/3a].

Issue 6 – Is the plan's policy stance on urban design sufficiently justified, especially in relation to the quality of regeneration schemes, the quality of the public realm and the need to avoid unacceptable impact on heritage sensitive sites and the character and appearance of Conservation Areas?

66. The IRR follows the alignment of the former Norman city wall. Within this circular route, the street pattern is predominantly medieval. The Central Area contains six Conservation Areas and several heritage assets, including 210 listed buildings, 3 Scheduled Monuments and a number of other buildings of local historic value. The principal concerns expressed in representations and at the Hearings are whether some of the key development/redevelopment proposals would harm a number of sensitive heritage assets, and whether policy 1, which promotes design excellence, is sufficient on its own to adequately ensure that key developments enhance and do not harm the heritage assets in the Central Area.
67. There is a balance to be struck between providing for a competitive town centre and ensuring that the heritage assets of the town are properly considered, respected and, where appropriate, enhanced. The Council has shown awareness of the importance of this balance by ruling out some development options because of the likely adverse impact on heritage assets, such as the Notre Dame site to the north of Abington Street.
68. Policies 1, 2 and 3 seek to enhance the quality of the built environment through the promotion of design excellence, the sensitive siting of tall buildings and the improvement of the public realm respectively. They can be applied to all sites and the streetscene across the Central Area. In a few cases, they are supplemented by additional requirements in site specific policies, but the pressure to duplicate these policies throughout the plan has been resisted in the interests of conciseness. Many policies for specific sites also refer to advice in informal planning documents, including master plans, which provide the necessary detail to supplement the strategic requirements in the above policies. I endorse as justified both the content of the AAP policies and the Council's decision to keep policy duplication to a minimum.
69. There are, however, a few instances where it is critical to address specific conservation issues, such as key buildings, monuments and the historic grain in more detail in specific policies. *The Framework* states that when considering the impact of a proposed development, the more important the asset, the greater the weight is given to its conservation (paragraph 132). In the light of this requirement and in response to concerns expressed at the Hearings, modifications ensure that conservation issues of the highest priority are integrated into the policy wording **[MM 21-24]**. These include changes to policy 19 (Castle Station) to refer to the setting of St Peter's Church and Marefair; policy 21 (Angel Street) to ensure that the proposed public pedestrian route respects existing historic assets; policy 33 (Freeschool Street) to refer to the need to provide a building that positively addresses the corner of Horseshoe Street and Marefair; and clarification of the significance of the Battle of Northampton (1460) site in paragraph 6.8.8.
70. In addition, the modification **[MM 3]**, to include the words "up to" in policy 14, provides the necessary flexibility in the amount of retail floorspace provision to be provided at Abington Street East. This ensures that the

current uncertainty of the availability of the Library, which is a heritage asset, is taken into account. These changes are necessary to secure the appropriate balance between development and conservation in particularly sensitive areas, in accordance with national policy.

71. I conclude that the plan, subject to the above modifications, provides a justified design focus for new development and the public realm. It also gives the required weight as set out in *the Framework* (paragraph 132) to the conservation of heritage assets.

Issue 7 – Is the plan effective in facilitating delivery of infrastructure, development viability and monitoring?

72. *The Framework* attaches great importance to the need for local plans to pay careful attention to viability so that they are deliverable (paragraph 173). It also states that plans should take account of market signals (paragraph 17, 3rd bullet point) and assess viability in relation to major development schemes (paragraph 26, second bullet point).
73. The *Core Strategy Infrastructure Delivery Plan (IDP) Update 2012*³⁰ provides a clear summary of the key infrastructure requirements. It does not identify any showstoppers. All the key infrastructure providers are signed up to the implementation of the plan, which is borne out both by the submissions of the Council and the support/lack of adverse representations from the providers themselves. The Council also has the advantage of working with WNDG since 2004, which with its specialist powers including the power to acquire, manage and sell land and property, functions as a key delivery vehicle for accelerating growth in Northampton.
74. In my view, the most critical development to secure the effectiveness of the plan is the proposed redevelopment of the Grosvenor Centre (policy 17). The proposal, for an enhanced shopping centre, would provide over half the planned increase of comparison goods retail floorspace in the town centre and retain its existing convenience floorspace. It would incorporate improvements to the public realm, enhanced pedestrian access to and through the site, including a new north-south route, and car and cycle parking provision. It would occupy a significantly larger area than the current centre. This ambitious scheme in the heart of the town involves the relocation of the existing bus station from its Greyfriars site to the former Fishmarket.
75. Concern over the deliverability of the Grosvenor Centre scheme was expressed in several representations and at the Hearings. The key reasons were doubts over the seriousness of intent of the Council's principal development partner, Legal and General, following a period of re-appraisal which is ongoing from June, to ensure the scheme is still fit for purpose; the reliance of the scheme on the location of the existing bus station site, which is opposed by some residents and conservation interests; and the planned start and completion of the scheme in phase 2 (2016-2021), which is considered by some to be too late in the plan period to effectively meet the retail needs of Northampton and the surrounding area.

³⁰ *West Northamptonshire Joint Core Strategy: Infrastructure Delivery Plan (IDP) Update 2012.*

76. Although the Development Agreement signed between the Council and its principal partner is a confidential document, I requested a statement from the parties involved which summarises the key aspects of the Agreement for the purposes of enabling me to assess the likelihood of scheme delivery within the plan period. This Development Agreement Summary (DAS)³¹, submitted by the Council, confirms the date of the Development Agreement, (14 October 2009), and key stages to ensure satisfactory implementation.
77. It is clear from the DAS and discussion at the Hearings that the project has already satisfactorily passed several milestones in the Agreement. This underlines the commitment of the Council and other key parties to implementing the project, and the likelihood of successful implementation during the plan period. These milestones include an agreement with Stagecoach to vacate the existing Greyfriars bus station, which has been secured by a funding agreement with the Council, WNDC and Stagecoach (signed in March 2012); completion of critical car parking improvements in 2011; and the securing of funding, planning permission, Conservation Area consent and demolition consent, to enable a new bus interchange to be delivered on the Fishmarket site, with a preferred construction contractor secured and a completion date anticipated for December 2013.
78. The Council explained at the Hearings that the 'hiatus' in scheme delivery by its principal partner is to enable a 6 month period of reflection in the face of changing market conditions and should not be interpreted as a lack of developer confidence in the scheme. In response to my questioning, the Council expressed the view that in the unlikely event of the existing partner pulling out, other partners would be found.
79. Secondly, the Council's commitment to relocating the bus interchange within the early part of the plan period is underlined by the fact that the scheme has received substantial time-limited Government funding (£8 million) to assist in its delivery by April 2014. The main message I received was one of urgency, and there is little evidence to point to the likelihood of the scheme being a white elephant as some representations claim.
80. The third concern relates to the anticipated delivery of the Grosvenor Centre by 2018, i.e. within phase 2 of the plan period. It was stated at the Hearings that, in the current economic climate, there was a limited programme nationally of major retail development schemes for implementation over the next 5-7 years. The implementation date of 2018 did not therefore represent a lost opportunity, and it was not too late to deliver the significant step change in the quality and capacity of retail provision that Northampton needs. Moreover, a development pipeline of about 10 years from conception to delivery is not viewed as unusual within the retail industry. In the light of the above evidence, I am satisfied that the Grosvenor Centre is a realistic and effective proposal.
81. Five other priority schemes being progressed by the Council and its public and private sector partners. They are St Johns/Angel Street (policies 19 and 21); Castle Station (policy 19); Avon/Nunn Mills (policy 28); and St Peter's

³¹ Grosvenor Greyfriars Development Agreement: Summary of principal points; 6 September 2012.

Waterside (policy 26). The IDS provides evidence that funding is likely to be in place to secure the implementation of these sites, as well as information on phasing and delivery partners. Compulsory Purchase Orders are envisaged in relation to only two schemes within the plan area – at the Avon/Nunn Mills site and at Waterside St Peter's. Negotiations to secure a small area in private ownership to implement the Grosvenor Centre scheme are in hand, and no problems were reported on likely outcomes.

82. I am therefore satisfied that the resources and partnership arrangements are in place to implement the key schemes outlined above, and that the plan is effective and stands a robust chance of being implemented within the plan period and the ambit of the IDS. Policy 36 sets out a comprehensive approach for securing the necessary development contributions to infrastructure provision, both for strategic infrastructure and for specific on-site requirements. In 2013, the introduction of a Community Infrastructure Levy is programmed for West Northamptonshire. This will enable the pooling of contributions to fund strategic infrastructure requirements and identify potential funding for infrastructure identified through the policies in the plan.
83. In relation to monitoring, *Core Strategy* policy S6 provides clear guidance for monitoring arrangements, including a joint Annual Monitoring Report, which will secure consistency across West Northamptonshire. In response to conservation concerns, a modification is required to Objective 2, to reflect the impact of development on heritage assets [MM 25].
84. Consequently I endorse the implementation and monitoring aspects of the plan, subject to the above modification, as clearly set out and effective.

Assessment of Legal Compliance

85. My examination of the compliance of the Plan with the legal requirements is summarised in the table below. I conclude that the Plan meets them all.

LEGAL REQUIREMENTS	
Local Development Scheme (LDS)	The Area Action Plan is identified within the approved West Northamptonshire Joint LDS (June 2012) which sets out an expected adoption date of Month Year. The Area Action Plan's content and timing are compliant with the LDS.
Statement of Community Involvement (SCI) and relevant regulations	The SCI was adopted in March 2006 and consultation has been compliant with the requirements therein, including the consultation on the post-submission proposed 'main modification' changes (MM)
Sustainability Appraisal (SA)	SA has been carried out and is adequate.
Habitats Regulations Assessment (HRA)	An Appropriate Assessment in line with the HRA has been carried out and is adequate.
National Policy	The Area Action Plan complies with national policy except where indicated and modifications are recommended.

Regional Plan (RP)	The Area Action Plan is in general conformity with the East Midlands RP.
Sustainable Community Strategy (SCS)	Satisfactory regard has been paid to the SCS.
2004 Act (as amended) and 2012 Regulations.	The AAP complies with the Act and the Regulations.

Overall Conclusion and Recommendation

- 86. The Plan has a number of deficiencies in relation to soundness for the reasons set out above which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the Act. These deficiencies have been explored in the main issues set out above.**
- 87. The Council has requested that I recommend main modifications to make the Plan sound and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix the Northampton Central Area Action Plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.**

Mike Fox

Inspector

This report is accompanied by the Appendix containing the Main Modifications