

Application Number: 09/00530/OUT

ERECTION OF A FOOD STORE AND ANCILLARY WORKS (OUTLINE)

AT Aston Martin Lagonda Ltd, Tickford Street, Newport Pagnell

FOR Tesco Stores Ltd

Target: 24th June 2009

Ward: Newport Pagnell South

Parish: Newport Pagnell Town Council

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1.0 SUMMARY

(A brief explanation of what the application is about, what the main issues are and the officer's Recommendation to the Committee)

- 1.1 Outline planning permission is sought for the erection of a retail food store by Tesco Stores Ltd. All matters except access have been reserved for subsequent approval. The store would have a gross floor area of 2,700 square metres with 1,400sqm of net internal retail space and would have in the region of 190 parking spaces. The accompanying illustrative plans show the store located towards the rear of the site to the south of 45-48 Lagonda Close, with parking provided to the south and east of the proposed building. The existing three buildings on the site are shown as retained on the indicative master plan. It should however be noted that these details are purely illustrative. The purpose of the application is to establish whether a supermarket of this size is acceptable on this site in planning terms as a matter of principle.
- 1.2 Access was originally reserved for subsequent approval but, following concerns from the Highway Engineers, details of the proposed access have subsequently been submitted for approval at this stage. Access is shown between the existing 2 storey office building and three storey factory building.
- 1.3 There are fundamental planning policy objections to a foodstore in this out of centre location in terms of need, the sequential test and the impact on the vitality and viability of Newport Pagnell town centre. There are also objections to the proposed access as the visibility is poor and turning space is inadequate.
- 1.4 The main issues are:
 1. Loss of employment use
 2. Retail Policy
 3. Highway issues

4. Impact on adjacent properties
5. Visual impact of the development and impact on the conservation area.

RECOMMENDATION

It is recommended that planning permission be refused for the reasons set out at the end of this report.

2.0 REASON FOR REPORTING APPLICATION TO COMMITTEE

(Most planning applications are dealt with by the Chief Planning Officer under powers delegated by the Development Control Committee)

- 2.1 This is a controversial application which has a high level of public interest

3.0 INTRODUCTION

(A brief description of the site and its surroundings)

- 3.1 The application site is 2 hectares in size with a 105 metre frontage onto Tickford Street. There are 2 adjoining pieces of land owned by the applicant which do not form part of the application site, one of which fronts onto Priory Street. The site is surrounded on three sides mainly by housing along Priory Street, Lagonda Close, Chicheley Street and Tickford Street. The site has been used since 1954 for the production of cars by Aston Martin Lagonda Ltd., but has a long history of carriage making, coach building and vehicle production by Salmon and Sons dating from 1823. The production of cars at this site ceased in July 2007, but the servicing of cars continues on the site opposite, on the southern side of Tickford Street. The site is predominantly vacant with all the manufacturing buildings associated with Aston Martin having been removed. There are 3 buildings on the site close to the Tickford Street frontage which are considered to be worthy of retention. These are a 3 storey 1910 red brick factory building fronting Tickford Street, the former Salmon coachwork building and Sunnyside, a pair of semi-detached houses built in 1881. The Conservation Area boundary runs along much of the western boundary of the site with Priory Street and has been recently been extended to include the 3 retained buildings. There is an oak tree to the east of the site which is the subject of a Tree Preservation Order.
- 3.2 Aston Martin have retained a car park for staff use which is accessed through the application site.
- 3.3 The surrounding residential areas are mixed in character with more modern properties constructed in the 1970s and 1980s to the north and older properties in Priory Street and Tickford Street. In addition 11 dwellings in Tickford Street which adjoin or are in close proximity of the site are listed.
- 3.4 The site is allocated for employment use on the proposals map of the Milton Keynes Local Plan. A small part of the site nearest Priory Street lies within the flood plain, with the highest recorded flood level of 55.23m AOD. A development constraints brief for the site was published by the Planning Department in March 2007.

4.0 RELEVANT POLICIES

(The most important policy considerations relating to this application)

4.1 The most important factor that the Committee must consider is the relevant planning policies. Firstly there are the Council's own planning policies, particularly the policies in the Adopted Local Plan, but including other policy documents such as Supplementary Planning Guidance (SPG). Relevant Government policy documents, such as Planning Policy Statements (PPS) or Planning Policy Guidance (PPG) and Circulars also need to be considered, along with Regional Plans and policies. Planning legislation requires that all planning decisions should be in line with the relevant policies.

4.2 Milton Keynes Local Plan 2001-2011(Saved Policies)

| | |
|---------|---|
| S1 | General Principles |
| S7 | Key Settlements |
| S13 | Areas liable to flooding |
| E1 | Protection of existing employment land |
| T1 | The Transport Users Hierarchy |
| T2 | Access for those with Impaired mobility |
| T3 & T4 | Pedestrians and cyclists |
| T5 | Public Transport |
| T10 | Traffic |
| T11 | Transport Assessments and Travel Plans |
| T15 | Parking Provision |
| T17 | Traffic Calming |
| HE1 | Protection of Archaeological Sites |
| HE5 | Development affecting the setting of listed buildings |
| HE6 | Conservation Areas |
| NE2 | Protected Species |
| NE3 | Biodiversity and geological enhancement |
| D1 | Impact of development proposals on locality |
| D2A | Urban design aspects of new development |
| D2 | Design of buildings |
| D4 | Sustainable construction |
| TC1 | Character and Function of the Shopping Hierarchy |
| TC7-9 | Newport Pagnell Town Centre |
| R1 | Major Retail Proposals |
| PO1-4 | Planning Obligations |

4.3 National Planning Policies

| | |
|-------|--|
| PPS1 | Delivering Sustainable Development |
| PPS4 | Planning for Sustainable Economic Development (consultation) |
| PPS6 | Planning for Town Centres |
| PPG13 | Transport |
| PPG15 | Planning and the Historic Environment |
| PPS22 | Renewable Energy |

4.4 Supplementary Planning Guidance

Parking Standards for Milton Keynes
Sustainable Construction

4.5 Additional Guidance

Milton Keynes Retail Capacity and Leisure study undertaken by Roger Tym and Partners. This study has been the subject of a public consultation exercise. The responses to the consultation are being assessed, and are anticipated to be reported to the Council's Local Development Framework Advisory Group in July.

Aston Martin Site Development Constraints Brief.2007

This is not an adopted Supplementary Planning Document, but gives pre application informal advice to developers. Para 5.11 states that;

"Major retail development would not be acceptable on the Aston Martin Site"

5.0 RELEVANT PLANNING HISTORY

(A brief outline of previous planning decisions affecting the site – this may not include every planning application relating to this site, only those that have a bearing on this particular case)

07/01022/OUT

Outline planning application for up to 105 residential dwellings, up to 1,300 sqm of commercial floorspace (use class B1), employee car parking and means of access, incorporating part retention and part redevelopment of existing buildings on site (outline). Resolved to be permitted subject to the completion of a S.106 legal agreement, November 2007.

07/02163/FUL

Mixed use development consisting of 121 no. dwellings, 1300 sq.m. of office space (use class b1a), retention and refurbishment of three existing buildings, car park to service existing Aston Martin operation and creation of new access road from Tickford Street. Refused 29.02.2008

07/02286/CON

Conservation area consent for the demolition of the NP building, Priory Street, to allow mixed use redevelopment on site. Conservation Area Consent granted 19.03.2008

Applications relating to other large retail proposals

MK/285/96 & 96/01086/MK Demolition of existing Health Centre and erection of food store with associated parking and works at Health Centre, Marsh End Rd ,Newport Pagnell

Joint Appeal by Budgens Stores against refusal of permission for MK/285/96 and non-determination of 96/01086/MK Dismissed 4.7.1997

MK/285/89 Erection of supermarket (Sainsbury), coffee shop, petrol filling

station and access on former Rocla Pipes works, Wolverton Road, Little Linford.

Appeal dismissed 5.9.1990

07/01975/FUL Demolition of existing foodstore, and erection of replacement food superstore, 4 retail units, & community facility along with enhanced highway works and parking at Tesco Stores Ltd, McConnell Drive Wolverton.

Refused 2.6.2009 Appeal lodged 17.7.2009

6.0 APPLICATION AS ORIGINALLY SUBMITTED

(Details of the proposal as originally submitted)

- 6.1 The application when submitted was an outline application with all matters reserved for subsequent approval. The indicative masterplan shows the building located towards the rear of the site, around 10 metres from the rear boundary with 45-48 Lagonda Close and around 100 metres from the Tickford Street frontage, behind the retained Aston Martin buildings. Vehicular access is shown from Tickford Street between the two storey office and three storey factory buildings, with two additional pedestrian accesses, one from Tickford Street to the east of Sunnyside and the other from Priory Street. Parking areas are shown to the front (south) and side (east) of the proposed building. The illustrative plan shows a landscape buffer around most of the perimeter of the site.
- 6.2 The building is proposed to have a gross external floor area of 2,700 sq m providing 1,400 sq m net internal retail space. The applicants have indicated that the footprint of the building would be indicatively 54 m x 50 m in size, with an approximate height of 6-7m to ridge line. The car park would contain adequate parking provision in line with the Councils parking standards (approximately 190 spaces). It is envisaged that the store would mainly provide convenience goods (groceries) rather than comparison goods (durable goods such as clothes and furniture). The anticipated opening date is 2014.
- 6.3 The application is supported by a planning and retail assessment, transport assessment, flood risk assessment, a health check of Newport Pagnell town centre and a geological assessment.
- 6.4 No details are given as to the future uses of the 3 retained Aston Martin buildings which are situated in front of the proposed store, adjacent to Tickford Street .There are also 2 pieces of land that were part of the former Aston Martin site that have been excluded from this current application site, so no use is currently proposed for them.

7.0 AMENDMENTS

(Any changes that have been made to the application since it was originally submitted)

- 7.1 Following concerns from the Highway Engineers about the suitability of the access with regard to visibility, details of the access were requested to form

part of the current application and not be a reserved matter. An addendum to the transport assessment was provided which retained the access between the office and factory buildings.

7.2 Following an appraisal of the Retail Statement by the Council's consultants Roger Tym & Partners, a revised study (catchment) area has been submitted together with revised tables.

8.0 CONSULTATIONS AND REPRESENTATIONS

(Who has been consulted on the application and the responses received)

8.1 Highways Development Control

- Access

Recommends refusal of the application as the proposed access location is between two buildings and the plans show an intention to move the existing channel of Tickford Street further south to improve visibility. Drawing No. PL20 shows 2.4 x 45m visibility splays and also visibility splays of 2.4 x 68m to the west and 2.4 x 70m to the east. As a commercial access visibility splays should have an 'x' distance of 4.5m. If this is applied to the access as shown the associated 'y' distance in the west is 50m. This distance is substandard. Tickford Street is not accepted as a lightly trafficked residential street and cannot be considered under guidance given in Manual for Streets.

The access as proposed shows kerb lines in very close proximity to existing buildings and the kerb for the eastern channel of the proposed access is considered too close to the corner of the existing building. Due to this feature there is no intervisibility for pedestrians approaching the access and this could lead to conditions of danger for pedestrians.

The access as shown conflicts with the existing access on the south side of Tickford Street and does not allow sufficient turning space for a vehicle turning right into this site. There is also a lack of right turn provision for vehicles exiting this site.

The tracking diagrams highlight the fact that there is a lack of turning space for HGV's turning right from the proposed development. It appears that this class of vehicle cannot approach the junction in the normally accepted position and needs to move to the left before turning right.

- Other Transport Issues

The Transport Assessment deals with traffic attraction, distribution and assignment. It shows deficiencies in the capacity of the A509/A422/London Road roundabout in 2011 without the

development and the addition of development traffic would exacerbate the problem. The developer has offered mitigation measures to the roundabout in the form of widening the roundabout approaches. A contribution in lieu of the works is considered appropriate in this instance as the junction is included as part of the A422 Corridor Review and piecemeal works would not be appropriate. The analysis shows that the High Street/St Johns roundabout will have increasing queues 'with development' by 2016. The developer has not offered any mitigation for this junction. An analysis of the effects of the development on this junction should have been included in the TA, this is unacceptable.

There is a need for a signalised crossing facility of Tickford Street to safely convey pedestrians and cyclists to the development. This should be provided by the developer as part of the scheme.

There has been an insufficient analysis of the existing provision of routes and needs of public transport. In order to promote more sustainable modes of transport the development should provide financial contributions towards the enhancement of existing services.

It is recognised that the developer has offered new bus stops. These should include new shelters and other features to the current MKC standard design including level bus access and a contribution of £8000 towards Real Time Passenger Transport information boards.

It is recommended that permission is refused for the following reasons:

1. The proposed means of access to this site is inadequate by reason of the lack of available visibility, conflict with the existing access and alignment and as a result is unable to serve the proposed development with safety and convenience.
2. The development fails to satisfactorily address its impact on the surrounding transport network and does not fully consider mitigation for all modes of transport.

8.2 Development Plans Manager

The main issues are:

- 1) Whether the amount of additional floor space proposed is needed in relation to the predicted increases in population and expenditure,
- 2) The impact that a store of this size would have upon the vitality and viability on Newport Pagnell town centre and other centres. In order to assess these impacts, the Council has commissioned Roger Tym and Partners (RTP) to review Tesco's Retail Assessment.
- 3) If there are more sequentially preferable sites for a food store to this out of centre location.

The relevant Local Plan policies and guidance applicable to the application are:

Policy S7: (Key Settlements) Newport Pagnell is identified as a key settlement along with Woburn Sands and Olney which acts as a service centre outside the City.

Policy TC1 (Character and Function of the Shopping Hierarchy) defines the character and function of the shopping hierarchy in the Borough. Policy TC1 states:

“Planning permission for retail development will be granted for additional floorspace in the defined shopping centre hierarchy in furtherance of the following objectives and in accordance with the more detailed policies referred to:

Town Centres: The long established town centres will function primarily as local shopping destinations for the daily or specialist needs of their largely static residential catchment populations and in recognition of the constraints placed upon their development and expansion by acknowledged conservation aims and allied considerations.”

Newport Pagnell Town Centre Policies TC7-TC9.

Policy TC7

Newport Pagnell is defined as a Town centre meeting the daily shopping needs of the local population. Small scale additions of individual shop units will be permitted in the Town centre. Development proposals should preserve or enhance the character or appearance of the Conservation Area.

Policy TC8

The priorities for improving the Town centre are:

- (i) Increasing the range of shops and services in the Town Centre, including enhanced food shopping provision
- (ii) Preserving and enhancing the historic built environment
- (iii) Implementing traffic management measures
- (iv) Carrying out environmental improvements
- (v) Improving pedestrian, cycle and public transport accessibility

Policy TC9

Planning permission will be granted for proposals that enhance food-shopping provision subject to the following criteria:

- (i) The site is within or adjoining the Primary Shopping Area
- (ii) The development is designed to encourage pedestrian movement

to and from the primary shopping area

Policy R1 (Major Retail Proposals) states:

Major retail proposals, over and above existing commitments, will only be permitted if they satisfy the following criteria:

- (i) The proposal would not undermine the Council's development plan strategy
- (ii) The proposal, either by itself or with other completed or committed developments, would not harm the vitality and viability of any town, district or local centre
- (iii) In the case of developments within existing town centres, the development is of an appropriate scale, and elsewhere, there is a quantitative and qualitative need for the proposal
- (iv) There are no sequentially preferable sites that are suitable, available within a reasonable period of time and viable for the proposed development.
- (v) The proposal would be accessible by a choice of means of transport and be likely to increase opportunities for one journey to serve several purposes.
- (vi) The proposed development would not be contrary to policy E7, Retailing on Employment Land.

Major retail proposals are defined as proposals with more than 2,500 sq metres gross floorspace.

8.3 Principal Planning Officer - Design & Conservation

Much of the information required to evaluate such proposal does not form part of the application, because it is an outline. The appearance, exact position and scale cannot be known from the submitted application. The use in itself is not necessarily harmful to the nearby conservation area and listed buildings, as it is conceivable to accommodate such a use on the site and preserve the character and appearance of the area, although this may not equate with the developers expectations of the site, these cannot be known exactly at this time. It is however, likely that a single mass of building will arise from the grant of outline permission which will present numerous problems when attempting to integrate it with the designated surroundings.

The development brief states a clear preference for retention of the three buildings on site adjacent to Tickford Street, (paragraphs 5.3 & 5.8). All the plans submitted show these buildings retained, so no issue can be raised here.

The access appears to have moved away from the position where there was a more generous opening in the frontage. However an access in-between the two existing building doesn't in itself cause a problem, but it will be important at a detailed design stage to ensure that the buildings don't become isolated by the new access, car circulation routes and surface car parking.

Clearly there are other planning issues raised simply by the nature of the proposal, e.g. the effect on the historic town of Newport Pagnell. If the viability of the town centre is undermined by such a proposal (I'm not in a position to advise in this respect) then this is likely to have a detrimental impact on the conservation area.

8.4 Senior Urban Designer

The principal of development on this site needs to be established before detailed design and layout comments can be made. However, based on the information provided I can only conclude that retail development on this site would have a detrimental effect on the quality of the built environment within this part of Newport Pagnell for the reasons stated above.

8.5 Senior Landscape Architect

Space for planting looks generous, so any proposals must show a general landscape principles drawing.

8.6 Landscape Services Manager

From surveys in connection with the housing application it is known that existing habitat features are few and mostly of minor significance:

- A large mature oak.
- A length of rather thin native hedgerow across the site.
- A small pond and pollard willow which AML recently proposed to destroy to create some residual employee parking, so they may have gone.
- Evidence of bats in the roof of "Sunnyside" though I recall further survey did not find a roost currently present.
- Various small trees and bushes around the site perimeter.

There is an indication (e.g. on the Master Plan) that the oak would be retained, and that the site boundary would be landscaped for visual and acoustic screening. These are good, but not enough, and I consider Tesco should have provided at this stage:

- A Phase 1 habitats/existing vegetation survey.
- A records search with Bucks & MK Environmental Records Centre.
- A tree survey, which would identify the oak and any other significant trees as a constraint.
- An updated bat survey of the buildings, as bats if present may be a constraint to vegetation removal, lighting or even demolition if there is a change of heart on this. The High Court (R v Cornwall County Council, 22/09/2000) has affirmed that protected species surveys should not be left to Reserved Matters stage.
- An outline ecological enhancements strategy, to include not just peripheral

landscaping, but any potential of the buildings.

This information should be provided before the application is determined.

8.7 Tree Officer

There is a mature Oak tree within the site. In my view the tree could form a valuable part of the development if properly protected. I have advised that the tree be made the subject of a Tree Preservation Order.

8.8 Council's Archaeologist

From map evidence it is known that the site may contain remains of the 19th century carriage works buildings, a two storey farmhouse of the 17th century, Mr Salmon's House of circa 1840 and one of the lodges to the 19th century park for Tickford Priory. There is also the possibility of Roman and medieval features within the site. Therefore if a scheme is to be permitted no development should commence on the site until a programme of archaeological work has been carried out.

8.9 Chief Environmental Health Officer

Noise emissions would arise from this development, which has the potential to impact upon the amenity of nearby local residents. In particular noise arising from the operation of the store, vehicle movements (in particular heavy goods vehicles) noise from mechanical service and air handling plant, and noise arising from the construction. Noise has been identified by the Applicant as a planning consideration and the submitted plans indicate a 'noise buffer zone'. However, there are no quantifiable details concerning noise, size, construction or nature of the buffer zone. Therefore, any consideration to approve the development should be subject to noise conditions.

8.10 Environment Agency

Have no objection in principle to the proposed development subject to a number of conditions and informatives.

8.11 Buckingham & R. Ouzel Internal Drainage Board

No Observations.

8.12 Crime Prevention Design Advice

Overall I do not object to this outline application, however, I would ask that the applicant provides a supplementary section to their Design and Access Statement to show how they intend to address crime and anti-social behaviour.

8.13 Newport Pagnell Historical Society

Have concerns regarding future plans for the 3 historic buildings on the site which have played a huge part in Newport Pagnell's history and heritage. They do not wish to see the buildings demolished to provide access to the site and would like the buildings protected.

8.14 Newport Pagnell Town Council

There are several grounds for objection to they include:

- Failure to comply with national planning guidance on transport including the promotion of more sustainable transport choices for moving freight, the promotion of accessibility to jobs, shopping and leisure by public transport, walking and cycling and the reduction of the need to travel, especially by car.
- Failure to satisfy any of the statements in Policies TC7, TC8, TC9, TC10 of the Milton Keynes Local Plan 2001 – 2011 Adopted December 2005.
- Impact on the appearance of the street/area
- Road safety and car parking
- Traffic congestion
- Overlooking adjoining properties
- Noise from the completed development
- Impact on the appearance of open countryside, conservation area or listed building

8.15 Lathbury Parish Council

They object to the application on the basis of the impact on existing Newport Pagnell commerce, whether a store of this size is needed, site position and traffic impact.

8.16 Woburn Sands Town Council

Wishes to express its support for the view of Newport Pagnell Town Council in opposing this development. The viability and vitality of the High Streets in the older towns of Milton Keynes should be given support and the development of a large supermarket in Newport Pagnell itself will undermine the remaining grocery and other stores in the High Street.

8.17 Milton Keynes Heritage Association

Want to ensure that the safety of these 3 existing buildings on the site is not compromised by any redevelopment of the site and also suggest that the potential listing of the 'three storey' building should urgently be revisited and consideration be given to including the buildings in the conservation area.

8.18 How Planning write on behalf of our clients, Newport Pagnell Business Association to object to this planning application.

They are concerned that Tesco are proposing an out of centre foodstore which they feel will have a detrimental effect on the vitality and viability of the town centre traders. They have a number of other planning related concerns, which we deal with below.

The Principle of Retail Development

The application site lies outwith Newport Pagnell town centre and in PPS6 terms would be categorised as an out of centre site. Therefore, the site, in principle is not suitable for retail development, unless an assessment of the development against the PPS6 tests shows that there is a need and that this cannot be located in any sequentially preferable sites and the impact will not be significant on any defined centres. DPP have submitted a Retail Assessment which we assess below. In our opinion, the application does not satisfy these retail tests.

Need

Quantitative Need

We have concerns over the size of the Study Area used. A 10 minute catchment area would suggest that the proposed foodstore has a wide catchment and will cater for more than a local main food shopping need. We would expect superstores such as the Tesco Extra to have a catchment of 10+ minutes not a relatively modest foodstore such as this. The effect of such a large catchment is to capture additional convenience goods expenditure and thus provide additional capacity for the proposed foodstore. As a first stage, we would request that the Council ask DPP to look again at the size of the catchment. Tesco have amended their catchment in line with comments from Roger Tym & Partners (RTP) on behalf of the council. However, in our opinion, the catchment uses is still too large and a more suitable catchment for a foodstore of this nature, selling mostly convenience goods, would be 5 – 7 minutes. DPP should be requested to prepare a revised Retail Assessment on this basis.

Qualitative Need

The qualitative case presented by DPP is weak. The catchment area plan clearly shows that shoppers within and surrounding the town are very well served by a number of different food retailers both large and small which cater adequately for both main food and top-up shopping provision. Within or just on the periphery of a 10 minute drive of the town there is a Tesco Extra and Sainsbury's. In addition, a further short drive to the south and west are Asda and Morrison's. All four main food retailers are therefore represented within the town and its natural catchment. In addition, there is a Somerfield, four co-op stores, a Tesco Express, a One Stop, an Alldays and a Londis store all within 10 minutes drive of the town centre and all providing food shopping provision.

Whilst the proposed Tesco store would provide a more centrally located main food shopping facility, the assertion that linked trips to the town centre would occur is tenuous and unlikely to be realised. DPP rely on linked trips in their revised impact assessment to mitigate any town centre impacts, which we do not think will occur and thus impact on the town centre will be increased.

Impact

In assessing impact, PPS6 states that applicants should assess the impact on those centres within the likely catchment area of the proposed development. DPP assert that the main areas from which trade will be drawn is Zones 1, 2 and 3, i.e. the town centre and surrounds. In Para 5.52 of their Retail Assessment, DPP state that the majority of trade will be drawn from the Tesco Extra in Zone 5, which is the furthest superstore from the proposed development within the catchment. This suggests that the majority of trade will be drawn from another out of centre foodstore which is not afforded planning policy protection. In our opinion, the likelihood is that, in line with DPP's comments that 'due to the localised nature of the proposed store's catchment' (Para 5.51) the majority of trade will be drawn from town centre traders and smaller food retailers such as Somerfield and Co-op in the town centre. This will have an impact on the overall vitality and viability of the town centre. In this regard, it is important to assess the existing health of the centre, in line with the requirements of PPS6.

The Local Plan states that Newport Pagnell is an historic town centre with a Conservation Area. It is defined as a Town Centre meeting the daily shopping needs of the residents of the town and surrounding villages.

Although the town centre has been the focus of regeneration in recent years, the local business association reports the town centre businesses have been hit by the recession and are not trading particularly well at the moment. It is our opinion that the overall trade within the town is not sufficiently robust to withstand the opening of a Tesco foodstore close to the town centre when there already is an existing Tesco Extra to the south of the town at Kingston. The Council should be seeking to support Newport Pagnell by ensuring there is sufficient available trade for this town centre to continue to survive.

In their revised assessment submitted in response to the RTP comments, DPP suggest that less than £1m of convenience goods expenditure will be diverted from all foodstores within Zones 1, 2 and 3. Given the proximity of these foodstores in relation to the proposed Tesco foodstore, it is much more realistic to assume that a greater proportion of expenditure will be drawn from these stores. If the application is advanced on the basis that is to serve a local need (which it is) then it follows that the majority of trade will be diverted from other local food retailers, both within and outside of the town centre.

DPP assume a huge level of inflow of trade from outside of the revised catchment area. Whilst the Tesco Extra and Sainsbury's superstores are now outside of the catchment area in their revised assessment, it is incorrect, in our opinion, to assume such a high level of trade diversion from outside of the

catchment area. DPP should revise their trade diversion figures to more accurately reflect the likelihood that a much higher level of trade will be diverted from foodstores in Zones 1, 2 and 3 including the town centre.

As a result, given the fragile state of retailing within the town centre, we are concerned that the more realistic level of trade diversion from the town centre will result in trade diversion of both convenience and comparison goods expenditure from Newport Pagnell and thus harm the vitality and viability of the centre. This is contrary to PPS6 and Local Plan Policies R1 and TC9.

Summary

The proposal seeks to develop a Tesco foodstore within an out of centre location. We are concerned that a need has not been successfully demonstrated and relies on significant inflow from outside the catchment area. We also have concerns that the impact test is not realistic as the DPP assessment asserts that less than 10% of the trade diversion will be drawn from other foodstores within the catchment, i.e. 90% will be drawn from higher order foodstores from a distance of almost 10 minutes drive and over.

As a result, it represents a departure to the Local Plan and is contrary to Local Plan policies R1, TC9 and E1 and E7. On this basis, we request that the application is refused on this basis.

8.19 Irene Henderson, Councillor, Newport South

I wish to register my objection in the strongest possible terms to this application for a number of reasons. However, I will only mention the most critical one. My primary objection is that it will destroy the viability of Newport's High Street. Our High Street was in terminal decline a few years ago and it has taken many determined people a lot of hard work and a great deal of public money to bring it back to life. It is now a bustling little town centre which is the heart of our community. To build a large supermarket on the edge of the town will take away the footfall on the High Street and put us back into decline.

8.20 Mark Lancaster MP

Objects to the proposal as small shops are at the heart of our high streets and town centres, offering diversity and choice. Yet many independent retailers are under threat. Objects on the grounds of increased traffic and concerns about the environmental impact of increased carbon emissions from traffic. There is potential for increased flooding in the Priory Street area. Also, the Local Plan concludes that a major retail development would not be acceptable both regarding location and adverse effects on the existing retail outlets in the town. Visual impact, there are some beautiful properties both commercial and domestic in the area and I do not consider a new retail outlet fits in with this environment.

8.21 Local Residents

The occupiers of the following properties were notified of the application:

Tickford Street Nos 1, 2, 2A, 2B, 2C, 3, 5, 4, 6, 7, 8, 9, 10, 11, 12, 13, 13A, 14, 14A, 15-34, 36, 37, The Kings Arms Public House 40, 41, 42A, Flat 2 42, Flat 1 42, 43, 44A, 44-51, 62, 64, 68, 69, 71, 73, 75, 77, 79, 81, 83, 85, 87, 89, 91, 93, 95, 97, 99, 101

Church View 1, 3, 6, 8, 9,10,11,11A, 12-17, 19, 21, 23, 25, 27, 30-78 (evens)

Priory Street,1-12,

Castle Meadow Close 1, 2, 3, 3A, 3B, 4,

Priory Close Priory Street 1-9, 11,

Lagonda Close 1 - 69,

Milton Drive 1-40, 41-53 (odds), 54-77, 79-95 (odds)

A total of 2429 objection letters have been received (this includes some duplicates) objecting to the scheme, the main points are:

Impact on High Street

1. Do not need another Tesco Store.
2. Development will effectively kill off existing High Street, impact on the vitality and viability of the town centre.
3. Newport has a historic and attractive High Street.
4. There are other more suitable sites.
5. Tesco will employ people but local shops will close.
6. More jobs will be lost than created.
7. Newport Pagnell Partnership has worked hard to improve town centre, lot of money has been put into it.
8. Other vacant sites in town centre including former Woolworths site.
9. People will not use High Street as well as Tesco's.
10. Existing 2 supermarkets are sufficient or Wolverton or Kingston are used.
11. The High Street has independent local shops not chain stores.
12. It will have a significant and detrimental impact on the business survival of many long standing businesses.
13. Large supermarkets should be in retail parks or industrial areas.
14. There are at least 6 large grocery stores within a 12 min drive of NP.
15. Area is saturated by Tesco's.
16. Area is already well served by existing small supermarkets.
17. If small store allowed it would grow in size like Wolverton.
18. Loss of passing trade.
19. Any new retail development should be in High Street.

Policy

20. The planning guidance for Aston Martin site confirms that 'major retail development would not be acceptable'.
21. Government policy should enhance town centres.
22. The Local Plan requires that new retail development be in town centres.
23. Store is outside of town centre and is therefore contrary to local plan.
24. Site is so far from primary shopping area that it will not encourage pedestrian movement to and from it.
25. There are already 15 stores in area not need for a further one.
26. Would affect the vitality and viability of the town centre and other lines would be introduced later which would further threaten the High Street.
27. Failure to comply with national planning guidance.
28. Contrary to Local Plan Policies TC7, TC8, TC9, TC10.
29. Issue of need, how does MKC
30. Clawback of 70% of shopping drain from NP not likely to happen as people will use more accessible stores or link with trips to elsewhere.
31. There is no clear economic need for a supermarket on this site.
32. There are a number of alternative sites closer to the town centre.

Amenity

33. Residents would be affected by traffic noise, light pollution and disruption from deliveries and shoppers.
34. Poor air quality from increase in traffic.
35. Odour problems from cooking and waste.
36. Rubbish, waste and vermin in area.
37. Anti social behaviour.
38. Outlook affected from adjacent houses.
39. There will be overshadowing, loss of light and loss of privacy.
40. There should be an environmental impact assessment of increased traffic, light and noise pollution.
41. Tesco would be open longer hours than the Aston Martin use.
42. Overlooking of adjacent properties.
43. Noisy deliveries.

Highways

44. Increase in traffic, especially large delivery vehicles, will cause traffic problems (in 7.5 tonne weight limit zone).
45. Highway safety issue as school children and elderly people use Tickford Street.
46. Visibility is poor leaving the site.
47. Will lead to traffic congestion, in a road that is already congested.
48. Site not well served by public transport.
49. Impact on Iron Bridge.

50. Proposal fails to use more sustainable transport modes for moving freight.
51. Fails to reduce the need to travel by car and promote walking, cycling and public transport.
52. The Priory Street roundabout has had more than 1 slight accident in the past 5 years.

Heritage/Visual issues

53. Site is adjacent to a Conservation Area and there would be an adverse impact on it, bold brash colours of Tesco is out of character with the CA.
54. Visually will be a blot on the landscape.
55. It will be out of scale and character with surrounding buildings.
56. There are 3 buildings of historical importance on the site which will be lost, what is the future of them?
57. Site is important to town's history and should be used for something more important
58. Adverse impact on historic area, listed buildings and open countryside.
59. Impact on appearance of area.

General

60. Site should have an Aston Martin museum and a smaller Tesco Express on it.
61. Increased danger of flooding.
62. Safety of site out of hours.
63. Property prices in area will fall.
64. Should turn the site into green space for the community.
65. Store may start small but will get larger.
66. Tesco have a monopoly in the area
67. Will there be a home delivery service from the store?
68. What will be the range of goods sold from the store, will it just be a large Tesco Express?
69. Will add to underage drinking in Newport Pagnell?

8.22 A total of 5 letters of support have been received, the main comments are:

1. No-one actually shops in Newport Pagnell.
2. Volume of traffic produced would not make any difference from the ones that used to visit the site.
3. Want variety, choice, professionalism, good parking, somewhere local to eat and drink.
4. Town centre is made up of charity shops, hairdressers, pubs and churches, none of which Tesco supply.
5. Tesco would help smarten up the town.
6. It would bring more business into the town.
7. Newport youths need jobs.
8. Newport Pagnell is not a thriving town, mainly made up of charity

- shops and takeaways.
9. The town needs more shops.
 10. Tesco will not compete with the businesses in the High Street.

9.0 CONSIDERATIONS

(The analysis of the issues which are critical, material, considerations and/or of greatest concern to objectors for the Committee to weigh up before making a decision)

9.1 The applicants have outlined their objectives and what they consider to be the main attributes of the application as follows:

- Claw back expenditure which leaks out of Newport Pagnell catchment area due to absence of a main food shopping facility to serve the town.
- Compelling quantitative and qualitative need for store
- Sequential test has not identified a suitable, available or viable alternative to the application site
- Store is of an appropriate scale
- Site accessible by a choice of means of transport
- No harmful impact on Newport Pagnell town centre in terms of comparison and convenience expenditure
- Scale of development compares favourably to footprint of former Aston Martin buildings on site
- Principle of non-business use established by previous planning application
- Net increase in employment
- Minimal effect on Conservation Area and setting of Listed Buildings
- No unacceptable impact on highway network
- Town's existing convenience offer does not enable it to fulfil its identified policy role as an established town centre
- Establishment of store will reduce shopping trips to neighbouring settlements
- Assist in linked trips to the benefit of the town centre

9.2 Tesco's main justification for a new store is that Newport Pagnell and the north east sector of Milton Keynes has no large supermarket to meet the weekly shopping needs of the population, which is therefore forced to travel to either Kingston, CMK or Wolverton for their nearest supermarket .Providing a store large enough for a weekly shop (approximately 1400 sq m net) would reduce the need to travel and give a greater choice to residents.

The only town centre in the area is Newport Pagnell and, having carried out a sequential test, they consider that there are no sites large enough and available within the town centre , or close to it, to accommodate this size of store with its parking. The Aston Martin site is proposed as the next most preferred location and is currently vacant and available for redevelopment.

9.3 This argument has some merit in terms of the potential for clawback of weekly shopping expenditure which is currently leaving the study area to be spent in large supermarkets elsewhere in Milton Keynes, and the reduction in the

need to travel to other centres. However, a store of this size in an out of town centre location will provide both a weekly shop and top-up shopping function that will compete with other shops in Newport Pagnell town centre, which could undermine its vitality and viability.

9.4 This argument was used before in the Sainsbury and Budgen appeals, the latter of which has many similarities with the current application, albeit for smaller stores (955 & 1147sq m). The former Health Centre site on Marsh End Road was also 400-500 metres outside the town centre, and thought to be beyond a reasonable walking distance that would deter linked trips. The inspector shared the Councils and local concerns that a Budgen food store that is neither within nor at the edge of the primary shopping area could significantly harm the vitality and viability of an already vulnerable town centre. A store with dedicated parking could intercept shopping trips to the town centre thereby increasing potential impact on the town centre food stores and footfall in the High Street. In the Budgen appeal 60% of the trade draw was assumed to come from retention of expenditure or claw back from other centres, 30% from existing town centre shops, and 10% from local shops. The inspector shared the concerns that the assessment of claw back may be optimistic, as either size of store would be very much smaller than competing modern superstores within a 8-10 minute travel time at Wolverton, Kingston and CMK, and any shortfall would be likely to be made up from additional expenditure taken from the town centre. In any event, there would be a very significant reduction of convenience spending in the primary shopping area. He concluded that the trade diversion from the town centre could lead to a reduction in the confidence in the town centre contributing to a further increase in vacancies and with a longer term implication for the fabric of the conservation area. A supermarket at that site would not strengthen the town centre. Whilst there would be benefits in retrieving expenditure that is presently lost to competing centres, and in so doing reducing the dependence on the car, there are a range of factors indicating that the town centre is becoming increasingly vulnerable and those benefits cannot outweigh the real likelihood of further harm to the vitality and viability of the historic centre of the town. He dismissed the appeal.

9.5 Since that appeal, much money and effort has been put into improving the town centre environment for shoppers, with new paving, traffic calming, new lighting and street furniture in the town. The Co-Op store has been rebuilt as a larger, more modern food store.

9.6 Loss of Employment Land

Policy E1, Protection of Employment Land, states that planning permission will be refused for a change of use on the Proposals Map to other purposes, unless there would be no conflict with existing or potential neighbouring uses, and:

- (i) the proposal would result in a significant reduction in the detrimental environmental impact of an existing use, or
- (ii) the proposed use is one that cannot be satisfactorily accommodated

- other than in an employment area, or
- (iii) the proposed use will not significantly reduce the provision of local employment opportunities.

During the consideration of the previous, mixed use residential and employment scheme (application 07/01022/OUT) it was considered that housing would be compatible with the prevailing residential use surrounding the site and would minimise future potential conflicts if the site was to continue wholly in employment use. However the proposed mixed use redevelopment contained 1300sq m of Class B1 employment floorspace to replace the estimated 100 jobs lost through the closure of Aston Martin's production of cars and to comply with criteria (i) and (iii) of Policy E1. This permission has not been issued as the S.106 legal agreement has not been completed. However, there is a resolution to grant and this carries some weight and demonstrates a willingness by the council to accept the introduction of alternative uses on the site. It should also be noted that the proposed development would result in the creation of new employment opportunities. The applicants have indicated that there are likely to be 170 jobs created as a result of the new food store, but do not specify whether these are full time or part time jobs. It is unlikely that a store of this size will require 170 full time employees, so the employment potential may be no greater than the previous mixed use scheme, as advocated by the Aston Martin Development Constraints Brief. However, this does meet the requirements of part (iii) of the above policy, and proposed development needs only to meet one of the three criteria in Policy E1 to comply.

9.7 Retail Policies

National planning guidance is provided in PPS1 and PPS6.
A revised PPS4 has been published for consultation.

9.8 Planning Policy Statement(PPS)1 Delivering Sustainable Development

Para 23 The government is committed to promoting a strong, stable and productive economy. Planning authorities should:

- (i) Recognise that economic development can deliver environmental and social benefits
- (ii) Recognise the wider benefits of economic development and consider these alongside any adverse local impacts
- (iii) Ensure that suitable locations are available for retail developments so that the economy can prosper
- (iv) Provide for improved productivity ,choice and competition
- (v) Recognise that all local economies are subject to change, and be sensitive to these changes and the implications for development and growth
- (vi) Actively promote and facilitate good quality development which is sustainable and consistent with their plans

Para 27 In preparing development plans, planning authorities should seek to

promote sustainable economic growth, promote urban regeneration, bring forward sufficient land in appropriate locations taking into account issues such as accessibility and sustainable transport needs, and focus developments that attract large numbers of people, especially retail, leisure and office development, in existing centres and near to major public transport interchanges

Para 28 Planning decisions should be taken in accordance with the development plan unless other material considerations indicate otherwise.

Para 40 Community involvement is vitally important to planning and the achievement of sustainable development.

9.9 Planning Policy Statement 6 Planning for Town Centres (PPS6)

Para 1.3 The governments key objective for town centres is to promote their vitality and viability by:

- (i) Planning for the growth and development of existing centres and
- (ii) Promoting and enhancing existing centres, by focusing development in such centres and encouraging a wide range of services in a good environment, accessible to all.

Para 1.4 Other government objectives in the context of Para 1.3 are:

- (i) Enhancing consumer choice by making provision for a large range of shopping ,leisure and local services, which allow genuine choice to meet the needs of the entire community, and particularly socially-excluded groups;
- (ii) Supporting efficient, competitive and innovative retail and other sectors.
- (iii) Improving accessibility, ensuring that existing or new development is, or will be accessible and well served by a choice of means of transport.

It is not the role of the planning system to restrict competition, preserve existing commercial interests or to prevent innovation.

Para 2.4 Wherever possible, growth should be accommodated by more efficient use of land and buildings within existing centres.

Para 3.4 In the context of development control, local planning authorities should require the applicants to demonstrate:

- (i) The need for development (if not within the primary shopping area).
- (ii) That the development is of an appropriate scale.
- (iii) That there are no more central sites for the development.
- (iv) That there are no unacceptable impacts on existing centres.
- (v) That the locations are accessible.

Para 3.20 Impact assessments should be undertaken for any application which would be in an edge of centre or out of centre location.

Para 3.22 In particular , local planning authorities should consider the impact of the development on the centre or centres likely to be affected , taking account of:

- (i) The extent to which the development would put at risk the spatial strategy.
- (ii) The likely effect on future public or private sector investment needed to safeguard the vitality and viability of the centre or centres.
- (iii) The likely impact of the proposed development on the trade/turnover and on the vitality and viability of existing centres within the catchment area of the proposed development.
- (iv) Changes to the range of services provided by the centres that could be affected.
- (v) The likely impact on the number of vacant properties.
- (vi) Potential changes to the quality, attractiveness, physical condition and character of the centre or centres and to its role in the economic and social life of the community.

9.10 New Planning Policy Statement 4 (Consultation draft) Planning for Prosperous Economies

This consultation paper was published by the Department for Communities and Local Government on the 5th May and has been released for consultation until the 28th July 2009. In an attempt to create a planning framework designed to support economic growth, the document brings together the existing PPS4 on sustainable economic development, PPS 5 on simplified planning zones, PPS6 on Planning for Town Centres, the economic development policies in PPS7 Sustainable development in Rural Areas and a some paragraphs and Annexes to Planning policy Guidance Note 13:Transport

Key policies in the new Planning for Prosperous Economies PPS include:

From draft PPS4, considering planning applications for economic growth favorably unless there is good reason to believe the costs outweigh the benefits. From PPS6, promoting the vitality of town centres, consumer choice and retail diversity. Removing the "needs" test, which requires developers to show there is need for their proposal. Retaining the sequential test, which requires developers to seek the most central sites first, and a tougher 'impact test' which assesses proposals against economic, social and environmental criteria so that councils can assess its impact on the town centre in reaching their decision.

As it is only a consultation draft, this does not carry the same weight as adopted PPSs.

9.11 Milton Keynes Local Plan 2001-2011 (saved policies)

Policy R1 Major Retail Proposals states:

Any retail proposals, over and above existing commitments, will only be permitted if they satisfy the following criteria:

- (i) The proposal would not undermine the Council's development plan strategy.
- (ii) The proposal, either by itself or with other completed or committed developments, would not harm the vitality and viability of any town, district or local centre.
- (iii) In the case of developments within existing town centres, the development is of an appropriate scale, and elsewhere, there is a quantitative and qualitative need for the proposal.
- (iv) There are no sequentially preferable sites that are suitable, available within a reasonable period of time and viable for the proposed development.
- (v) The proposal would be accessible by a choice of means of transport and be likely to increase opportunities for one journey to serve several purposes.
- (vi) The proposed development would not be contrary to policy E7, Retailing on Employment Land.

Policy TC1 Character and Function of the Shopping Hierarchy

Town Centres-the long established town centres will function primarily as local shopping destinations for the daily or specialist needs of their largely static residential catchment populations and in recognition of the constraints placed upon their development and expansion by acknowledged conservation aims and allied considerations.

Policy TC7 Newport Pagnell Town Centre

Newport Pagnell is defined as a Town centre meeting the daily shopping needs of the local population. Small scale additions of new individual shop units will be permitted in the town centre.

Development proposals should preserve or enhance the character or appearance of the Conservation Area.

Policy TC8 Newport Pagnell Town Centre

The priorities for improving the town centre are:

- (i) increasing the range of shops and services in the town centre, including enhanced food shopping provision
- (ii) preserving and enhancing the historic built environment
- (iii) implementing traffic management measures
- (iv) carrying out environmental improvements
- (v) improving pedestrian, cycle and public transport accessibility

Policy TC9 Newport Pagnell Town Centre

Planning permission will be granted for proposals that enhance food shopping provision subject to the following criteria:

- (i) the site is within or adjoining the Primary Shopping Area
- (ii) the development is designed to encourage pedestrian movement to and from the Primary Shopping Area.
- (iii) the site is well related to car parks in the town centre.
- (iv) the development would not have an adverse effect on the vitality and viability of the town centre.

9.12 In accordance with these national and local plan policies, new retail development should be directed into town centres, in order to promote their vitality and viability, and to locate facilities in the most sustainable locations. This proposed site is not within the town centre, nor on the edge of the town centre, defined as within 300 metres of the centre. It is therefore an out-of-centre location under the definition of PPS6. Under the 5 tests set out in Para 3.4, applicants are required to demonstrate:

- a) the need for the development
- b) that the development is of an appropriate scale
- c) that there are no more central sites
- d) that there are no unacceptable impacts on existing centres
- e) that locations are accessible

As a general rule, the development should satisfy all these considerations. In making their decision, local planning authorities should also consider relevant local issues and other material considerations. (Para 3.5)

9.13 As an out-of centre site, this proposal conflicts with the policies unless it can be demonstrated to meet the 5 tests set out above.

9.14 The application is accompanied by a Retail Statement which seeks to show that the development complies with these tests.

9.15 Need and Impact

In addressing the need test, the Retail Statement seeks to demonstrate quantitative need by comparing the average turnover of convenience and comparison floorspace within the study area against the amount of available expenditure in the study area, the difference between the two determines the residual expenditure (capacity) to support new proposals. This analysis is supported by a series of tables providing estimates for the current 2009 situation and the proposed store opening in 2014.

The statement also considers the qualitative need to ensure there is an appropriate distribution of locations and a range of sites for shopping which

allow for choice. Other considerations taken into account are the degree to which shops may be overtrading, and the benefits of providing employment and regeneration.

- 9.16** Following the Council's retail consultants, Roger Tym & Partners (RTP), criticisms of their study (catchment) area, expenditure growth rates in the current economic climate, overstated capacity and overestimated claw-back of trade from other supermarkets, the agents Development Planning Partnership (DPP) have submitted revised figures based on a revised study area, which omits a number of southerly grid squares which are closer to Tesco Kingston. However, the study area has not been amended to omit the areas close to the western side of the 10 minute drive time, so the study area still includes parts of New Bradwell, Bradville & Heelands, and all of Stantonbury & Neath Hill which, in reality, are more likely to be drawn to the large supermarkets in Wolverton or CMK, rather than a small supermarket in Newport Pagnell. The use of the industry standard 10 minute drive time catchment area in Milton Keynes does not take account of the high level of accessibility afforded by the grid road network.
- 9.17** RTP have reviewed these latest figures and still have some concerns about the case for quantitative need. They support the use of a reduced study area and the lower expenditure growth rates, although they advise that the lower expenditure growth rate should be applied from 2008 onwards rather than 2009 which is what the DPP have done. The revised study area and lower growth rates combine to reduce the available expenditure in the study area to only £4.51M or £4.28M using the lower 2008/9 growth rate, and as a consequence the capacity for a new store in Newport Pagnell with an estimated turnover of £13.16M is highly dependent upon the assumed amount of trade clawback from other stores outside the study area. While it is acknowledged that a new store will prevent some of the local expenditure leaving from the area (clawback), the applicants estimate that the proposed store will clawback £12M of expenditure currently leaking out of the area and attract a further £0.69m in from outside the study area. This would represent 92% of the new store's estimated turnover. Given the size and relatively limited range of goods of the new store, compared with the large district centre superstores, an overestimate of clawback will result in trade being diverted from existing stores within the catchment, which could undermine the vitality and viability of Newport Pagnell town centre. In addition although claw back of trade could be seen as more sustainable leading to shorter journeys the claw back would be to an out of centre store with no benefit to the town centre.
- 9.18** With regard to impact on other stores in Newport Pagnell and the wider study area, RTP are concerned that only small changes in the assumptions made by DPP will have significant effects on the Somerfield and Co-Op stores in Newport Pagnell. The impacts shown are already considered to be close to the margins of acceptability, and any changes in the assumptions made could impact above what is considered acceptable. DPP have made assertions that both stores in Newport Pagnell are significantly overtrading at present, and are therefore able to easily withstand some trade diversion to the new store.

However, if their turnovers were closer to their company averages (benchmark) and the same amount of trade was to be diverted, this would lead to impacts over 10%. In the case of Somerfields, if this store is trading at their company average, the impact would be 16.7% rather than the 7.8% shown.

Secondly, if the claw back of £12.09M is less than DPP anticipate, then the resulting shortfall will be diverted from existing stores in the catchment. If the clawback figure was reduced by just £1M to £11.09M, the resultant impact on Somerfield even using DPPs assumption that the store is overtrading, would be around 15%.

If the two factors are combined, so that the £1M less clawback was diverted from stores in the catchment and the existing turnovers are closer to the company averages, the impacts on Somerfield and the Co-Op would be in the region of 30% and 22% respectively and again would be unacceptable and will harm the vitality and viability of Newport Pagnell town centre.

In addition DPP base their analysis on the proposed new store being primarily for main food shopping. Given the provision of free car parking and the ease of access and size of the store RTP believe that the level of diversion from the town centre stores for 'top up' shopping would be greater than that predicted. Again this would lead to harm to the vitality and viability of the town centre if the 2 town centre stores are by-passed by people using the proposed Tesco store, thereby reducing foot fall within the centre.

9.19 Scale

On the test of scale, the agents argue that the size of the proposed store at 2700 sq m gross, is recognised to be of sufficient scale to provide a range of goods which will satisfy the weekly convenience shopping requirements, and can be supported by sufficient surface car parking to be attractive as a food shopping destination. At the same time, the size of store does not compete with the much larger district centres of Kingston and Wolverton and their anchor supermarkets. They therefore do not consider that the additional floor-space will change the town's position in the retail hierarchy, nor be out of scale with the role of the town to meet the daily shopping needs of its population

9.20 RTP have concerns that the scale is not large enough to compete with the existing provision outside the catchment, at the level that DPP anticipate. They therefore consider that the claw back from these stores has been overestimated. However, it is large enough to have a significant impact on existing stores in Newport Pagnell, and with free parking readily available, could divert top-up shopping from Somerfield and Co-Op.

9.21 The site measures 2 ha, and with a 2700 sq m store and the 3 retained buildings, together with the necessary parking provision for all uses, there would be scope for future expansion of the size of the store within the site. Tesco also own more land which has been excluded from this application site

for no apparent reason, other than they fall within the boundary of the Conservation Area, prior to its recent extension. One of the areas is wholly landlocked by the proposed development and surrounding housing, so would have no viable use unless incorporated into the Tesco development at some future date. The likelihood of future proposals to increase the size of store is strong, given the history of expansion of the Tesco stores at Wolverton & Kingston, and the introduction of a mezzanine floor at Bletchley.

9.22 Sequential Test

As the site is out-of-centre, the applicants need to demonstrate that there is no alternative site within or next to the town centre that could be used for this purpose. Sites must be suitable, viable and available now or within a reasonable period of time. In assessing sites, the agents have looked at the following and have commented :

1. Health Centre site, Marsh End Road, which was the subject of a joint appeal by Budgens in 1997 for either a 955 sq m or 1147 sq m gross floor area supermarket. That also was an out-of-centre location, so no more preferable to the Aston Martin site. Both appeals were dismissed.
2. Somerfield site, High Street. This site is not large enough to accommodate the size of store needed to claw back trade into the town. A modest extension may be possible, but could compromise the rear servicing facility.
3. Woolworths site, High Street. Too small at 344sqm and has no service area, therefore requiring servicing from the High Street creating congestion.
4. Queens Avenues car park. The site extends to 0.47ha and is irregular in shape, so could only accommodate a store and car parking if built on stilts. This would be financially unviable and the shape of the site would appear to prohibit this.
5. Silver Street car park. The site at 0.3ha is too small for a main food store and access arrangements are poor.
6. Library car park, St Johns Street. Too small at 0.9 ha
7. Medical Centre High Street. Currently occupied by the health centre and Boots, which would need to be relocated, so not readily available. Footprint of building of 690sqm would be too small for a main food store, and would have no dedicated parking. The potential to expand into the Queens Ave car park has been considered, but configuration of sites, the need for the store to be on stilts, and the impact on the conservation area makes it unrealistic.

9.23 RTP and officers acknowledge that there are no suitable alternative sites within or close to the town centre for a store of this size with attendant car parking.

9.24 Accessible location

The application site is located approximately 500 metres from the town

centre.

The agents consider that pedestrian links to the site are very good, while the walking network close to the site is clear, clean and well connected to local amenities. Cycling access to the site is considered satisfactory, with many of the streets through Newport Pagnell lightly trafficked and suitable for cycling. The existing public transport in the vicinity of the proposed store is considered good and provides opportunities for people to travel by public transport.

Tesco propose to implement a Travel Plan for staff, and this will include measures to increase public awareness of alternative travel modes. Cycle parking will be provided at the store. Appropriate improvements to promote pedestrian and cycle routes will be investigated. Two new bus stops and shelters will be provided on Tickford Street.

- 9.25** RTP and officers have concerns about the ease of access to the site, except by car. The site is 500m from the town centre and while there are pavements linking the two, they run alongside Tickford Street. This is a busy main route into the town and runs through predominantly residential areas south of the R Ouse, so has no great attraction to draw pedestrians along it. Equally, cyclists have no other route from the town centre. The potential for linked trips between the town centre and the proposed store is therefore considered to be very low.
- 9.26** The Highway Engineer and Passenger Transport Officer advise that there is a lack of regular bus routing from areas to the north and west of Newport Pagnell, including the Poets Estate, Giffard Park, Blakelands, Bolbeck Park and Willen. These are all the nearest estates whose residents are most likely to use the proposed store as their main weekly shopping destination.
- 9.27** The officer view is that the site has poor accessibility by all modes other than the car, and would not encourage linked trips with the town centre.
- 9.28** Therefore, when assessed against the 5 tests set out in PPS6, which generally should all be met, officers and the Council's retail consultants have not been convinced that the propose development would meet the tests of need, no adverse impact upon the town centre, or being located in an accessible location, except for those travelling by car. The opportunities for linked trips to the existing town centre are thought to be few, and the siting of a convenience store with its own parking on this out-of centre site would reduce the footfall in the historic town centre, and adversely impact upon its vitality and viability.
- The site would meet the sequential test, as there are alternative available sites to accommodate a store of this size within the town centre, and the scale of the proposed store could be considered appropriate to the function of Newport Pagnell within the retail hierarchy, provided that it was located in or close to the town centre. In the proposed location, it would compete with , and detract from , the functioning of the town centre.

9.29 Highway issues

Access

Examination of the initial submission led to concerns from the Highway Engineer about the lack of detail regarding the proposed access. As a consequence the application was amended to include the access as part of the outline application. The access remains in the same location as the shown on the indicative masterplan, between the 3 storey factory building and the 2 storey office building. The visibility splays meet the requirements specified in Manual for Streets. However, it is the view of the Highway Engineer that Tickford Street is not a quietly trafficked residential street and as such does not come within the remit of guidance given in Manual for Streets. The establishment of a junction at this location should be guided by the advice given in Design Manual for Roads and Bridges. There is a preference that the junction for this development be sited in the same location as that indicated for the previous planning application for residential development 07/01022/OUT). This access had been the subject of considerable discussion during the previous application and its location 30 m to the east of the current proposal was considered acceptable. The proposed access does not provide the same level of visibility as that for the residential development. This would potentially cause highway safety problems and is unacceptable, contrary to the requirements of the Design Manual for Roads and Bridges and contrary to Policy D1(vi).

9.30 The kerb lines for the access are positioned in close proximity to the existing buildings in an attempt to design a suitably dimensioned access to the site. The arrangement would result in a lack of intervisibility between pedestrians using the footway to cross the site access and vehicles exiting from the proposed development and is therefore unacceptable.

9.31 Due to the location of the proposed access, the right turn reservoir to give access to the existing Aston Martin service centre is positioned too far to the west to allow vehicular movements into this site to be accomplished with safety and convenience and this is likely to result in conflicts with vehicles exiting from the same site. In conclusion the relationship of the proposed junction with the existing junction to the Aston Martin Service Centre is unacceptable.

9.32 Due to the constraints placed upon the access in this location the vehicle tracking diagrams illustrate that a HGV has to move to the left of the access in order to complete a right turn from the site into Tickford Street. Even from this position the vehicle track is shown to encroach into the previously described right turn reservoir, which is unacceptable.

9.33 Other Transport Issues

The Transport Assessment deals with traffic attraction, distribution and assignment and the details in these respects are acceptable.

9.34 Junction capacity analysis has been carried out on the following junctions:

- A509/A422/London Road
- North Crawley Road/Tickford Street/London Road
- Tickford Street/Site Access
- Tickford Street/Priory Street/Severn Drive
- High Street/St Johns Street

Of these junctions it is noted that the analysis shows all but the first and last in the above list will operate adequately with the development in place. Interestingly it should be noted that the proposed arrangement of the site access with Tickford Street shows that in the Friday pm peak a queue of 4 vehicles will occur on the site access arm of the proposed access in 2011 and that this figure will rise to 6 in 2016. Whilst this isn't excessive and flows on Tickford Street aren't affected it is a rather high figure for a new access of this type. However, in conclusion the queuing will occur on private land without interference of flows on Tickford Street and is therefore not considered a contentious issue.

9.35 The analysis shows deficiencies in the capacity of the A509/A422/London Road roundabout in 2011 without the development. The addition of the development traffic only serves to exacerbate the situation. As a result of the reduction in capacity and increases in queuing the developer has offered mitigation measures to the roundabout in the form of widening to the roundabout approaches. The mitigation measures have the effect of reinstating the roundabout capacity and hence traffic queuing to an equivalent level in both the 2011 and 2016 forecast years without development taking place. This junction is included as part of the A422 Corridor Review. As a result it would be prudent to seek a S106 contribution equal to the cost of the proposed works rather than have the developer carry out piecemeal works that do not fully respond to the future improvement plan for this junction. The S106 contribution would then be placed into a scheme fund for the planned improvements.

9.36 The analysis of the High Street/St Johns Street roundabout shows that there will be an increase in queuing as a result of the proposed development. By 2016 the figures show that the roundabout is becoming unstable in its ability to deal with the traffic flows. It is considered that the Transport Assessment Addendum should have analysed the effects of the development on this junction and considered whether an alternative form of traffic control such as traffic signals would have been more appropriate in overcoming the issues highlighted by the Assessment. The fact that this has not been carried out is unacceptable.

9.37 There is a need for a signalised crossing facility of Tickford Street to safely convey pedestrians and cyclists to the development as there is no other existing facility placed as a direct link to serve the required need. This should be in the form of a Toucan crossing. Its exact location will need to be assessed but should be related to the pedestrian access point shown on drawing AP02. The developer should therefore provide the crossing facility

as part of the development.

9.38 The Passenger Transport Development Officer feels that there is that insufficient analysis of the existing provision of routes and the needs of those in the area surrounding Newport Pagnell to access the development has been made. There is a lack of regular bus routing from areas to the north and west of Newport Pagnell from the following locations:

1. Poets residential area.
2. Giffard Park.
3. Blakelands.
4. Bolbeck Park.
5. Willen.

In order that the needs of passenger transport users are adequately catered for and to promote more sustainable modes of transport the development is expected to provide financial contributions towards the enhancement of the existing services. The contribution should provide the enhanced service for a period of 5 years from when staff are first employed at the store, enabling work journeys by bus regardless of whether the store is open for trade.

9.39 Whilst it is recognised that the developer has offered new bus stops, for the avoidance of doubt these should include new shelters and other features to the current MKC standard design including level bus access. A contribution of £8000 is also sought for the provision of two, Real Time Passenger Transport information boards that will be installed by Milton Keynes Council.

9.40 In summary the findings of the Transport Assessment Addendum are broadly acceptable in most respects. However, whilst mitigation is offered for improvements to London Road roundabout, no mitigation is offered for improvements to the junction of High Street/St Johns Street, passenger transport improvements (other than new bus stops) and for the lack of any convenient cycle/pedestrian crossing facility and all of these need addressing. Therefore this should form a reason for refusal. In addition there are unresolved issues with the proposed access in terms of layout and location and it is considered this should also form a reason for refusal.

9.41 Visual impact of the development and impact on the conservation area.

Policy HE6 of the Local Plan states that development proposals within or affecting the setting of a Conservation Area, should preserve or enhance the character and appearance of the area. Policy HE5 states that permission will be refused for any form of development that would adversely affect the setting of a listed building. Policy D2 seeks to ensure that all new buildings are well designed and relate well to the surrounding area.

9.42 The Newport Pagnell Conservation Area has been very recently extended to incorporate part of the application site which includes the 3 former Aston Martin buildings fronting Tickford Street, which are considered to be an important part of the heritage of the town. Whilst no reference is made to the

future of the buildings in the Design and Access Statement or Planning Statement, the buildings are shown on the indicative plans as being retained. As the buildings are now included in the conservation area, consent would be required for their demolition. The retention of the buildings is important because of their historical importance and links to the Aston Martin site not only from a conservation perspective but also a local history viewpoint. Any proposal for their removal would result in significant opposition from the Council and local residents. The buildings could be used for commercial purposes (offices and light industrial use class B1) as in the mixed use scheme (application 07/01022/OUT). Alternatively, there may be scope for the conversion of the buildings to a residential use. How the three buildings would relate to the proposed food store cannot be considered at this stage without knowing the details of the siting and appearance of the proposed store building. However, at this stage there is no evidence to suggest that the former Aston Martin buildings cannot be retained. Therefore it is considered that the proposal does preserve the character and appearance of the conservation area in line with Policy HE6 and PPG15.

- 9.43** With regard to the impact on the setting of the adjacent conservation and listed buildings the proposed development in itself is not necessarily harmful as it is conceivable to accommodate such a development on the site and preserve the character and appearance of the area. It is likely that a single, large mass building would arise from the grant of outline permission which will present numerous problems when attempting to integrate satisfactorily with the designated surroundings. Retail food stores are, by their nature, large blocks and often functional in terms of size and appearance. This can cause problems in terms of assimilation into an existing urban area where the grain and form of development is very different. However, assumptions cannot reasonably be made about the quality of the design of the proposed store and this issue would have to be considered in light of the history of the site which was previously covered by the large industrial Aston Martin works buildings. Furthermore, the design and appearance of the store building is not a matter for consideration at this outline stage and therefore permission cannot reasonably be refused on this basis.

9.44 Impact on adjacent properties

Policies D1 and D2 of the Milton Keynes Local Plan seek to prevent development causing harm to the site and the surrounding areas and to ensure that new buildings are well designed and relate well to the surrounding area. As the application is outline and all reserved matters (siting, external appearance etc) are to be dealt with at a later stage (except access) it is difficult to assess the potential impact of the development on adjacent properties. The site is relatively large, however it is awkward in shape and somewhat constrained by existing residential properties and the 3 existing former Aston Martin buildings. The applicants have provided indicative footprint details, height and a suggested siting towards the rear of the site. The buildings would clearly be visible from surrounding properties however, until recently the site was nearly covered by the Aston Martin works buildings.

Whilst there may be potential concerns about the impact on the adjacent dwellings in terms of loss of light, loss of outlook and overlooking, as the application does not include these details these issues are only appropriate for consideration at the reserved matters stage, if outline permission were to be granted.

9.45 As well as the potential impact of the building itself, the introduction of a food store would have implications in terms of the nature and level of activities on the site. Food stores can operate on a 24 hour basis and can involve a significant number of car movements and deliveries. Even if not operated as a 24 hour store, it can be expected to open between 07:00-22:00 hours, Monday - Saturdays, and 07:00-16:00 on Sundays. This would obviously have an impact on adjoining properties in terms of noise and disturbance. However, these problems can be managed and controlled through the use of appropriate conditions and restrictions. For example, the hours of opening can be limited and deliveries kept within working hours. Also the area for deliveries can be restricted and kept away from adjacent houses. As a result the Environmental Health Officer has not raised any objection to the proposal, but if it was to be permitted would want the introduction of a number of stringent conditions to minimise the impact on nearby residents.

9.46 Planning Obligations

The applicants have been asked, without prejudice, to consider a number of requests for financial contributions, in the event that permission were to be granted, as follows:

- 1 Public Transport
Enhanced bus service provision for a period of 5 years from the opening of the store
Upgrade to 2 bus stops and shelters on Tickford Street
£8000 for 2 real time bus information boards

- 2 Highway works
A financial contribution towards the improvement of London Rd/A509/A422 roundabout
A contribution towards the improvement of the High Street/St Johns Street junction
The provision of a pedestrian/cycle crossing of Tickford Street near the store

- 3 Environmental Improvements
Financial contribution to improvements in High Street

- 4 Social Infrastructure Contributions £

| | |
|-----------------------|--------|
| Emergency Services | 3,000 |
| Voluntary Sector | 14,000 |
| University for MK | 55,500 |
| Milton Keynes College | 22,600 |

| | |
|-------------------|--------|
| Inward Investment | 14,800 |
| Public Art | 17,000 |

A response is awaited and will be reported verbally.

- 9.47** Newport Pagnell Business Association has requested that S106 funds be provided for a town centre manager for a period of 3 years at £33,333 per annum, should planning permission be granted. The sum of £100,000 is specifically requested to counteract the damaging effects of a Tesco development on the town's vitality and viability, and on the town's businesses.

This request has been passed to the agent and a response will be verbally reported.

10.0 CONCLUSIONS

(The officer advice to the Development Control Committee on the appropriate decision, based on the policies of the Development Plan, taking into account the issues detailed in the report)

- 10.1** The proposed store is in an out -of- town location, which is contrary to national and local plan policy, unless the applicants can demonstrate that it meets the 5 tests set out in PPS6. These tests are need, scale, sequentially preferable sites, no unacceptable impacts on existing centres and accessibility. Developments should normally meet all 5 tests.
- 10.2** The Council's retail consultants consider that the applicants have not fully demonstrated that there is a quantitative need for a store of this size within the catchment area. While it is acknowledged that a new store would claw back some expenditure which is currently going elsewhere, it is considered that the level of claw-back has been overestimated. Without this estimated claw-back level, there is inadequate expenditure available within the catchment to support the estimated turnover of the proposed store, without impacting upon existing stores in Newport Pagnell.
- 10.3** The Council's consultants also consider that the applicant have overestimated the degree of overtrading which the Co-Op and Somerfield stores are achieving. If these stores are operating closer to their company's average, then the impact of trade diversion from these stores will have a significant impact upon their viability, and the vitality of the town centre.
- 10.4** The scale of the store would not be out of keeping with the role of the town centre to supply the daily convenience needs of the catchment area, and would not change its position within the retail hierarchy.
- 10.5** There are no sequentially preferable sites within or next to the town centre which could accommodate a store of this size.
- 10.6** The site is not located in an accessible location that would encourage trips other than by private car, or linked trips with the town centre.
- 10.7** The proposed development would thus not meet 3 of the 5 tests in PPS6 to

make it acceptable in planning policy terms.

- 10.8** The proposed point of vehicular access would have inadequate visibility, and would conflict with the existing access opposite. It would therefore not provide a safe access to serve the development.
- 10.9** The development fails to satisfactorily address the impact on the surrounding highway network, and does not fully consider mitigation for all modes of transport. Suitable mitigation may be possible by means of appropriate planning obligations, on which a response is awaited.

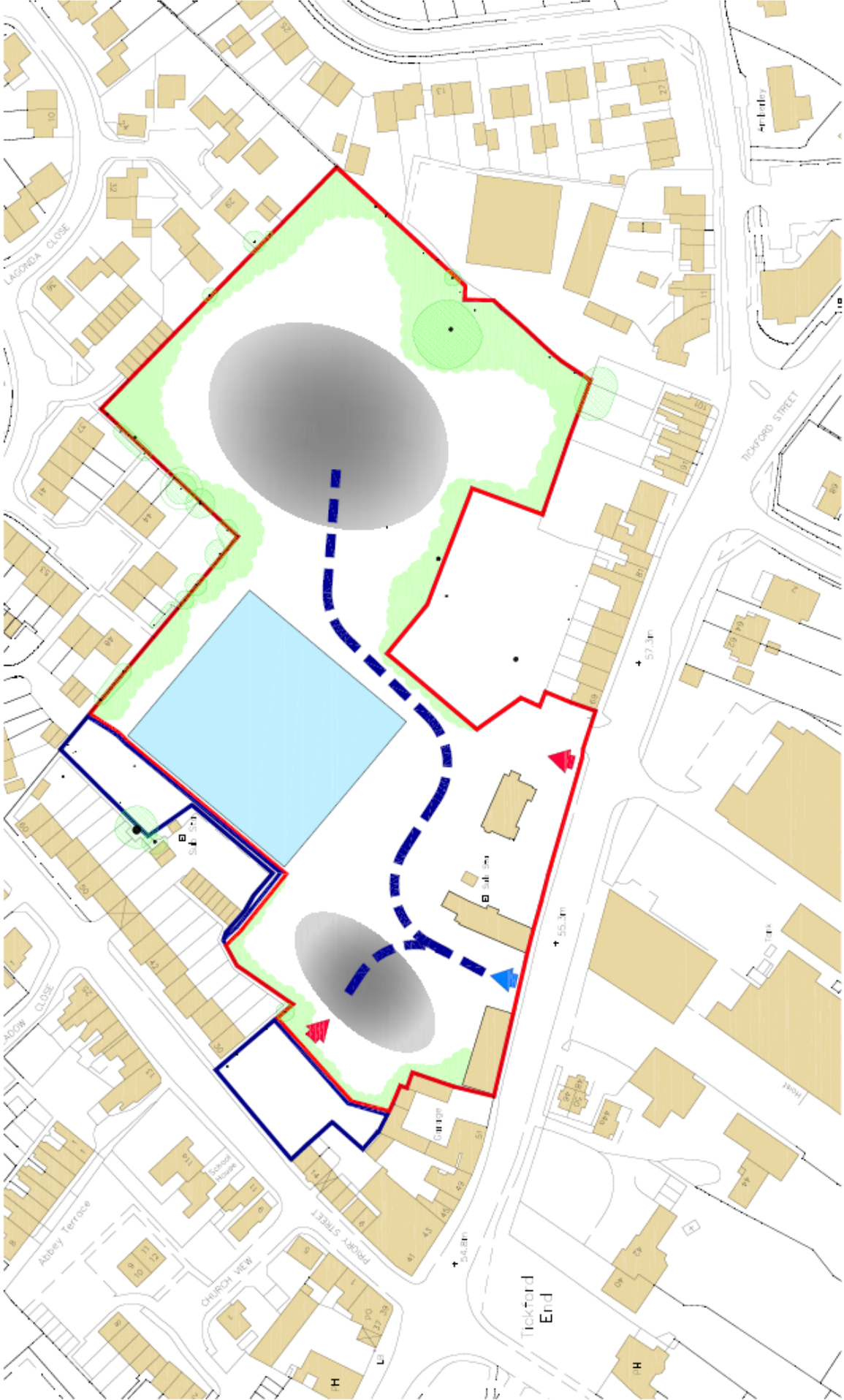
Matters Which Need to be Reported Prior to Determination

The applicants response to the requested planning obligations

11.0 REASONS

(The reasons that officers recommend that the application should be refused. The reasons must be ones that the Council can demonstrate with evidence, should the applicant appeal against the refusal.)

- 11.1** 1. The proposed means of access to this site is inadequate by reason of the lack of available visibility, conflict with the existing access and alignment and as a result is unable to serve the proposed development with safety and convenience. The development is therefore contrary to policy D1(vi) of Milton Keynes Local plan 2001-2011.
2. The development fails to satisfactorily address its impact on the surrounding transport network and does not fully consider mitigation for all modes of transport. The development is therefore contrary to policies T3, T5(v), T10(i) T11 and D1(i) of Milton Keynes Local Plan 2001-2011.
3. The application does not demonstrate that there is a quantified need for proposed development, nor that the impact upon existing stores in the town centre would not adversely affect the vitality and viability of Newport Pagnell town centre. The site is also not in an accessible location other than by car, and would not encourage linked trips to the town centre. The development is therefore contrary to the advice in PPG6 and to policies TC9, TC7 and R1 (ii)(iii) & (v) of Milton Keynes Local Plan 2001-2011.



INDICATIVE ONLY

Key

- Application Boundary
- Additional Land owned by Applicant
- Vehicle Route
- Landscape Buffer
- Car Park Location
- Store Location
- Vehicle and Pedestrian Access
- Pedestrian Access