



NORTHAMPTON
BOROUGH COUNCIL
Planning Committee

PLANNING COMMITTEE: 12th February 2013
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Susan Bridge

N/2012/1225

Application for variation of Conditions 2, 4, 5, 11, 12, 16, 17, 21 and 22 of Planning Permission N/2011/1160 (for the demolition of garden centre concession buildings and erection of new supermarket; erection of new retail building and storage building to serve garden centre; reconfiguration of service area, new service vehicles road and alterations to vehicle access) to allow the provision of an alternative access for service vehicles, amendments to car park layout and to amend the hours of opening of the proposed supermarket

N/2012/1226

Application for variation of Conditions 2, 4, 5, 11, 12, 16, 21 and 22 of Planning Permission N/2011/1160 (for the demolition of garden centre concession buildings and erection of new supermarket; erection of new retail building and storage building to serve garden centre; reconfiguration of service area, new service vehicles road and alterations to vehicle access) to allow provision of an alternative access for service vehicles and amendments to car park layout and change to the elevation of the proposed supermarket at Northampton Garden Centre, Newport Pagnell Road, Northampton

WARD: Nene Valley

APPLICANT: Waitrose Ltd and Northampton Garden Centre

AGENT: Mr A. Nicholls; Alyn Nicholls and Associates

REFERRED BY: Head of Planning

REASON: Relates to a major development and requires a legal agreement

DEPARTURE: No

APPLICATIONS FOR DETERMINATION:

1. RECOMMENDATION

1.1 **APPROVAL IN PRINCIPLE** subject to conditions and the prior resolution of the following matters and for the reason below:

- i) To resolve the queries from the Environment Agency
- ii) A legal agreement to ensure that the obligations contained within the Section 106 Agreement entered into in respect of Planning Permission N/2011/1160 is adhered to.

The proposed variations of conditions would not create a significant impact upon visual amenity, neighbour amenity and highway safety. The proposed revised conditions are therefore in accordance with the requirements of the National Planning Policy Framework, Local Plan Policies E11, E19, E20 and E40.

1.2 In the event that the legal agreement is not secured within three calendar months of the date of this Committee meeting, delegated authority be given to the Head of Planning to refuse or finally dispose of the application (at their discretion) on account of the necessary mitigation measures not have being secured in order to make the proposed development acceptable in accordance with the NPPF.

1.3 It is also requested that delegated authority be given to the Head of Planning to frame the conditions in respect of the approval in order to respond to the current application for the approval of details reserved by condition attached to the parent planning permission in order to avoid any unnecessary duplication.

2. THE PROPOSAL

2.1 Both of applications seek permission to vary various conditions of the 2012 approval for the proposed supermarket in the curtilage of Northampton Garden Centre, which also conferred permission upon various works to the access, car park and other ancillary structures. The key amendments to the proposal are a reconfiguration of the service road so that the junction with Newport Pagnell Road is further to the east than the original proposal, alterations to the external layout and an increase in opening times. These amendments have resulted in revised plans being submitted, which have resulted in the need for variations to a number of other conditions on account of them referencing specific (and potentially superseded) drawings.

2.2 Two applications have been submitted and there is a large degree of replication between the two. The reason for this is that in the case of a single application being submitted, members could either approve all of the amended conditions or refuse all of the proposed amendments in

their entirety. By submitting two applications, the developer potentially has the opportunity to implement the revisions to the access road and building elevations (assuming that members find these alterations acceptable) even if the revised opening hours are not approved.

2.3 Whilst there are two distinct planning applications for consideration, the two proposals have a number of points in common and for this reason, a single committee report has been prepared.

2.4 A summary of the conditions that are proposed to be varied are:

- a) Condition 2 – This covers the approved plans and needs to be varied to allow for alterations to be made to the elevation of the building.
- b) Condition 4 – A new landscaping scheme is proposed as the one previously considered has been superseded by the reconfiguration of the service road.
- c) Condition 5 – The arboricultural assessment has been updated due to the reconfiguration of the service road.
- d) Condition 11 - The highway works need to be varied due to the change in location of the junction of the service road.
- e) Condition 12 – This condition needs to be varied in order to consider the revised car park layout.
- f) Condition 16 – A revised flood risk assessment is required due to the changes in hard surfacing at the site.
- g) Condition 17 – This condition covers the opening hours of the store.
- h) Conditions 21 and 22 – These conditions referred to specific drawings, which have been superseded by the previous amendments.

2.5 The key changes are therefore the variation to the opening hours, the alterations to the exterior of the store, the change in position of the service road and reconfiguration of the car park. The remaining variations are generally caused by a need to revise conditions as a result of updated plans or technical information being submitted.

3. SITE DESCRIPTION

3.1 The application site principally consists of a large garden centre building that currently trades as Northampton Garden Centre, although it was formerly a branch of Wyevale. The Garden Centre building is located towards the south western section of the site. The remainder of the site is made up of the garden centre car park (with a variety of surfaces) and concession buildings. Newport Pagnell Road is situated adjacent to the northern boundary, with a school located beyond that. Residential areas lie beyond the eastern boundary. Various leisure and office uses are located to the west of the site. London Road runs to the south of the site, with residential accommodation beyond.

- 3.2 The site is accessed via Newport Pagnell Road, from which all vehicles (customer and service) enter the site. Entrances from this road also serve as the pedestrian entrances to the development. There are no pedestrian linkages between the application site and the residential developments to the east or the other business / leisure uses to the west.

4. PLANNING HISTORY

- 4.1 N/2011/0387 – New entrance foyer extension to side, front extension to close existing entrance, erection of bedding canopy/walkway to side/rear, demolition and replacement of rear canopy, erection of cold store, replacement aquatics building and restaurant extension – Approved.
N/2011/1160 – Demolition of garden centre concession buildings and erection of new supermarket; erection of new retail building and storage building to serve garden centre; re-configuration of service area and new service vehicle road and alterations to access from Newport Pagnell Road. Additional works to parking, landscaping and lighting – Approved
N/2012/1037 – Erection of garden centre storage building – Approved
- 4.2 Various other applications have been submitted in relation to the established use at the site since 1973.

5. PLANNING POLICY

5.1 Development Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The current Development Plan comprises of the East Midlands Regional Plan, the saved policies of the Northamptonshire County Structure Plan and Northampton Local Plan 1997.

5.2 National Policies:

National Planning Policy Framework and specifically the following paragraphs:

- Paragraph 17 sets out the core principles of planning including the promotion of sustainable developments; seeking to achieve high quality buildings, a good standard of amenity and that planning be a plan led system that provides a practical framework for the determination of planning applications.

5.3 Northampton Borough Local Plan:

E11 – Trees and Hedgerows
E19 – Implementing Development
E20 – New Development
E40 – Planning and Crime

5.4 Supplementary Planning Guidance:

Parking
Planning out Crime

6. CONSULTATIONS / REPRESENTATIONS

- 6.1 **Environmental Health (NBC)** – No objections to the proposed alterations as these have been included in previous noise assessments.
- 6.2 **Highways Authority** – No objections.
- 6.3 **Northamptonshire Police Crime Prevention Design Advisor** – No objections.
- 6.4 **Arboricultural Officer** – No objections, but the previous tree protection measures should be restated in any future consents.
- 6.5 **Environment Agency** – Require additional information to be submitted in order to make a full assessment of the drainage strategy to be undertaken.

7. APPRAISAL

Principle of the development

- 7.1 By reason of planning permission having previously been granted in 2012, it is not necessary to revisit the principle of erection of supermarket in an out of centre location as the proposed revisions would not increase the level of floor space in the development and as such, the proposed revisions are unlikely to create any greater impact than that previously deemed acceptable. For this reason, an assessment of the development against the retail policies contained in the NPPF, the Joint Core Strategy and the Central Area Action Plan is not required.

Revisions to opening hours

- 7.2 Condition 17 of the original permission allowed for the supermarket to be open between the hours of 8:30am-9:00pm on Mondays-Fridays; 8:30am-8pm on Saturdays; and 10am-4pm on Sundays and Bank/Public Holidays. It is proposed that these hours be revised to 7:00am-11pm on Mondays-Saturdays and 10am-6pm on Sundays. Within the application, it is explained that this revision is proposed in order to provide the applicant with greater flexibility to respond to changes in customer demand.
- 7.3 On account of the commercial character of the existing site, which does not have any restrictions over the hours of use, it is considered that the additional opening hours sought by this application are unlikely to pose a significant detrimental impact upon neighbour amenity. In addition, an assessment of likely noise levels has been submitted, which demonstrates that no excessive noise would be created. For this

reason, it is considered that this element of the proposal is in accordance with the requirements of the National Planning Policy Framework.

- 7.4 The proposed revision of opening hours does not impact upon the condition of the original permission, which covered delivery times and for this reason, the impacts upon neighbour amenity would be neutral.

Amendment to service road and car park layout

- 7.5 The proposed revision would see the service road that runs from Newport Pagnell Road to the rear of the site lengthened so that the road meets further to the east than the original proposal. This has resulted in a reconfiguration of the development's car park, which has also allowed for an increase in car parking spaces from 429 to 468 (which would also serve the existing garden centre).
- 7.6 It is considered that the proposed revision to the service road would have a neutral impact upon highway safety due to there being adequate visibility at the proposed junction to avoid the proposed new junction leading to a detrimental impact upon highway safety. The proposed revision would allow for sufficient landscaping to be located between the access road and Newport Pagnell Road to prevent any undue detrimental impact upon visual amenity.
- 7.7 The increase in car parking spaces is unlikely to pose an impact upon highway safety as the access from Newport Pagnell Road is unchanged and in the context of the approved scheme, the degree of increase is not significant. The proposed revision was also reduce the risk of vehicles having to queue within the site at busy periods, which is likely to be conducive to allowing ease of movement for vehicles and pedestrians. As the new car parking spaces would be suitably screened through landscaping, it is considered that the proposed development would not impinge upon visual amenity.
- 7.8 The additional car parking spaces are located to the west of the application site and are therefore some distance away from the nearest residential properties. As a result of this, it is considered that the proposed development would have a neutral impact upon residential amenity as a result of vehicles manoeuvring.
- 7.9 Observations have been received from the Environment Agency, which have requested more detail in respect of the submitted Flood Risk Assessment (which broadly relate to calculations to support the conclusions reached). As these observations are, in essence, requesting additional supporting information as opposed to an objection in principle, it is recommended that if members find the proposed revisions acceptable, that delegated authority be given to the Head of Planning to determine the application, pending the satisfactory resolution of the Environment Agency concerns.

External alterations

- 7.10 The external alterations comprise a revision to the entrance on the north west elevation, which allows for the replacement of some glazing with brick work in order and the deletion of two windows in the south west elevation.
- 7.11 By reason of the relatively small scale of these changes, it is considered that there would be no significant material alterations to the visual impact of the store and therefore this amendment is in accordance with the requirements of the NPPF and Local Plan Policy E20.
- 7.12 The proposed revisions to the exterior of the building would not affect the scale or proportions of the building and therefore these alterations would not unduly impact upon the amenities of the occupiers of surrounding properties.

Alterations to other conditions

- 7.13 As outlined previously, the variations to the remaining conditions are required due to the original wording referencing specific drawings that have now been superseded by the revisions to the layout and appearance of the proposed building. An example of this is that a revised landscaping scheme has needed to be updated on account of the revised position of the surface road. For this reason, it is considered that the proposed revisions to the remaining conditions are acceptable.

Conditions

- 7.14 It is requested that delegated authority be given to the Head of Planning in the event that members find the proposed revisions acceptable. The reason for this is that the Council currently has an application to agree details (such as building materials and CCTV coverage) reserved by condition in respect of the previous approval. Applications of this nature are dealt with under delegated powers. At this point, these details have not been agreed; however, in the event of these details being agreed prior to the decision in relation to this application being issued, delegated authority to frame the relevant conditions would allow for the phrasing of such condition to take into account these details and potentially reduce duplication.

Planning obligations

- 7.15 The 2012 approval of planning permission was subject to a Section 106 legal agreement that secured payments towards the provision of bus route improvements within the vicinity of the site and for the maintenance of bus shelters. It is considered that the necessity of these obligations remains and therefore it is recommended that if members consider the proposed revisions acceptable, that the application be approved in principle subject to the prior completion of a

legal agreement that would secure the obligations of the previous Section 106 agreement.

8. CONCLUSION

- 8.1 It is considered that the proposed revisions to opening hours, external alterations, repositioning of the service road and the reconfiguration of the car park are acceptable and unlikely to create a detrimental impact on highway safety, visual amenity and neighbour amenity. Furthermore, the other variations to conditions have resulted from a need to update their wording to take account of variations in approved drawings and as such are not of such a significant scale to cause a deviation from the original assessment from 2012. For these reasons, it is considered that both of the applications are acceptable and in accordance with the requirements of national and local planning policies.

9. BACKGROUND PAPERS

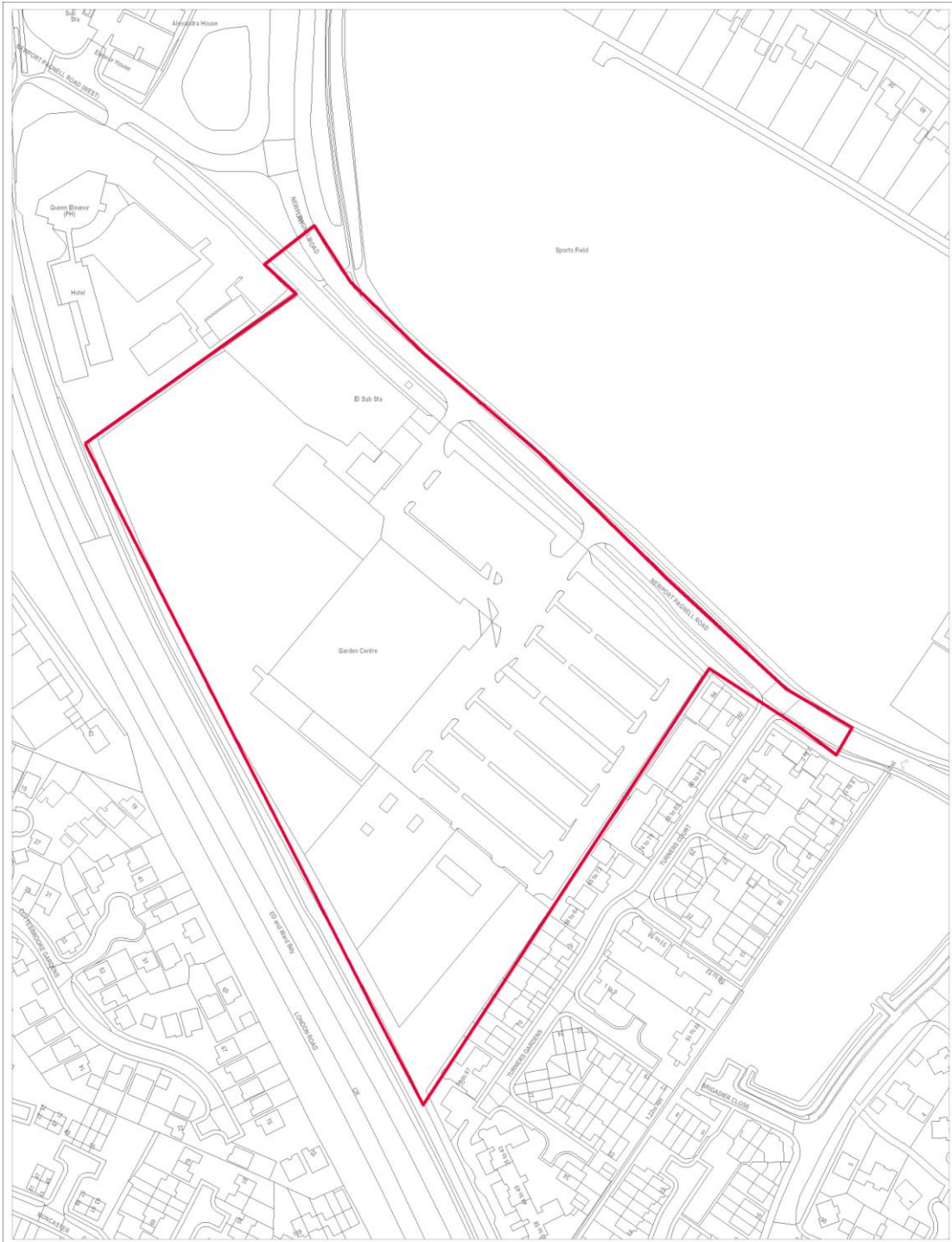
- 9.1 N/2011/1160, N/2012/1225 and N/2012/1226

10. LEGAL IMPLICATIONS

- 10.1 None.

11. SUMMARY AND LINKS TO CORPORATE PLAN

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



Name: **Becky Gittins**
Date: **29th January 2013**
Scale: **NTS**
Dept: **Planning Registration Team**
Project: **Location Plan**

Title
Garden Centre, Newport Pagnell Road

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