

NORTHAMPTON BOROUGH COUNCIL

PLANNING COMMITTEE

Tuesday, 21 June 2011

PRESENT: Councillor Flavell (Chair); Councillor Golby (Deputy Chair);
Councillors N. Choudary, Davies, Hallam, Hibbert, Lynch, Markham,
Mason, Meredith, Oldham and Aziz

1 APOLOGIES

None

2 MINUTES

The minutes of the meeting held on 31 May 2011 were agreed and signed by the Chair.

3 DEPUTATIONS / PUBLIC ADDRESSES

RESOLVED:

- (1) That Messrs Waine, Cole and Romang be granted leave to address the Committee in respect of application number N/2011/0195.
- (2) That Scott Boyden be granted leave to address the Committee in respect of application number N/2011/0295.
- (3) That Councillor Strachan and Paul Hepworth be granted leave to address the Committee in respect of application number N/2011/0360.
- (4) That Messrs Clarke, Hames and Stead be granted leave to address the Committee in respect of application number N/2007/1583.

4 DECLARATIONS OF INTEREST

Councillor Golby declared a Personal and Prejudicial interest in item 12A-N/2007/1583 being the seconder of a motion at the Council meeting held on 17 January 2011 which in part called for the reallocation of housing from Buckton Fields to Daventry Town Centre and the removal of Buckton Fields from any development plans.

5 MATTERS OF URGENCY WHICH BY REASON OF SPECIAL CIRCUMSTANCES THE CHAIR IS OF THE OPINION SHOULD BE CONSIDERED

None.

6 LIST OF CURRENT APPEALS AND INQUIRIES

The Head of Planning submitted a List of Current Appeals and Inquiries and elaborated thereon.

RESOLVED: That the report be noted.

7 OTHER REPORTS

None.

8 NORTHAMPTONSHIRE COUNTY COUNCIL APPLICATIONS

None.

9 NORTHAMPTON BOROUGH COUNCIL APPLICATIONS

None.

12 APPLICATIONS FOR CONSULTATION

- (A) N/2007/1583- MIXED USE DEVELOPMENT OF APPROXIMATELY 1050 DWELLINGS, APPROXIMATELY 1.6HA OF B1 AND B2 EMPLOYMENT USE A RESIDENTIAL CARE HOME ACCOMMODATING 70 BEDS, LOCAL FACILITIES INCLUDING A PRIMARY SCHOOL, A PARK AND RIDE FACILITY OF 5000 SPACES, PUBLIC OPEN SPACE, AND ASSOCIATED COMMUNITY INFRASTRUCTURE MAIN ACCESS TO BE VIA A5199 WELFORD ROAD AND OFF BRAMPTON LANE**

[Councillor Golby left the meeting in accordance with his declaration of interest set out in Minute 4 above and did not speak or vote thereon.]

The Head of Planning submitted a report in respect of application number N/2007/1583, elaborated thereon and referred to the Addendum which set out the final response from the Highways Authority and representations made by Councillor Beardsworth.

Mr Clarke, the Chair of Boughton Parish Council, commented that the proposal would have a great effect on Boughton village and that Buckton Fields had a history going back 20 years. The Parish Council believed that development of the site was premature as there were brown field sites available that should be developed first. He referred to the cumulative effect of traffic on surrounding villages and noted that was already congestion in Moulton at certain times of the day. Mr Clarke observed that there was no master plan for the NW Bypass and that not much had changed over twenty years. He believed that the infrastructure should be put in place before development. Boughton had been designated as a village that would absorb limited infill development. The proposal did not take account of the village and he believed that there should be a strategy for the whole area. The proposal would place an intolerable burden on nearby villages and the adjacent part of Northampton.

Mr Hames, on behalf of local residents and the Nene Flood Prevention Alliance, commented that the Council should maintain its previous objection to development of the site because of flood risk; the existing roads and drainage were not able to cope

at present. He referred to major plans drawn up in the 1970's for ring roads to the south and north of Northampton. The southern ring road had been built but the northern had not. A major upgrade of the road network was needed and he believed that the current works at the Cock Hotel Junction would not improve the current traffic problems. He also had concerns about the effect of the proposal in terms of flooding downstream and believed that the proposed SUDs would not cope with a 1 in 200 year flood event. He stated that the Council should not accept further flows into the Nene until this had been resolved, to do so would be irresponsible. In answer to questions Mr Hames commented that he was in dispute with the Environment Agency in respect of their views of flood risk and the effects of SUDs and believed that an independent report they had had commissioned from Scott Wilson had only dealt with the issues cursorily; Northampton remained, in his view, at severe risk of flooding: that the Section 106 contributions to the NW Bypass were insufficient: that the current proposals for a NW Bypass were incomplete in that the route would not be complete and that the standard of the road would be less than that envisaged in the 1970's; and that he believed that there were plenty of sites where the land had been bought by the former Development Corporation in the southern part of the Town where only partial development had taken place, for example at Upton, that should be developed first.

Michael Stead, representing residents of Boughton and Whitehills, commented that the Joint Core Strategy had not yet been accepted and that Buckton Fields was a saved policy from an old plan but was included in it. There were objections as to the suitability and sustainability of the site. He believed that there were many outstanding highways issues; there was no funding for the NW Bypass; the Sandy Lane Relief Road stopped short of this site; and that there would be a large flow of vehicles generated by the SUE's and the M1 and A45 that would affect Boughton and other villages. He asked that the Committee vote against the proposals as little had changed since 2008.

The Head of Planning commented that the Committee was not determining this application, this would be for Daventry District Council to do and that the Committee's concerns should be the effect of the proposal within the Borough boundary. In response to questions and points made he commented that:

- This application was for outline consent, reserved matters application(s) would be required to deal with the detailed aspects of the scheme, however, in approving an outline application the principle of development of the site would be established;
- The delivery of the NW Bypass, linking through to Sandy Lane, also relied on the Dallington Grange site coming forward. The cost of the Bypass was estimated to be £18m and it was unrealistic to expect a scheme of this magnitude to be put in place before the start of development at Buckton Fields. It would more likely be phased alongside housing development on a pro rata basis;
- In matters of flood risk the Committee should be guided by the Environment Agency;
- The highways implications had been modelled by the Highway Authority who were satisfied with the mitigations proposed and as summarised in the report;

- The Committee should be guided by the Local Education Authority in respect of the acceptability of the proposals for onsite primary provision and delivery of secondary school places.

The Committee discussed the application.

Councillor Lynch proposed and Councillor Oldham seconded “That Daventry District Council be informed that the Council objects in principle to the development of the site for the following reasons:

1. The proposed highways mitigations will not deal with current congestion problems in Kingsthorpe and at the Cock Hotel junction or adequately deal with traffic generated from the site;
2. The issue of secondary school places is not adequately dealt with given the existing over subscription of them in Kingsthorpe;
3. The concerns raised as to the timely delivery of the NW Bypass.

However, that if Daventry District Council were minded to approve the application the Council would wish them to take account of the issues raised in paragraph 1.1 of the report.”

Upon a vote the motion was carried.

RESOLVED: That Daventry District Council be informed that the Council objects in principle to the development of the site for the following reasons:

1. The proposed highways mitigations will not deal with current congestion problems in Kingsthorpe and at the Cock Hotel junction or adequately deal with traffic generated from the site;
2. The issue of secondary school places is not adequately dealt with given the existing over subscription of them in Kingsthorpe;
3. The concerns raised as to the timely delivery of the NW Bypass.

However, if Daventry District Council is minded to approve the application then the Council would wish the following to be taken account of:

- The Highway Authority being satisfied that the solutions proposed and delivered to encourage walking, cycling and increased public transport use and the improvements to the highway network are satisfactory both in transport and environmental terms for a development of this scale, when taking into account the potential impact of development proposed in other locations within the town associated with the growth agenda;
- The Environment Agency being assured that the development will not put its occupiers or those in the immediate vicinity at an unacceptable risk of

flooding, or unacceptably increase the risk of flooding within the catchment of the River Nene and its tributaries, or adversely affect water quality;

- The Sustainable Urban Drainage Schemes proposed have the certainty of a suitable management regime in place to ensure that they are maintained as fit for purpose in perpetuity;
- Utility infrastructure providers being assured that the development will not have an adverse impact on the capacity of the infrastructure network to the detriment of existing residents or businesses of the town;
- Daventry District Council working in association with the Borough Council to ensure that the housing provided is consistent with the proportion (35%) and tenures (70% social rent and 30% Intermediate tenures) required to address affordable housing needs related to Northampton, that contributes to create a mix of housing throughout the site and that NBC partner RSLs are used to manage the affordable dwellings and that 10% of the dwellings on site are built to mobility standards;
- The PCT ensuring that the improvements to health infrastructure required are delivered either on site or in the near vicinity;
- That the future of the land contained within the Borough Council's boundary and currently allocated as Greenspace in the Northampton Local Plan and which can be regarded as forming a contiguous part of the development site is properly addressed by the applicant as envisaged in the Buckton Fields Masterplan SPG.
Ideally this would be by the site being subject to a planning application to lay out the area as open space in a manner agreed with the Borough Council and with an adequately robust maintenance regime in place to maintain this use in perpetuity;
- The County Council being satisfied that the development adequately provides for primary education on site within an appropriate timescale and for secondary education off site by way of developer contribution should such a contribution be required;
- That the applicant makes reasonable endeavours to ensure that the proposed local centre which will at the very least provide a 500 sqm convenience shop and proposed community hall, with some additional small scale retailing and other complementary uses such as takeaways, restaurants, etc, is delivered within phase 1 of the development;
- That the open space, playing pitches and associated sports pavilion, NEAP and LEAP are provided in a timely fashion, to an adequate standard;
- The dwellings on site being built to at least Code for Sustainable Homes Level 3 and subsequently at the levels currently envisaged in the Government's stepped approach to ensuring homes built to Code for Sustainable Homes Level 6 by 2016.

- That further consideration is given to the appropriateness of the proposed solution of providing a green wedge to the rear of properties in Spring Park. An alternative solution which means that the existing houses are backed on to by houses appropriately positioned to maintain privacy and with longer gardens will in the longer term reduce the risk of crime to those properties. It could also allow for a better form of open space, to be of wider benefit to more residents to be provided within the development;
- That consideration be given to changing the proposed positioning of the open space to the west of the business area that will abut the Welford Road, to make it more accessible to the residential areas on site. In addition that consideration is given to moving the business area closer to the Welford Road to give a better opportunity to use an appropriate design of buildings to provide more a positive gateway feature on this edge of the built up area of Northampton.
- The capping of the number of homes to 1050;
- That a condition should be imposed upon any consent requiring the submission and implementation of a construction environmental impact management plan. This should include measures to control noise and vibration due to construction activities;
- That the developer is required to produce with a more definitive way of mitigating impact upon Harborough Road Air Quality Management Area.
- That mitigation measures should be included to address the impact on the noise levels at the existing properties in Fair Mile and Fallow Walk; the precise details of the mitigation scheme should be agreed following the review of the noise assessment; and
- That conditions should be imposed to ensure that noise levels from plant and equipment result in no net increase in existing background noise levels. It is important that the layout of the proposed commercial part of the development is appropriately zoned to minimise the impact on neighbouring residential properties.

10 ITEMS FOR DETERMINATION

(A) N/2011/0195- TWO STOREY AND SINGLE STOREY FRONT EXTENSIONS AND SINGLE STOREY REAR EXTENSION AT 50 ABINGTON PARK CRESCENT

[Councillor Golby returned to the meeting]

The Head of Planning submitted a report in respect of application number N/2011/0195 and elaborated thereon.

Barry Waine, on behalf of the neighbours, thanked the Committee for deferring their consideration of this application at their last meeting so as to allow a site visit to take place. He believed that there were two relevant matters, the impact of the extensions

and the balcony. He noted the images showing the shadowing effects on the neighbouring properties in January and June respectively and commented that neither he nor his clients had had an opportunity to inspect them previously. He referred to the impact of the balcony on the Conservation Area and noted that a previous application had been refused by reason of scale. He did not feel that anything had changed in the meantime. The balcony was more of a patio. He believed that the application did not meet policies E20, E26 or H18 and asked the Committee to determine the application in accordance with the Development Plan.

David Cole, the agent for the applicant, referred to the shadowing and context photographs and noted that 56 Abington Park Crescent was close by. He noted that the gable end wall of number 49 was north facing and was therefore not overshadowed at all. The first floor of number 50 was already used as living accommodation and a balcony already existed. Privacy for number 51 would be given by the provision of a translucent screen. Mr Cole believed that there would be no loss of light to either number 49 or 51 and that the situation for both would be improved; there was no effect on their outlook and the house was not within the Conservation Area; the proposal was within the building line; and he believed that the proposal was in accordance with policies E20, E26 and H18.

Lee Romang, the applicant, stated that he wished to make the most of his property for his current and likely future family and wished to maintain his rear garden space. The intention of the balcony was to make the most of the views of the park. He wished to maintain privacy too. He had a young family, Abington Park Crescent was a busy road and there was a school nearby and the park itself was busy. His house was not in the Conservation Area and the application had been made following consultation with the Planners. He believed that the balcony at number 56 was similar to his proposal. In answer to a question Mr Romang commented that the neighbouring northern property to number 56 was a bungalow.

The Head of Planning commented that this application needed to be considered on its merits and that what had been done at other properties in the vicinity was not a material consideration. He confirmed that the property was not in the Conservation Area. He noted that the shadowing pictures showed indicatively, shadowing at 1pm in January and June and that boundary treatments could be put in place that did not require planning permission but would extend higher than the existing and proposed balcony.

The Committee discussed the application.

Councillor Meredith moved and Councillor Davies seconded "That the application be approved as set out in the report"

Upon a vote the motion was lost.

Councillor Golby proposed and Councillor Oldham seconded "That the Head of Planning be authorised to discuss with the Applicant submission of an amended scheme to take account of the concerns expressed about privacy and massing of the ground floor extension and balcony over, and its effect on number 51 Abington Park Crescent, any such amended scheme to come back before the Committee, or if this

was not acceptable to the Applicant, the Head of Planning be authorised to refuse the application.”

Upon a vote the motion was agreed.

RESOLVED: That the Head of Planning be authorised to discuss with the Applicant submission of an amended to the scheme to take account of the concerns expressed about privacy and massing of the ground floor extension and balcony over and its effect on number 51 Abington Park Crescent, any such amended scheme to come back before the Committee, or if this was not acceptable to the Applicant, the Head of Planning be authorised to refuse the application as the proposed front ground floor extension by reason of its siting, bulk, proximity to the common boundary and incorporation of a large first floor balcony, would be an over-dominant form of development causing an unacceptable loss of outlook and privacy to no. 51 Abington Park Crescent contrary to Policy H18 of the Northampton Local Plan.

(B) N/2011/0295- PROPOSED NEW ALDI FOOD STORE (USE CLASS A1) WITH ASSOCIATED CAR PARKING AND LANDSCAPING, (REVISED SCHEME OF 09/0096/FULWNN) AT 582-592 WELLINGBOROUGH ROAD

The Head of Planning submitted a report in respect of application no. N/2011/0295 elaborated thereon and referred to the Addendum that set out further representations from the Highway Authority raising specific concerns regarding the need to secure improvements to cycle infrastructure in the vicinity of the site without which they would object to the application, a response thereto and revised wording to proposed conditions 3, 6, 8 and 15.

Scott Bryden, architect for the applicant, commented that Aldi had revised the dimensions of the building which had in turn slightly lowered the roof line by .5m. The car parking spaces had been slightly widened. Previous objections concerning lighting within the site and the retention of the boundary hedge had been dealt with. In answer to questions Mr Bryden commented that it was anticipated that between 14 and 17 full time equivalent jobs would be created and confirmed that the boundary hedge would be retained and tidied up.

In answer to a question, the Head of Planning comment that a specific public realm project within the Town Centre as part of the Section 106 Agreement had not yet been identified.

The Committee discussed the application.

RESOLVED: That the application be approved in principle subject to the prior completion of a S106 legal agreement as detailed below and the conditions set out in the report and as amended by the Addendum, as the proposal would represent the effective reuse of previously developed land and would not unduly impact upon the amenities of

surrounding occupiers. By reason of the scale of the proposal and subject to the suitable use of planning controls, the development would not adversely impact upon the viability and vitality of other established centres. The proposal therefore complied with the requirements of PPS4, PPS23, PPG13, PPG24 and Local Plan Policies E20, E40 and T11.

The S106 agreement shall secure the following matters:

- i) Payment is made to fund improvements in bus stop provision within Wellingborough Road including the provision of real time update equipment and to fund its ongoing maintenance;
- ii) Payment is made to fund improvements to the town centre environment in order to offset any impacts upon this centre as a result of this development being permitted;
- iii) That the development is only occupied as a 'Limited Assortment Discounter' supermarket and for no other use within Class A1 of the Town and Country Planning (Use Classes) Order 1987 (as amended).
- iv) That the net level of retail floor space does not exceed 990m².
- v) That an obligation be secured ensuring that the level of retail floor space used for the display and sale of comparison goods does not exceed 15% of the total net retail floor space.

In the event that the S106 legal agreement is not secured within three calendar months of the date of this committee meeting, the Head of Planning be granted delegated authority to refuse or finally dispose of the application on account of the necessary mitigation measures not being secured in order to make the proposed development acceptable.

(C) N/2011/0360- CHANGE OF USE FROM LETTING AGENCY (USE CLASS A2) TO SHOP/RESTAURANT AND TAKEAWAY (USE CLASS A1/A3/A5) AT 199-199B KETTERING ROAD

The Head of Planning submitted a report in respect of application no. N/2011/0360, elaborated thereon and referred to the Addendum that set out a summary of correspondence from the owner of neighbouring premises and suggested amendments to the proposed conditions.

Councillor Strachan, as Ward Councillor, and on behalf neighbours and the local residents association, commented that he believed that the proposal would be to the detriment of the area and would not enhance viability or vibrancy; there was no provision for car parking. He had concerns of noise and cooking smells to the neighbours and noise from the street of people arriving and leaving the premises. He queried whether noise proofing would also deal with vibration. Residents disagreed that there would not be an impact on car parking and he asked the Committee to refuse the application on grounds of noise, smells and anti social behaviour.

Paul Hepworth, the applicant, commented that he believed that there would not be any anti social behaviour. His target market was 40 plus. There would be traditional old English pub games and the bar would not sell lager or alcopops. He had reassured neighbours about the use of the premises who had withdrawn their earlier objections. In respect of noise there would only be low background music as conversation was to be a feature of the premises. The so-called balcony at the rear was to be used for a small kitchen garden. The premises was Victorian with thick internal walls. In answer to questions Mr Hepworth commented that the former Lettings Agency had been vacant for some 14 or 15 months and that he had taken some time to find a suitable use for the premises that would run alongside his accountancy business.

The Head of Planning noted that cooking smells and noise was covered by the proposed conditions and vibration was also covered by the noise mitigation controls

The Committee discussed the application

RESOLVED: That the application be approved subject to the conditions set out in the report and as amended by the Addendum, as the proposed use would enhance the vitality and viability of the Kettering Road District Centre and would not lead to any undue adverse impact on adjoining residential properties. The proposal thereby complied with Policy E28 of the Northampton Local Plan and the guidance in PPS4 - Planning for Sustainable Economic Growth

(D) N/2011/0408- SINGLE STOREY REAR EXTENSION AT 3 HEReward ROAD

The Head of Planning submitted a report in respect of application no. N/2011/0408 and elaborated thereon.

The Committee discussed the application.

RESOLVED: That the Head of Planning be delegated authority to determine the application.

11 ENFORCEMENT MATTERS

None.

The meeting concluded at 20.55 hours