

NORTHAMPTON BOROUGH COUNCIL

PLANNING COMMITTEE

Tuesday, 13 September 2011

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

1. APOLOGIES

None.

2. MINUTES

Subject to minute 10B in respect of application no N/2011/0437 be amended to read "That the application be refused as insufficient..." to the beginning of the resolution, the minutes of the meeting held on 23 August 2011 were agreed and signed by the Chair.

3. DEPUTATIONS / PUBLIC ADDRESSES

RESOLVED: That Ms King, Ms Houlihan, Mr Robeson and Councillor Larratt be granted leave to address the Committee in respect of item 10A- N/2011/0323.

That Miss Scott and Mr Veitch be granted leave to address the Committee in respect of item 10B- N/2011/0403.

4. DECLARATIONS OF INTEREST

Councillor Oldham declared a Personal and Prejudicial interest in item 10a- N/2011/0323 as having publicly expressed an opinion on this application.

Councillor Markham declared a Personal interest in item 10a- N/2011/0323 as her husband was an employee of the applicant.

Councillor Aziz declared a Personal and Prejudicial interest in item 10e- N/2011/0759 as being the applicant.

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.

10. ITEMS FOR DETERMINATION

- (A) N/2011/0323- EXTENSION TO THE EXISTING FOOD STORE, ERECTION OF A NEW NON-FOOD RETAIL UNIT (AS REPLACEMENT FOR THE LOSS OF AN EXISTING UNIT), NEW BUS WAITING FACILITY, PROVISION OF NEW PEDESTRIAN FOOTPATHS, LANDSCAPE WORKS, LIGHTING WORKS AND REVISIONS TO THE CAR PARK LAYOUT AT TESCO, MEREWAY**

Councillor Oldham left the meeting in accordance with his declaration of interest as set out in minute 4 above.

The Head of Planning submitted a report in respect of application no. N/2011/0323 and referred to the addendum that set out an amendment to paragraph 1.1d in respect of the bus service 28, additional comments in paragraph 1.1 concerning pedestrian facilities to the north of the Mereway underpass, clarification that rejection of relocation options of the revised Clannell Road entrance had been made by the Highways Authority (paragraph 2.70), correction of paragraph 2.8 in respect of the distance between recycling facilities and the nearest home in Falconer's Rise and additional references in paragraph six to the receipt of a petition in favour of the application; representations from a resident of Sandhurst Close and Legal & General on behalf of the Northampton Shopping Partnership; petition and various representations made to WNDC in respect of the original application; additional comments from Wootton and East Hunsbury Parish Council about the current application; additional correspondence from Councillor Larratt and County Councillor Andre Gonzalez de Savage and amendments to the conditions set out in paragraph 10.

The Head of Planning elaborated upon the context of the site and the scheme details including the impact of the development on other centres, particularly the town centre and noted that the application allowed for controls to be put in place in respect of the amount of the comparison goods sales area which the applicant had agreed to. He

also noted that the Highway Authority's requirements had been met and they were content with the proposal. The residential impact had been mitigated by the suggested conditions.

Councillor Larratt, as Ward Councillor, commented that he did not object to the application per se but had concerns about the boundary treatment in the south-east corner of the site with Sandhurst Close. He was surprised that the Addendum listed representations that had only just come to light and questioned whether the report considered them. He believed that the Highway Authority had felt that they were not in a position to object to the highways aspects and understood that that they had further requirements. Councillor Larratt's main concerns were in respect of the .com business and the small shops and restaurant being serviced via Sandhurst Close and the effect of the proposed traffic lights at the Clannell Road entrance to the site on the residents of Falconers Rise. He hoped that the Committee would refuse the application on the grounds of loss of amenity and light pollution to the residents of Falconer's Rise. In answer to questions Councillor Larratt commented that Wootton and East Hunsbury Parish Council had suggested that the Clannell entrance to the site be relocated further westwards and the car park layout reconfigure so as to avoid the need for a new access off Sandhurst Close; that there had been numerous meetings between the Parish Council and the applicant but no acceptable resolution from the Parish Council's point of view had been found to the access issues; that the proposed Mereway Forum did not yet exist and that he believed that the applicant was looking for the cheapest highways solution hence the Sandhurst Close proposal.

Ms Houlihan, on behalf of Wootton and East Hunsbury Parish Council, commented that the Parish Council were not against the application per se. They had met with the applicant, including at a full Parish Council meeting many times throughout 2009 and 2010. The Parish Council had two major areas of concern, the effect of the proposals for the Clannell Road entrance to the site, in terms of noise and pollution, on residents of Falconer's Rise and traffic turning into Sandhurst Close. The Parish Council believed that a better solution was for the Clannell Road entrance to be further westwards and questioned the need for the Sandhurst Close access. She also noted that school children also walked across the car park. Ms Houlihan also noted that there had been problems accessing the Council's e-mail address to submit representations. In answer to questions Ms Houlihan commented that the Sandhurst Close residents concerns were about increased traffic in their road and that the Parish Council believed that there was sufficient space further along Clannell Road for a new entrance to the site.

Mr Robeson, Agent for the applicant, commented that they had had extensive discussions with the Parish Council, stakeholders and residents throughout 2009 and 2010. Signalising Clannell Road would include pedestrian phases. Tesco's own highways consultants and the Highway Authority believed that moving the Clannell Road entrance further westwards would cause problems with visibility splays and be in conflict with pedestrian desire lines. The position of the Highways Authority was clear. Tesco's had agreed to contribute via a Section 106 agreement to a Traffic Regulation Order (TRO) that would place parking restrictions along Sandhurst Close. There were advantages to the residents of Sandhurst Close in moving deliveries from the existing service road adjacent to the street and houses. In answer to questions Mr Robeson confirmed that the proposed TRO had been negotiated with the Highway Authority; that alternative internal site traffic flows had been examined but

rejected as creating accesses too close together; that a roundabout option for Clannell Road had been considered and rejected (but did not have the details to hand); that apart from the visibility issues, moving the Clannell Road access westwards, also had implications for the internal car park layout and on traffic flows; that if the proposed TRO were put in place then customers of the Leisure Centre would be able to use the Tesco's car park for three hours without penalty; that under the new CIL Regulations Tesco's could only consider mitigations specific to the development proposals and that the Mereway Forum would be a good way of engaging with all stakeholders and working with the community to consider issues and solutions; that exchanges between the applicant and the Parish Council were documented; and that Tesco's wanted to be a good neighbour.

Ms King, Community Champion for Tesco's, commented that she had lived in Delapre for 17 years and worked part-time for Tesco's as a community champion. Her main concern was that the public had an efficient store. Tesco's supported local facilities and the extension would provide the opportunity for a wider range of stock and create new job opportunities. A petition of 2,000 signatures had been submitted in support of Tesco's plans. In answer to questions Ms King commented that the PROPOSED Mereway Forum would comprise all the local land users including Simon de Senlis School, the Abbey Centre, residents associations and individual residents; and that the .com business operated between 07.00 and 22.00 hours.

The Head of Planning commented that in respect of the highways matters that the Committee had to consider the application as it was presented in the report and that the Highway Authority and Highways Agency had no objections to the proposals in the report. He also commented that the circumstances of the recently determined Sainsbury's application at Gambrel Road and this application were different in that Mereway was a recognised centre identified in the Northampton Local Plan.

The Committee discussed the application.

Councillor Lynch proposed and Councillor Davies seconded "That consideration of the application be deferred for two months to allow further assessment of the additional information set out in the Addendum and to allow the applicant and Wootton and East Hunsbury Parish Council to further consider the parking, highways and access issues surrounding the Clannell Road junction and the proposed access via Sandhurst Close."

RESOLVED: That consideration of the application be deferred for two months to allow further assessment of the additional information set out in the Addendum and to allow the applicant and Wootton and East Hunsbury Parish Council to further consider the parking, highways and access issues surrounding the Clannell Road junction and the proposed access via Sandhurst Close.

Councillor Oldham rejoined the meeting.

(B) N/2011/0403- ERECTION OF TWO AND A HALF STOREY DWELLING AT LAND AT 1-3 HESTER STREET

The Head of Planning submitted a report in respect of Application no. N/2011/0403 and noted that the proposal was for a single four bed dwelling and referred to the proposed condition 8 set out in the report to prevent its use as a HIMO to prevent pre-emption of the implementation of the Article 4 Direction in 2012.

Miss Scott, the neighbour, commented that her property was a detached house, approximately 120 years old. She had been surprised by the Jesus Army's proposals and their description of 1-3 Hester Street as a single house: it had 11 occupants. Building Control had advised her that they would be concerned by the proposed 7.5cm gap between her property and the new build. How would she be able to maintain this wall? She had concerns about the foundations, overlooking and parking. She noted that the Jesus Army had a vast property portfolio and queried why they needed another house as opposed to extending 1-3 Hester Street. She found it odd that the report referred to all these issues but still recommended the application for approval. In answer to questions Miss Scott commented that she had concerns about overlooking through her velux bathroom window and that, in her view, a better alternative would be for the Jesus Army to extend their existing premises.

Mr Veitch, representing the Jesus Fellowship Community Trust, commented that the new build house would not be a single family residence but used as an extension of the facilities at 1-3 Hester Street. It would meet the long term needs of elderly members of their community and would not be used as temporary hostel accommodation. Mr Veitch stated that the property would technically be a HIMO as the residents would be unrelated to each other but would live as a family sharing, cooking, dining and bathroom facilities. The Jesus Army had been present in the area for a long time. In respect of extending 1-3 Hester Street they had felt that it would overbalance the host property and would not fit in with the street scene. In response to questions Mr Veitch commented that he was unable comment on technical aspects of the application or on estates management matters.

The Head of Planning commented that although no parking provision was included in the proposal the existing parking arrangements would be preserved. He confirmed that the application was for a single dwelling house, C3 use, and as such it could be occupied by up to six people but the proposed condition 8 would mean that the property could only be used as a C3 residence. However Mr Veitch was suggesting that use of the property would be as a HIMO, C4 use and as such would be in conflict with the proposed condition 8 to prevent such a use.

The Committee discussed the application.

The Head of Planning commented that the applicant's representative had indicated that the premises would be used for communal accommodation although the application had been presented as, and assessed as, a single family accommodation. The application needed to be reassessed against the relevant planning policies in the light of this new information and to discuss these matters with the applicant. She requested that consideration of it be deferred to allow this to happen and for a revised report to be submitted to the Committee.

Councillor Flavell proposed and Councillor Hallam seconded “That consideration of the application be deferred in the light of the new information provided by the applicant’s representative to allow a reassessment of the application, further discussion with the applicant and revised report to be submitted to the Committee.” Upon a vote the motion was carried.

RESOLVED: That consideration of the application be deferred in the light of the new information provided by the applicant’s representative to allow a reassessment of the application, further discussion with the applicant and revised report to be submitted to the Committee.

(C) N/2011/0635- INSTALLATION OF TWO STORAGE TANKS FOR CONTAMINATED WATER AND PROCESSED OIL AT DUSTON OILS, 70 PORT ROAD, DUSTON

Item withdrawn.

(D) N/2011/0722- CHANGE OF USE FROM COMMERCIAL (USE CLASS B1) TO SINGLE DWELLING HOUSE (USE CLASS C3) AT 40-42 GUILDHALL ROAD

The Head of Planning submitted a report in respect of Application no. N/2011/0722, elaborated thereon and referred to the Addendum that set out comments from the Town Centre Conservation Area Advisory Committee.

The Committee discussed the application.

RESOLVED: That the application be approved as the proposed use as a single dwelling house would bring back into sustainable use a vacant property in the town centre, and was in accordance with Northampton Local Plan Policy H7; with the emerging Central Area Action Plan; and with National Guidance PPS3 – Housing.

(E) N/2011/0759- INSTALLATION OF FIRST FLOOR REAR BAY WINDOW AT 201 ABINGTON AVENUE

Councillor Aziz left the meeting in accordance with his declaration of interest set out in Minute 4 above.

The Head of Planning submitted a report in respect of Application no. N/2011/0759, elaborated thereon and referred to the Addendum that set out two representations from residents of Ashburnham Road and Abington Avenue.

The Committee discussed the application.

RESOLVED: That the application be approved subject to the conditions set out in the report as the proposed bay window by reason of its siting and

design would not adversely affect the appearance of the dwelling, the character of the area nor adversely affect the amenity of neighbouring properties in accordance with Policies E20 and H18 of the Northampton Local Plan.

11. ENFORCEMENT MATTERS

None

12. APPLICATIONS FOR CONSULTATION

None.

The meeting concluded at 20.58 hours.