

NORTHAMPTON BOROUGH COUNCIL

PLANNING COMMITTEE

Tuesday, 11 January 2011

PRESENT: Councillor Collins (Chair); Councillor Meredith (Deputy Chair);
Councillors Church, Davies, Golby, Hawkins, Hill, Malpas, Matthews
and Woods

1. APOLOGIES

Apologies for absence were received from Councillors J Conroy, Lane and Meredith.

2. MINUTES

The minutes of the meeting held on 16 November 2010 were agreed and signed by the Chair.

3. DEPUTATIONS / PUBLIC ADDRESSES

- RESOLVED:**
- (1) That Mr Fitzhugh and Councillors Clarke, Glynane, Reeves and P.D. Varnsberry be granted leave to address the Committee in respect of application no N/2010/0997.
 - (2) That Mr Toone and Councillor Crake be granted leave to address the Committee in respect of application no N/2010/0946.
 - (3) That Messrs Wykes, Murphy and Toone and Councillor Beardsworth be granted leave to address the Committee in respect of application no N/2010/1013.
 - (4) That Messrs Frudd and Wakelin and Councillor P. M. Varnsberry be granted leave to address the Committee in respect of application no N/2009/0843.

4. DECLARATIONS OF INTEREST

Councillor Church declared a Personal and Prejudicial interest in application no N/2009/0843 as a Board Member of WNDC and Member of WNDC's Northampton Planning Committee.

Councillor Woods declared a Personal interest in application N/2009/0843 as a Board Member of WNDC and Substitute Member of WNDC's Northampton Planning Committee.

Councillor Hawkins declared a Personal Interest in application no N/ 2010/0997 as a Trustee member of Delapre Abbey Preservation Trust.

Councillor Malpas declared a Personal interest as being known to a member of the public attending the meeting.

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 referred to the Addendum that set out further information and updated the report circulated with the agenda.

RESOLVED: That the report be noted.

7. OTHER REPORTS

None.

8. NORTHAMPTONSHIRE COUNTY COUNCIL APPLICATIONS

None.

9. NORTHAMPTON BOROUGH COUNCIL APPLICATIONS

(A) N/2010/0997- REMOVAL OF EARTH BUND AT DELAPRE PARK, LONDON ROAD, NORTHAMPTON- RESUBMISSION OF PLANNING PERMISSION N/2006/1139

The Head of Planning submitted a report in respect of application no N/2010/0997 elaborated thereon and referred to the Addendum that set out a revised wording to Condition 3.

Councillor Glynane, as Ward Councillor commented that he supported the current application as he had done the previous one. He had been against the construction of the bund in the first place. He noted that the removal of the bund should be at little or no cost to the Council. He was pleased that the report referenced PPS 5 as the topsoil removal had uncovered three British Romano graves and pottery kilns; these would be protected. He observed that issues of alleged contamination of the bund material had never been proved.

Councillor Reeves, as Ward Councillor, commented that he supported the application and noted the recent debate in the media about the removal of the bund. He referred to a letter from the Far Cotton Residents Association noting that residents had discussed the bund and its removal and had made comment about an article in the Chronicle and Echo on 4 January 2011 that residents views on it were split. The 25 residents attending the Residents Association meeting had voted unanimously for the removal of the bund and had noted obscured views, increased traffic noise and limits on access caused by it.

Councillor Clarke, as a founding patron of the Friends of Delapre Abbey commenting that he opposed this application but not the aim to remove the bund. He commented that the Town and Country Planning Acts were clear that where land may be contaminated a risk assessment had to be undertaken at the planning application stage. This had not happened. He circulated a copy of correspondence dated 15 October 2008 from the Council to Mr Christopher Merry that appended affidavits made by Mr Merry and John Thomas concerning the content of some of the bund material that they asserted had come from contaminated sources at the former Express Lifts

site and Countess Road. Both Mr Merry and Mr Thomas had indicated that they were happy to make further affidavits if required. In fact they had asserted that there was a long term problem with other bunds throughout the Borough where contaminated material had been used. He urged the Committee to defer a decision so as to allow the proper tests to take place.

Mr Fitzhugh, Chair of the Far Cotton Residents Association, commented that he was pleased that the report was seeking that the existing planning permission be extended. He felt that there was nothing to be gained by raking over the history of this issue and trying to apportion blame. Instead the focus should be on the restoration of the Abbey and its grounds. He appreciated the comments about the costs of the removal of the bund and observed that if it was suitable the bund material could be sold. He believed that the bund had not served any proper purpose and that its removal would not lead to an increase in anti social behaviour. He supported the application.

Councillor P. D. Varnsberry, speaking as a member of the public stated that he welcomed the report. He referred to paragraph 6.4 of the report and noted that the original one metre bunding had prevented vehicular access but neither that or the current bund had prevented motor cycle access. Even so, it had not completely prevented vehicular access as there were other entry points to the park land. He noted previous statements that the bund material could be used at Ransome Road and that the Delapre Options Appraisal foresaw the removal of the bund. He noted possible soil compaction issues and consequential potential damage to the trees in Delapre Spinney and noise reflection from the bunds towards residents' homes.

The Head of Planning commented that the financial issues relating to the removal of the bund were outside of the Committee's consideration. In respect of Councillor Clarke's comments about contamination, the Environment Agency were a statutory consultee. They had pointed out to the Council its duty of care but had not required that a risk assessment be undertaken. In respect of soil compaction the Arboricultural Officer had proposed an appropriate condition. In answer to questions, the Head of Planning noted that responsibility for the boundary lay with the Council as landowner: it was not part of the current application; that the Environment Agency had not requested that a risk assessment be undertaken; and that if contaminated material were found as the bund was being removed that the Council had a duty of care in law: the Environment Agency would require that the works ceased and that tests were carried out. This issue had been made public about three years previously, the Environment Agency were aware of this and would have made their decision with that knowledge.

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 development was considered to be acceptable in visual terms and would not unduly impact upon the historic character of the area. The proposal was in accordance with Policies E1, E9, E20, E26, and E38, of the Northampton Local Plan and PPS5- Planning for the Historic Environment.

10. ITEMS FOR DETERMINATION

(A) N/2005/1141- BRIDLEWAY DIVERSION ORDER, BRIDLEWAY LB6, UPTON

MILL, UPTON LANE

The Head of Planning submitted a report in respect of application N/2010/0997 and elaborated thereon.

The Committee discussed the application.

RESOLVED: That an order be made pursuant to Section 119 of the Highways Act 1980 in respect of the proposed diversion of Bridleway LB6 at Upton Mill, Upton Lane as shown for identification purposes on the plan attached to the report.

(B) N/2010/0946- FIRST FLOOR SIDE AND SINGLE STOREY REAR EXTENSIONS AT 230 BOUGHTON GREEN ROAD, NORTHAMPTON

The Head of Planning submitted a report in respect of application no N/2010/0946

Councillor Crake as Ward Councillor, commented that she hoped that the site visit the previous day had considered the impact on the neighbours at 228 Boughton Green Road and in particular, the loss of light to their kitchen. The property already had four bedrooms; the proposal would add a fifth. There had already been issues concerning rubbish and 226 Boughton Green Road had made complaints about rats. There were also concerns about the backing up of sewerage. There were no other properties in the vicinity that were in effect HIMO's and this would change the character of the area.

Mr Toone, agent for the applicant, commented that he was aware of the issues that had been raised. The proposal complied with planning policies and a pre-application meeting with Planning Officers had taken place and their advice taken account of. Several alterations had been made to the original scheme to meet the concerns of the neighbours. He believed that the concerns about privacy and light had now been resolved. In respect of car parking he stated that the property had better provision than many other properties in the vicinity.

The Head of Planning noted that the separation distance would be approximately 3 meters and that the side windows were to a landing and lavatory respectively. He noted the ground floor side door and window to the kitchen in the neighbour's property. The domestic waste management issues were for Environmental Health. In answer to questions the Head of Planning commented that the effect of the proposal on the street scene had been taken into account and was considered to be acceptable and that there no windows proposed in the side elevation of the extension; and that the use of the property was established as C4 and as such the property could have six residents before a separate planning permission would be noted.

The Committee discussed the application.

RESOLVED: That the application be approved subject to the conditions set out in the report as by reason of its siting, scale and relation with surrounding development, the impact of the proposed development on the character of the original building, street scene and residential amenity was considered to be acceptable and in accordance with Policies, E20 and H18 of the Northampton Local Plan.

(C) N/2010/0971- CONVERSION AND EXTENSION OF EXISTING GARAGE AND

STORE TO CREATE NEW 3 BEDROOM TERRACED DWELLING AT LAND ADJACENT TO 65 OLIVER STREET

The Head of Planning submitted a report in respect of application no N/2010/0971 and elaborated thereon.

The Committee discussed the application.

RESOLVED: That the application be approved subject to the conditions set out in the report as the site lay within a primarily residential area. The development proposed would, by reason of its character, appearance, scale and site would not be detrimental to the character of the area, highway safety or the amenity of nearby residents in accordance with policies E20 and H6 of the Northampton Local Plan.

(D) N/2010/1013- TWO STOREY REAR /SIDE EXTENSION AND DIVISION OF PROPERTY INTO 4NO APARTMENTS AT 2 THORNTON ROAD, NORTHAMPTON- REVISION OF N/2010/0718

The Head of Planning submitted a report in respect of application no N/2010/1013 elaborated thereon and referred to the Addendum that set out an additional letter of objection from 2 Branksome Avenue. He referred to the reasons for the previous refusal of the original application set out at paragraph 2.2 of the report and noted that there had been no amendment to the car parking proposals but that the use of the first floor rooms had been reversed so that the bedroom would be at the back, as currently existed, and the living room and kitchen had been moved to the front. In the proposed Flat 4 the rear facing window had been moved to the side elevation to Studland Road. He noted that the existing format of the bay windows would be retained.

Councillor Beardsworth as Ward Councillor commented that the proposal was to convert a family home into four flats. The next door neighbours had two disabled children and had made consequent adaptations to their property and were therefore committed to it. The proposal could result in four or six extra cars with only parking provision for two. She had recently visited the area and parking was already difficult with the Doctors Surgery and Pharmacy opposite and Netto nearby. The proposal would go against the street scene of family homes in that area.

Mr Wykes the next door neighbour at 4 Thornton Road, commented that their property had been in their family for 50 years. They had three children two of whom had disabilities. Their garden was small and they knew their neighbours. They were worried about up to eight strangers living next door. Parking was already a problem that would most likely worsen. He believed that the Committee had the power to take away the stress to his family by refusing the application. In answer to a question Mr Wykes confirmed that his concerns were to do with loss of privacy, noise and the increased use of the side access.

Mr Tony Murphy welcomed the site visit the previous day and stated that Committee members would have seen the difficult geography caused by the small garden at 4 Thornton Road and the feeling of being hemmed in that the proposal would create. He noted that a letter from the Head of Planning had stated that the disability of the neighbour's children was not a material planning consideration but felt this was alarming. He believed that the Planning Committee's role was to protect the public. He believed that the revised planning application only made minor changes in respect of

overlooking to that refused in October 2010. There would still be up to eight people occupying the four flats. There was no change to the proposed parking arrangements. The existing property had been built as a family home which was what it should be used for: this application was about generating income: the Applicant had not discussed their plans with any of the neighbours.

Mr Paul Toone, agent for the Applicant, stated that he believed that the revised scheme met the objections previously raised by the Committee. The internal layout of the rooms had been changed and a rear facing window omitted. Car parking had been re-examined but the issues raised already existed. The Highways Authority had not made an objection. Studland Road was where people chose to park. There were week day, day time parking restrictions on the left hand side of Studland Road and none on the right hand side except for a few meters of double yellow lines at the junction with Thornton Road.

The Head of Planning noted that although parking was possible on the left hand side of Studland Road, the opportunity, was in practice, limited by the garages in the gardens of properties in Branksome Road to which access had to be kept clear.

The Committee discussed the application.

Councillor Hill proposed and Councillor Malpas seconded "That the application be refused in line with the Committee's previous decision as set out in paragraph 2.2 of the report, and further, that the application, with particular reference to Flat 3 would amount to an over intensification of the use of the property and that the Head of Planning be authorised to agree the final detailed wording based upon policy E20B of the Northampton Local Plan."

Upon a vote the motion was carried.

RESOLVED: That the application be refused in line with the Committee's previous decision as set out in paragraph 2.2 of the report and further, that the application, with particular reference to Flat 3 would amount to an over intensification of the use of the property and that the Head of Planning be authorised to agree the final detailed wording based upon policy E20B of the Northampton Local Plan.

11. ENFORCEMENT MATTERS

None.

12. APPLICATIONS FOR CONSULTATION

- (A) N/2009/0843- ERECTION OF AN EXTENSION TO THE EXISTING SAINSBURY'S FOOD STORE, INCLUDING RECONFIGURATION OF CAR PARK (INCLUDING CAR PARK DECK), RECONFIGURED VEHICULAR ACCESS, NEW PEDESTRIAN RAMP ACCESS, NEW GOODS ON LINE LOADING AREA AND ASSOCIATED WORKS AT SAINSBURY SUPERSTORE, GAMBREL ROAD**

Councillor Church left the meeting in accordance with his previous declaration of interest.

The Committee adjourned at 19.55 hours until 20.05 so as to allow Members to read the additional information contained in the Addendum relating to this application.

The Head of Planning submitted a report in respect of application no N/2009/0843 elaborated thereon and referred to the Addendum that set out correspondence from Indigo, the Agents for Sainsbury's, dated 6 January 2011, a summary thereof and a typographical amendment to paragraph 7.40 of the report. In particular he highlighted the planning history of the application, the assessment of the impact of the proposal vis a vis the Town Centre, the sequential testing of alternative sites; the correspondence from Indigo set out in the Addendum; other retail applications that were in the pipeline to WNDG; and a request from Tesco's that their proposals for their store at Mereway should be considered together with this one. In this latter respect it was considered that the Tesco's Mereway proposals were not sufficiently advanced to merit delaying consideration of the Sainsbury's proposals yet further as no adverse prejudice would occur.

The Head of Planning summarised the context of the Sainsbury's Sixfields extension including the details of the proposals, the history of application, the relevant planning policy, the negotiations that have taken place and downward revisions of the scheme. The recommendations that are being made are for a Holding Objection to WNDG on matters of retail impact, carbon impact, the need for control of comparison goods floorspace and the need for securing Sainsbury's town centre presence were laid out for the committee to consider.

Councillor P.M. Varnsvery commented that she supported the revised plans and welcomed the partnership working between Sainsbury's and the Planning Officers. She noted that St James Residents Association had recently had discussions with Sainsbury's. She queried whether there would be CCTV coverage to help combat anti social behaviour. She endorsed the recommendations in the report and asked if greater provision for the disabled would be made. Councillor Varnsvery also asked whether Sainsbury's may be able assist with issues to do with the pedestrian crossing in Tollgate Way just outside of the site.

Christian Wakelin, on behalf of Sainsbury's commented that the store had opened in 1988, employed 365 staff and had 41,000 customers a week. Sainsbury's had been part of the Town since 1975 and were committed to a Town Centre presence. This proposal represented an £18m investment and would create an extra 120 jobs. From their own customer research, 95% of people supported the expansion of the Weedon Road store. It needed to be updated to reflect Sainsbury's modern image and to increase the product ranges on offer. They had worked with WNDG on sustainability and a number of measures were included in their proposal; the proposal would increase energy consumption by 2%. If approved the work would commence in the Summer and the store would remain open during it. In answer to questions Mr Wakelin commented that the full time equivalent jobs were approximately 200 existing and approximately 50 extra; that the design was in keeping with the existing building and that the pallet of materials to be used was more sympathetic than shown in the drawings.

Richard Frudd, Agent for Sainsbury's, commented that their letter of 6th January 2011 set out in the Addendum was a response to the publication of the Committee's agenda. The recommendation in the report was welcome; it was the result of collaborative

negotiations. The expanded store would not affect the Town Centre; two independent consultants had agreed that there would be no adverse impact and that it would be unreasonable for the expansion footage to be disaggregated and provided on another site. Sainsbury's had agreed to keep their non-food offer lower than was now the norm. He believed that the application now passed the PPS 4 tests. The double height atrium was to allow access from the car deck to the store. In answer to questions Mr Frudd commented that Sainsbury's had considered a replacement store but considered that the Weedon Road Store was important to the west side of the Town, disaggregation had been considered but disregarded as described above; that in terms of comparison goods, white goods were unlikely to be included and he was confident that the trade diversion figures were robust; that the Town Centre Store performed well; and that the plans did take into account further provision for the disabled.

The Committee discussed the application.

RESOLVED: That WNDC be informed that although there were no objections raised to the principle of the expansion of the store given its substantially reduced floorspace as now proposed in the revised scheme and the proposals generally accorded with the tests set out in PPS4 Planning for Sustainable Economic Development, the Council raises a **HOLDING OBJECTION** unless and until:

- 1.1 WNDC are fully satisfied that such an oversized structure was not unsustainable, that adverse trade diversion from other centres did not occur resulting in a significantly adverse impact on town centre vitality and viability and town centre investment and that the overall bulk of the design and car decking was acceptable in this location.
- 1.2 WNDC should ensure that sales floorspace was restricted to the levels proposed in the submission and that the comparison goods offer did not exceed 25% of net sales floorspace. Comparison goods shall be defined as that set out in Appendix A of PPS4. Failure to secure this limitation through planning conditions or a Section 106 agreement would result in a strong objection from Northampton Borough Council.
- 1.3 WNDC should emphasise to Sainsbury's the importance of their presence in the Grosvenor Centre in Northampton town centre and seek methods to maintain their presence in the town.
- 1.4 WNDC be requested to explore with the County Council as transport authority, the applicant and their agents, the opportunity to divert the No 22 bus service to directly serve the store.

The meeting concluded at 21.11 hours.