

Addendum to Agenda Items Tuesday 18th October 2011

Items for Determination

ITEM 10a **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.

Members will recall that consideration of this application was deferred at your previous meeting on the 13th of September as follows:

“That consideration of the application be deferred for two months to allow further assessment of the additional information set out in the addendum” - (to that meeting on the 13th of September) “... 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”.

Following that deferral by this Committee and, as reported in paragraphs 1.1 and 1.2 of the main report, a meeting took place on Friday the 23rd September between the Borough Council's Planning Officers; officers of NCC's Highways Department; the Wootton and East Hunsbury Parish Council and Tesco's agents, including Tesco's own highways engineers. A number of minor changes were agreed during that meeting and those are now explained at paragraphs 9.48 and 9.49 of the main report.

Following that discussion, the Parish Council arranged a public meeting on the 12th of October to which the public including residents of Sandhurst Close and Falconer's Rise were invited. Although the minutes of that Parish Council have not been received at the time of writing this addendum on the 17th of October, the Parish Clerk has summarised the Parish Council's position as follows:

“At a meeting of Wootton and East Hunsbury Parish Council held on Wednesday 12 October the Parish Council voted unanimously to reject the current proposal from Tesco as overdevelopment on the site. The Parish Council also agreed to continue to support the specific concerns of residents. Resident's main areas of concern are:

- *That Clannell Road should not be used by commercial vehicles*
- *That access to the proposed new service yard for dot.com business should not be through Sandhurst Close*
- *The ongoing parking issues for the residents of Sandhurst Close.*
- *The proposed redevelopment of the entrance in Clannell Road including the introduction of traffic lights at this junction*
- *Litter in the immediate and surrounding area of the Tesco store”.*

A further minor change also arose from that public meeting of the PC in that an amended detail drawing of the boundary treatment to adjacent homes and gardens has been submitted by the applicants, to show the pre-existing boundary fence extended to enclose the full width of Number 11 Denston Close. (Drawing No ASP6: Revision B).

Since this Committee's meeting on the 13th of September, a number of further representations have also been received regarding this proposal as follows:

Legal & General Investment Management. (On behalf of Northampton Shopping Centre Partnership). *"We urge the Council to follow the independent recommendation set out in the AECOM Cumulative Impact Report (paragraph 63), that "permitting the Sainsbury's extension (as has been the case) and refusing the Tesco extension would result in the optimum balance between impacts".*

Local Residents. A total of eleven further letters have been received from local residents (some directly to your Chairman). Some of these correspondents have written earlier and were included in the report and addendum considered on the 13th of September. In fair summary, the points made in correspondence received or copied to Planning Officers since the 13th of September are as follows:

- The number of proposed car spaces would be inadequate.
- Would the enlargement of the "Tesco.com" operation amount to a material change of use? *(Note by NBC officers, no; the use would be entirely ancillary to the use of the main store within Use Class A1).* The Tesco.com operation is a distribution use and should not operate in a residential area.
- Would reduce the value of existing homes. Financial compensation should be paid to local residents, or a reduction in Council Tax.
- Overdevelopment of the site in a residential area.
- Involves the removal of existing trees. *(Note by NBC officers. A good deal of new tree and shrub planting is also proposed).*
- Would increase congestion on local roads.
- The proposed access via Sandhurst Road would increase danger to pedestrians, including school children and, increase noise and activity in proximity to the Hilldrop Road/Clannell Road junction. Should be located via the main entrance from Mereway.
- The proposed access via Sandhurst Road would exaggerate parking shortage for users of the Danes Camp Leisure Centre. Proposed parking controls on the lower section of Sandhurst Close would drive illicit on-street parking further into Sandhurst Close, Denston Close or other residential roads in proximity.
- The proposed access via Sandhurst Road is only brought about because of the wish to extend the store and thus do away with the internal service road behind homes and gardens in Sandhurst Road and Denston Close.
- Tesco's undertaking to fund parking controls on Sandhurst Close and erect signs pointing out the availability of free to use lawful parking for users of the Danes Camp Leisure Centre or school users within their own car park cannot be relied upon.
- The revised entrance from Clannell Road arises merely as a result of the proposed intensification of use.
- The pre-existing public entrance from Clannell Road should be closed as it is within a residential area and in proximity to a school.
- The area of public domain adjacent to the new store entrance would be too small and should be better designed.
- "Tesco is an arrogant and inconsiderate neighbour" (sic).

ITEM 10b
N/2011/0481

Demolition of existing outbuildings and erection of 11no. 1 and 2 bedroom flats in 2 and 3 storey building and 9no 2 storey houses together with new access road, parking and amenity space at Land rear of NBC Depot, Wheatfield Road South

Nothing to add

ITEM 10c
N/2011/0504

Demolition of existing school buildings and erection of 14 dwellinghouses and associated access road and car parking. (As amended by revised plans received 21/09/2011) at former St James C of E Lower School, Greenwood Road

Withdrawn from the agenda. Likely to be reported to the following meeting.

ITEM 10d
N/2011/0591

Retention of parking area (with new surfacing) and creation of lay-by and pedestrian walkways at Upton Hall, Upton Lane

Nothing to add

ITEM 10e
N/2011/0635

Installation of two storage tanks for contaminated water and processed oil at Duston Oils, 70 Port Road

Nothing to add

ITEM 10f
N/2011/0668

1no. non-illuminated fascia sign and 1no. illuminated hanging sign at 22 – 26 St Leonards Road

Nothing to add

ITEM 10g
N/2011/0674

Change of use from Community Centre (Use Class D1) into 1no dwellings (Use Class C3) including erection of first floor extension and new vehicular access road. (As amended by revised plans received 13th September 2011) at Islamic Pakistani Community Centre, 98A Colwyn Road.

Withdrawn by the applicant.

ITEM 10h
N/2011/0683

Change of use from dental surgery (Use Class D1) to betting office (Use Class A2) together with siting of air condenser units and satellite dish to rear at 22 – 26 St Leonards Road

Nothing to add

ITEM 10i
N/2011/0795

To tile two existing timber studwork walls at Ask Restaurant, 10 St Giles Square

The building is listed Grade II rather than Grade II* as stated in the report.

Applications For Consultation

ITEM 12a
N/2011/0882

Residential development consisting of approximately 1050 dwellings with employment area (B1 use), local centre, primary school, care home, open space and structural landscaping, highways and drainage infrastructure works and a park and ride scheme (retention of farm shop) (All matters reserved except for means of access) (in part) (resubmission). (Daventry District Council Consultation) at Buckton Field

The Borough Council has received 5No. representations to the above and following applications all of which outline objections to the above scheme. The objections have been noted, however, as a consultee and not the determining Authority, the objections have also been forwarded to Daventry District Council, in order that they may be considered directly in the determination of the above planning applications.

In summary, the objections relate to:

- The lack of adequate medical provision at both local Doctors surgeries and Northampton General Hospital.
- Parking difficulties at Kingsthorpe Shopping Centre.
- Traffic Congestion Problems at the Cock Hotel, Welford Road and Harborough Road Junctions.
- The questionable validity of the Park and Ride facility.
- The Park and Ride scheme attracting misuse, vandalism and fly tipping.
- High-level lighting associated with the Park and Ride site-causing nuisance to local residents.
- Rain water run off from the development site causing flooding in the river valley area.
- Adverse impact on wildlife (including endangered skylark nesting sites).
- Additional numbers of children will put pressure on local schools.
- Removal of common recreational ground.
- Loss of arable agricultural land.
- Increase in traffic.
- Strain on the existing community through traffic increase, pollution, flooding, schooling and medical facilities.
- Lack of a ring road at Kingsthorpe.
- Phasing of the care home, school, local employment units, local centre and

- park and ride.
- Concerns over air quality.
 - Quarry opposite is dangerous and hazardous.
 - North-west bypass should be constructed prior to the proposed development taking place.

In addition, the Borough Council has received a copy of a letter sent by Nene Flood Prevention Alliance to the Environment Agency. A copy of this letter and its supporting documents are attached.

ITEM 12b

N/2011/0883

Outline application for residential development consisting of up to 376 dwellings with primary school, open space, structural landscaping, highways and drainage infrastructure works (all matters reserved except means of access) (in part) (Amended Scheme). (Daventry District Council Consultation) at Buckton Field

See preceding Item.



Water Management Research

Environment Agency – Anglian Region,
Sarah Ward Principal Solicitor,
Kingfisher House,
Goldhay Way,
Orton Goldhay,
Peterborough,
PE2 5ZR

2, Westerdale,
Brampton Park,
Northampton,
NN2 8UP

My Ref: 11.10.13 WMR to EA
13th October 2011

Dear Madam,

Re: Statutory Duty of the Agency Section 6(4) Environment Act 1995
Planning Liaison Advice on the Flood Risk - River Nene Northampton

I have been commissioned by the Nene Flood Prevention Alliance to examine evidence with regard to the above and in particular that surrounding the design freeboard at Towcester Road and Bedford Road Bridges. Contracts were promoted and funded by Northampton Development Corporation to Northamptonshire County Council and Northampton Borough Council as their predecessor authority, authorising the necessary bridge development projects over the River Nene. At the time I was personally involved with the design and construction of works within the Town, both at the Borough and County Councils.

Background Towcester Road Bridge – Engineering Standards for Freeboard:

Construction drawings were approved in 1983 under the direction of Philip Andrews, as NCC Head of Structural Engineering, to accord with information provided by the Anglian Water Authority in 1982 for the bridge design water level. (58.4m AOD) I have rechecked the NDC design standard for their structures which at the time was based upon a 1 in 50 year flood event, with an overall flow for both channels of 170 cumecs. At present this has been adjusted to 163 cumecs for computer modelling. The County Council contract relied upon an associated drainage scheme for the bridge freeboard clearance which was agreed with Anglian Water in 1984, but this was subsequently not carried out by AWA, who claimed that the Retail Park developer had carried out the improvement works to the river channels. However this worked to a far higher water level, thereby removing the bridge freeboard. This claim misled the County Council for the flood risk and bridge safety

According to recent correspondence from Jim Marshall, (EA ASM Technical Specialist), the design water level (58.4m), was changed after the bridge construction to 59.7m AOD for a 1 in 50 year event. This was to facilitate a Retail Park development just upstream of the bridge. At Easter 1998, following the Retail Park development, the bridge was surcharging at a 75 year event by 600mm, according to, Nigel Pask as the Environment Agency Principal Engineer at the time.

The NCC Head of Structural Engineering at the time, (Philip Andrews), has recently confirmed to me that the bridge was designed to the figures given by the Anglian Water Authority in 1982. This information is confirmed within a letter from Alan Alcock, (AWA Principal Planning Liaison Officer), in June 1985 to the County Surveyor. At no time did AWA advise the County Council that the drainage design had been changed to the detriment of the freeboard standard for their bridge. It must be borne in mind that there is a minimum freeboard standard for bridges, specified within the "Design Manual for Roads & Bridges", of 600mm. The loss of this standard has increased the flood risk to this part of the Town and Mr Andrews has stated that no qualified engineer would design a bridge to the water level figures provided for the Retail Park, as this has caused default to the standard.

I refer to the Secretary of State Public Inquiry Report, dated 9th October 1984, which incorporated the County Council case for development which was subsequently approved:-

Item 3.45 "The alignment, elevation and structural features of the new road had been designed to minimise the effects of visual and environmental intrusion within the constraints of the current design standards, bridge clearances and river flood levels."

At no time has the River Authority advised the Departments of the Environment & Transport of the departure from the design standard approved by the Secretary of State after his Inspector's Report. The omissions by the Environment Agency and its predecessor River Authorities, has allowed a flood risk to go undetected by developing authorities, (e.g. NCC, NBC, WNDC, DDC), for purposes of Planning Liaison advice for the flood risk.

Cont.....

"Water Management Research"

Alan Hames C.Eng., MICE, MCIMT; David Shrewsbury FRICS

I refer to your publication after the 1998 Easter Floods, "**Strategic Review of Development and Flood Risk**" and your statutory duty to give advice on main river drainage, regarding flood risks from obstructions to flow, which may affect development proposals and flood defences. This document makes no mention of the default in the bridge freeboard standards at both Towcester Road and Bedford Road.

Bedford Road Bridge: (see attached photograph)

A photograph taken at this location for a flood event on 3rd January 2003 shows almost complete loss of the bridge freeboard standard, for a flow tested by the Environment Agency at only 60cumecs. Given that the Bedford Road Sluice immediately upstream of this bridge may have to be opened up to a flow of 170cumecs, raises concerns of a major obstruction to flow presented by this bridge. No advice has been given by the EA on this important matter for the safe discharge of flood water through the sluice system. There are also further implications for the flow velocity that is presently being employed within the EA computer models. I am surprised that Scott Wilson, as your consultant, has not mentioned this in their report?

As the duty for general supervision is concerned with flow in main river, I am concerned to find that both of the examples as presented show deficiency in the drainage system to maintain the NDC design freeboard engineering standards, which were funded by them in the 1970's and 1980's, to avoid obstruction to flow and surcharging.

Questions Arising:

1. Why has this matter not been addressed for past and present development proposals and Planning Liaison advices provided by the Environment Agency?
2. How does the Agency know that its advice is safe, if it has no strategic assessment of this flood risk?
3. Is Northampton a special case for the Agency's advice on freeboard standards?
4. Why have the Health & Safety Executive not been informed of the default in the freeboard standards for main river drainage and potential danger to public health and safety?

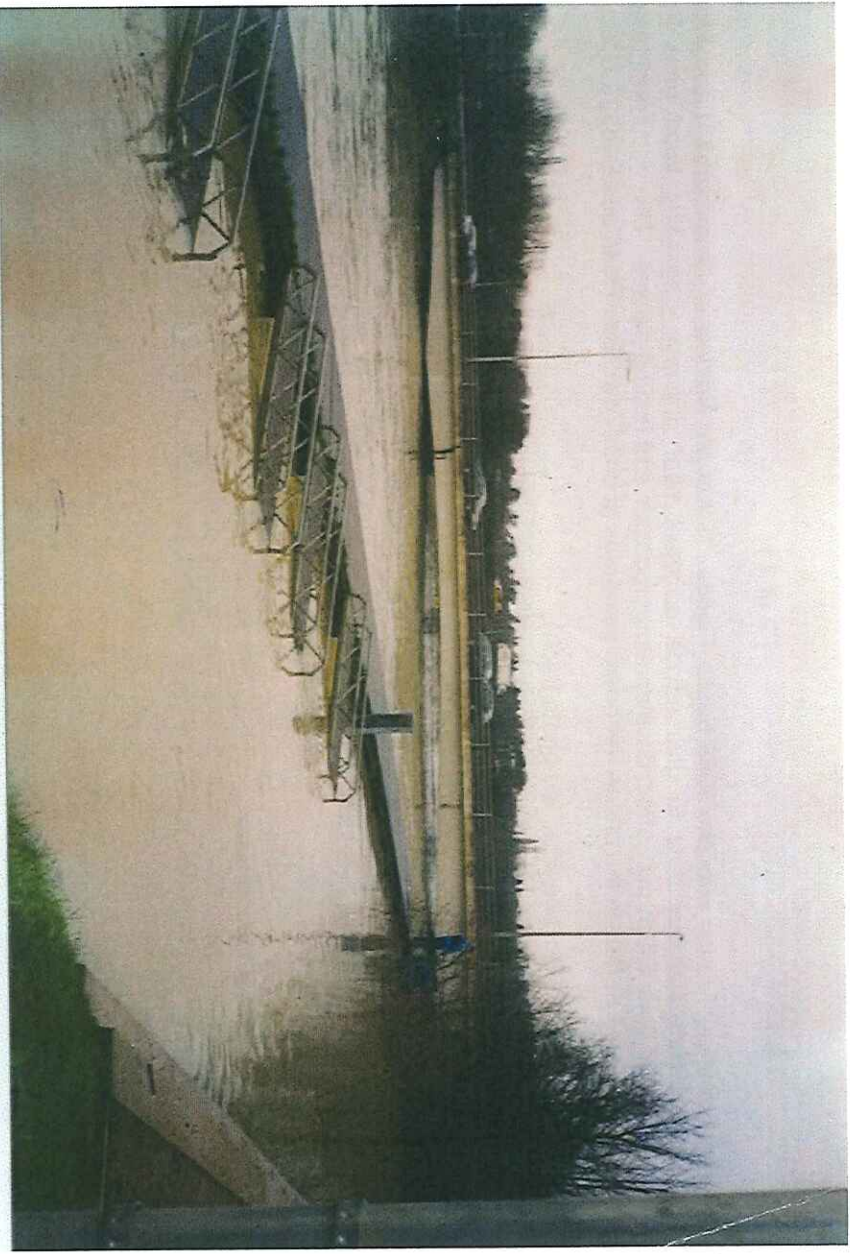
On behalf of the Nene Flood Prevention Alliance and other interested parties concerned with flood risk to their properties, I ask that you now carry out a Strategic Review of this matter and defer any advice to planning authorities until you have made good this omission involving your Statutory Duty. Please confirm the intended course of action at your earliest convenience.

Yours faithfully,



Alan E. Hames C.Eng.,MICE, MCIHT
Engineering Consultant
On behalf of Nene Flood Prevention Alliance

Cc: Paul Woodcock EA Regional Director, Andy Wilkinson EA Area Flood Risk Manager,
Robert Caudwell Chairman RFGC
Local Planning Authorities: NCC, NBC, DDC, WNDG,
NPPA Committee, Baroness Jill Knight, Eur Ing. Philip Andrews C.Eng., FICE
Michael Ellis MP, Andrea Leadson MP, Chris Heaton-Harris MP,
County Councillors Sally Beardsworth and Tony Clarke
Residents' Associations:
FOBA - Michael Stead, WASPRA - Angela Bartlett,
Kislingbury Action Group – Mike Green
Northants. Residents' Alliance – Roger Kingston
Solicitors Acting for Residents: Turner Coulston
Solicitors Acting for Insurers: Clyde & Co. & Colin Barber



**Bedford Road Bridge - Flood Event 3rd January 2003 at EA Tested Flow of 60cumecs
Shows loss of Required Bridge Freeboard**