

# **NORTHAMPTON BOROUGH COUNCIL**

## **PLANNING COMMITTEE**

**Tuesday, 15 November 2011**

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

### **1. APOLOGIES**

Apologies for absence were received from Councillor Lynch.

### **2. MINUTES**

The minutes of the meeting held on 18 October 2011 were agreed and signed by the Chair.

### **3. DEPUTATIONS / PUBLIC ADDRESSES**

**RESOLVED:** Messrs Davidson, Costello and Robeson, Mrs Gosling and Councillor Larratt be granted leave to address the Committee in respect of application no. N/2011/0323.

That Councillor Wire and Mr Croucher be granted leave to address the Committee in respect of application no. N/2011/0504.

That Mrs Biddle, Ms Wenham and Mr Ay be granted leave to address the Committee in respect of application no. N/2011/0928.

That Mr Rawlings be granted leave to address the Committee in respect of application no. N/2011/0865.

### **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 Golby declared a Personal and Prejudicial interest in Item 12a – Application for Consultation N/2011/0865 as a member of WNDC's Northampton Planning Committee.

Councillor Hallam declared a Personal non-prejudicial interest in Item 12a – Application for Consultation N/2011/0865 as a substitute member of WNDC’s Northampton Planning Committee.

**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 the List of Current Appeals and Inquiries and elaborated thereon. He referred to the appeal of application N/2011/0195 that had been allowed by a Planning Inspector. He also referred to the decision in respect of N/2011/0195, which had been dismissed. He reminded members of the Committee that this planning application had been refused by the Committee against the officers’ recommendation and encouraged members to review the Inspector’s decision. It was noted that since the report had been prepared the appeal, in respect of N/2011/0270 had been dismissed

**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-ENHANCEMENT OF MEREWAY CENTRE INCLUDING AN 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 SUPERSTORE HUNSBURY CENTRE, CLANNELL ROAD**

Councillor Oldham left the meeting in accordance with his declaration of interest given earlier in the meeting.

The Head of Planning submitted a report in respect of application number N/2011/0323, elaborated thereon and referred to the Addendum that included additional representations from objectors and should have included a reference to a representation from County Councillor Gonzalez de Savage. He reminded the Committee of the extensive discussions to date, the proposals, and what changes had been made, since the application had been refused at the Committee meeting

held on the 18<sup>th</sup> October 2011. It was noted that the Committee's previous concerns related to highways issues, especially traffic and pedestrian safety implications of the proposed change in vehicular access for Dot.com and the location and nature of an enlarged and traffic light controlled entrance to the Tesco Store from Clannell Road, both of which had been substantially revised by Tesco's.

Councillor Larratt, as Ward Councillor, commented that he was pleased Tesco's had made steps to improve the application. However, he confirmed that he was still concerned about litter and the landscape. He reported that the Highway Agency agreed that there was a need for a Section 106 agreement. He explained that his main concern was the revised access; especially the proximity to 28 Falconers Rise, which was already close to the highway. The problems would be further exacerbated by the installation of traffic lights and suggested that a roundabout or 'dog-leg' road be implemented and should the application be approved the Highway Authority be asked to consider this.

Mr Davidson, a resident of Falconers Rise, commented that he objected to the proposed installation of traffic lights and the location of the recycling facilities. Referring to other properties on Falconers Rise, he commented that the gardens of the properties acted as a buffer zone. However, his bungalow was directly opposite the proposed junction, which would be less than 2 metres from his bedroom window and the traffic lights within 1.5 metres. He commented that the location of the recycling centre was to allow for easy access of recycling vehicles to the M1 and he also expressed concern that the revised access would encourage rat running through the car park to / from the Mereway roundabout; the problem would only get worse and he requested that the exit be closed off completely.

Mr Costello reported that the position of Wootton and East Hunsbury Parish Council remained the same and they wanted the Committee to reject the application. He commented that the site had been described as a 'major development' and argued that as such, should not be developed further in a residential area. He noted that some of the amendments had gone some way to address the concerns of residents, but that they were not enough. He questioned the viability of the increase in floor space compared to the increase in actual retail space and asked the Committee to refuse the application.

Councillor Eldred, as Ward Councillor, commented that one of the main reasons for the application being refused last time was on the grounds of the anticipated increase in commercial vehicle movements in Sandhurst Close, this would still go ahead if the revised application was approved. He commented that there would be a large increase in traffic as it was suggested that there would be 137 extra deliveries per week and the close proximity to Danes Camp Leisure Centre posed an increase risk to children using these facilities. He further commented that not everyone had been informed of the 21-day consultation and thus some residents had not had enough time to look at the revised plans. The influx of extra traffic, the dangers that this posed to children and the original refusal, which related to concerns regarding Sandhurst Close, were further reasons for the Committee to again refuse the application.

Mr Robeson, the Agent on behalf of Tesco's, commented that should the junction on Clannell Road be moved further west, further advice would be needed from the

Highway Authority. Referring to the proposed yellow box in Clannell Road, Mr Robeson commented that this remained a possibility and funding would be made available for monitoring the need for it. He further commented that having a roundabout, instead of traffic lights at the junction with Falconers Rise would increase the potential for the road being used as a 'rat-run' and therefore would be less safe for pedestrians and residents. He noted that another consequence of the installation of a round-about would be the loss of approximately 100 metres of landscaping on the site, which would, once re-landscaped, take up to 10 years to re-grow. He commented that the access on to Sandhurst Close would not have a measurable impact and he further explained that the amendments made to the proposed application had been considered following dialogue with the local community.

In response to questions asked by the Committee, Mr Robeson explained that discussions and consultations with local residents had been ongoing for two years. He also stated that by relocating the dot.com business, as now proposed the landscaping could be reinforced adjacent to Sandhurst Close. Mr Robeson stated that if the Committee felt it necessary, a further condition to the application could be included to allow signage to be erected at Sandhurst Close, which would clarify the restricted vehicular access restrict access.

Mrs Gosling on behalf of Tesco's commented that the store was very busy and that the application was about increasing the service that it offered to its customers. She stated that it was a necessity to expand and they were committed to improving the local land and area and that Tesco's had spent over 2 years consulting with the community. In response to concerns previously expressed about litter, she stated that the manager of Tesco's had agreed to extend the area cleaned and inspected by Tesco's even though this was not a planning requirement. She explained the Tesco's were committed to investing over £1 million to the development and would sign legal agreements to this effect.

In response to questions, Mrs Gosling explained that the application was about providing a better service to customers due to overtrading and therefore there was a simply a question of expansion. In relation to the recycling vehicle access, she explained that there were two accesses that could adequately be used.

The Head of Planning referred to the photograph of Mr Davidson's bungalow and whilst expression sympathy for him, explained that it was not unusual to have traffic lights so close to a house. He commented that members might wish to consider conditions over and above those already recommended.

The Committee discussed the application.

**RESOLVED:** That the application be approved for the reason set out below, subject to the conditions set out in the appendix to the report and any additional conditions considered necessary by the Head of Planning in liaison with the Chair of Planning Committee and, with an informative note regarding the applicant's duties under the Wildlife and Countryside Act; subject to prior completion of planning obligations on terms acceptable to the Council's Head of Planning and the Borough Solicitor within three calendar months of the

resolution to so grant conditional planning permission. In brief, the relevant planning obligations should address:

- a) Notwithstanding the proposed internal floor uses indicated on submitted drawings; the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) and the Town and Country Planning (Use Classes) Order 1987 (as amended) or, any future enactments to similar effect, the net retail sales area within the proposed major store as proposed to be enlarged shall at no time exceed 7,894 sq metres. In addition, the net retail sales area used for the display and sale of all goods other than “convenience goods” shall at no time exceed 3,470 sq metres.
- b) Prior to the new element of the enlarged building being brought into use, an agreed payment for the enhancement of cycle routes which link the Tesco Mereway store to other destinations within 1.7 kilometres of the application site. And,
- c) Prior to the bringing into use of the new road access from Sandhurst Close being brought into use, an agreed payment to Northampton County Council to be used to enact and implement measures to prevent future on-street parking congestion on Sandhurst Close and, the installation of a suitably located pedestrian crossing. And,
- d) Prior to the new element of the enlarged building being brought into use, the Applicant shall make a payment to Northampton CC for the better provision of public bus services to and from the Development. Such services to be as considered appropriate by NCC. And,
- e) Prior to the new element of the enlarged building being brought into use, an agreed and scaled payment will be made towards local fire and rescue service infrastructure costs to reflect the net additional floor space proposed. And,
- f) With effect from the date of the relevant planning permission, Tesco shall use reasonable endeavours to establish and facilitate a landowners’ and operators (including bus operators) forum (“The Mereway Forum”). That Forum will drive forward initiatives to better use existing and improved facilities. Membership of the Forum should be limited to owners and operators within Mereway as defined above. The public and other relevant parties may, as appropriate, be invited to its meetings. The Forum will liaise with and consult with statutory and other stakeholders (for example the Borough Council, the County Council, the West Northamptonshire Development Corporation and Parish Councils on matters that involve their roles and functions as those relate to Mereway Forum). The Forum would expect to be consulted by those bodies on initiatives being brought forward that directly or indirectly affect the operation of the Mereway Forum and its constituent operators. Tesco will fund and facilitate meetings for a

period of no less than five years; providing meeting accommodation and a secretariat, using all reasonable endeavours to ensure that the future Mereway Forum meet not less than three times a year. And,

g) Prior to occupation of the enlarged development as hereby permitted, Tesco shall prepare and submit to Northampton Borough Council, the Wootton and East Hunsbury Parish Council and the future Mereway Forum, a written Method Statement describing management measures, waste bins and other measures which shall be implemented to routinely and frequently cleanse and remove litter and detritus from the exterior of the application site and its wider environs (including the car park, peripheral landscaped areas and nearby pedestrian routes). And,

h) From the commencement of new development Tesco shall fund, manage and proactively implement measures described in the "Green Travel Plan" submitted with the planning application. And,

i) Tesco will facilitate the use and availability of their car park for visitors to other uses within the Mereway Centre for a period of up to three hours without charge and, prominent signage shall be erected throughout that car park and fronting Sandhurst Close to make this off-street parking facility apparent to the public, including those attending the Dane's Camp Leisure Centre and the Simon de Senlis Primary School. And

j) Prior to the new element of the enlarged building being brought into use, an agreed payment for improved pedestrian crossing facilities north of the Mereway underpass – subject to design criteria in compliance with DfT Local Note 1.95.

**For the reason that:**

The site is within an existing centre identified in Northampton Local Plan and therefore a sequential assessment under PPS4 is not required. The proposal would have a negative impact on Northampton town centre; however this would not be significant and would be outweighed by the benefit of introducing control over the level of comparison floorspace in the enlarged store. Given the location, scale and nature of the development, combined with mitigation secured via legal agreement and conditions, the proposed development would not adversely affect highway safety, the free flow of traffic or residential amenity, would promote the use of alternative modes of transport and improve energy efficiency / carbon emissions of the store. The proposal therefore accords with Policies 1, 2, 3, MKSM SRS Northamptonshire 2 and MKSM SRS Northamptonshire 3 of the East Midlands Regional Plan and Policies E20, E19, E40 and T12 of the Northampton Local Plan and the aims and objectives of national planning policy, notably PPS1, PPS4, PPG13 and PPS24.

**OR**, if planning permission is not granted in the above terms within three calendar months, REFUSE PLANNING PERMISSION on the grounds that the applicant has not secured adequate mitigation through the Sec 106 for appropriate reasons, the framing of which is hereby delegated to the Council's Head of Planning.

Councillor Oldham rejoined the meeting.

**(B) 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**

The Head of Planning submitted a report in respect of application number N/2011/0504 elaborated thereon and referred to the Addendum and the comments of the Highway Authority including an additional requested condition re the highway layout. The layout of the car park would be reconsidered by the application of the Highway Authority. He commented that the application was for 14 houses, located on land next to St James Church which is a former school site, fronting onto Greenwood Road. Each property would have its own rear private garden and there would be on-site parking for 16 cars. He commented that there were no planning reasons to prevent the development.

Councillor Wire, as Ward Councillor, referred to a number of concerns raised by local residents, notably that a small part of the area had been earmarked for Community use. He stated that there had already been a loss of heritage to the St James' area and commented that it would be aesthetically more pleasing if some of the original features were to be maintained and requested that consideration be given to the inclusion of the use of school frontage be a condition placed on the application. He commented that the current site was in a state of disrepair but hoped that consideration be given to the heritage and history of the St James' area.

Mr Croucher, on behalf of St James Residents Association, commented that St James had lost a lot of its heritage and would like to see the preservation of as much of the fabric of the building as possible. He also reported that there was an area of curtilage, which was listed as being part of the church, and was owned by the Diocese of Peterborough. He also expressed concern about the parking problems currently experienced and stated that this would be further exacerbated by the new development.

The Head of Planning commented that the building was not listed in its own right nor curtilage listed for the reasons set out in the report and thus an application for Listed Building Consent would not be required. Therefore this was not a ground for rejecting this application for conversion into flats. He added in respect of the building referred to by Cllr Wire that there had been pre-application decisions about the potential use of this building for community purposes but that it did not form part of the current planning application and was not within the application site.

The Committee discussed the application.

**RESOLVED:** 1. That the application be approved in principle subject to the prior completion of a S106 legal agreement and conditions set out in the report as the proposal would represent the affective reuse of previously developed land and would not unduly impact upon the amenities of surrounding occupiers. As a result of this, the proposal complies with the requirements of PPS1, PPS3, PPS5, PPS23, PPS25, PPG13 and PPG24 and Local Plan Policies E20, E40 and H6

The S106 agreement shall secure a payment to fund the provision of primary school education within the vicinity in order to meet the future needs of occupiers of the proposed development.

2. That in the event that the S106 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 on account of the necessary mitigation measures not being secured in order to make the proposed development acceptable.
3. That delegation be given to the Head of Planning to revise the conditions with regards to the use of bricks from the former site and the erection of a plaque to mark the heritage of the school and to secure further control over the highway layout.

**(C) N/2011/0928 CHANGE OF USE OF PART OF GROUND FLOOR FROM RETAIL (USE CLASS A1) TO RESTAURANT (USE CLASS A3) INCLUDING ALTERATIONS TO SHOP FRONT AND CONVERSION OF UPPER FLOOR INTO FIVE RESIDENTIAL FLATS (1X 2 BED AND 4 X 1 BED). RE-SUBMISSION OF APPLICATION N/2011/0791 AT CHURCH CHINA, 44-54 ST GILES STREET**

The Head of Planning submitted a report in respect of application number N/2011/0928 and elaborated thereon. He commented that the application sought permission to convert part of the ground floor of the building to a restaurant unit – the upper floor would consist of five flats.

Mrs Biddle, on behalf of the Town Centre Conservation Advisory Committee, commented that the property was a large retail shop, which was included in the Central Area Action Plan (CAAP). She expressed her concerns about the non-retail use of the shop and the adverse impact that it would have on the conservation area. She stated that she objected to what she considered the over-development of the site and suggested that five flats were too many for the locality.

Ms Wenham commented that St Giles was a great street and that the loss of 'Churches' china had impacted on the area with a decrease in footfall. She commented that as a result of the proposed application, should it be approved, one retailer had stated that they would close. She stated that the proposed changes would have a detrimental affect on the Street and that the Council should be encouraging people to shop there and therefore not allow the application.



Mr Ay, the applicant, commented that the property had been empty for almost three years and over that time, the Council had lost considerable rental income from the property. He stated that there were an increasing number of empty shops and that St Giles Street was not as active as the high street and that the application had respectfully taken in account the requirements of the Derngate Conservation Area.

The Committee discussed the application.

**RESOLVED:** That the application be refused for the following reason: The proposed change of use of the ground floor of the application premises from shop (Class A1) to restaurant (Class A3) would harmfully affect the character and appearance of the Derngate Conservation Area contrary to Policy E26 of the Northampton Local Plan and the aims and objectives of PPS5.

## **11. ENFORCEMENT MATTERS**

None.

## **12. APPLICATIONS FOR CONSULTATION**

### **(A) N/2011/0865 OUTLINE APPLICATION FOR A WAREHOUSE AND DISTRIBUTION DEVELOPMENT WITH ASSOCIATED INFRASTRUCTURE AND LANDSCAPING. ALL MATTERS RESERVED EXCEPT ACCESS. (WNDC CONSULTATION) AT THE CATTLEMARKET, LILIPUT ROAD**

Councillor Golby left the meeting in accordance with his declaration of interest recorded above.

The Head of Planning submitted a report in respect of application number N/2011/0865 and elaborated thereon and referred to the Addendum and commented that the proposal for two units were deemed too much of an encroachment on the green space area and provide an appropriate response to this sensitive gateway location adjacent to the open countryside in terms of siting, mass and general design / appearance, and should therefore be rejected. However, he further commented that the second recommendation as stated in the report, provided a positive way forward.

Mr Rawlings, the agent, commented that the application was a £25 million investment of both regional and national significance. The draft National Planning Policy Framework encouraged the planning system to be less complex and more accessible, and to promote sustainable growth and therefore the application should be considered on its merits. He stated that the benefits that the application, if approved, would consist of an increase in employment, investment, trade and an additional spend to the Northampton economy. In response to a questions, Mr Rawlings explained that he was conscious that the area of development was a 'gateway' approach to Northampton and that many of the suggestion made by NBC had already been discussed; it was a document subject to ongoing work.

The Head of Planning confirmed that Mr Rawlings had been pro-active with regards to engaging with the Council in that a meeting had already been arranged for the following week between officers of the Borough Council WNDC and representatives of the applicant.

The Committee discussed the application.

**RESOLVED:** That WNDC be informed that the Council objects to the application in its current form for the following reasons:

- Having regard to the details submitted it is apparent that the applicant has aspirations for a large scale form of development that encroaches into designated Greenspace and would conflict with development policies, notably E1, E14 and E6 of the Northampton Local Plan.
- Although there would be economic development benefits to be gained from the proposed development it is unlikely that these would outweigh the apparent Policy conflicts.

And requests that WNDC work with the applicant and NBC officers to identify an indicative form of the development that would clearly comply with the prevailing policies. The indicative proposals must pay due regard to the requirements of the Development Plan notably Local Plan Policies E1, E6, E14 and D1 as well as Policy B8. To this end it is recommended that revisions to the proposal be sought to:

- Limit the scale of floor space.
- Secure elevations / built form appropriate to this prominent entrance to the town in accordance with the objectives of Policy E14 of the Northampton Local Plan.
- Secure a reduction in the visual scale of the development generally and specifically by not encroaching into the Greenspace designation and its visual impacts upon adjacent open countryside and, at a greater distance, impacts upon the character and appearance of the Great Houghton Conservation Area.

The meeting concluded at 20.52