

NORTHAMPTON BOROUGH COUNCIL

PLANNING COMMITTEE

Tuesday, 30 October 2012

PRESENT: Councillor Flavell (Chair); Councillor Golby (Deputy Chair);
Councillors Aziz, Davies, Hibbert, Meredith, Oldham and Palethorpe

1. APOLOGIES

Apologies for absence were received from Councillors Hallam, Lane, Lynch and Mason.

2. MINUTES

The minutes of the meeting held on 2 October 2012 were agreed and signed by the Chair.

3. DEPUTATIONS / PUBLIC ADDRESSES

RESOLVED: That Messrs N Parekh, M Parekh, Pearson and Vening and Councillor Malpas be granted leave to address the Committee in respect of application N/2012/0923.

4. DECLARATIONS OF INTEREST/PREDETERMINATION

Councillor Palethorpe declared a Personal interest in item 7(A), application no LA/2010/007 as being a Ward Councillor.

Councillor Palethorpe declared a Personal interest in item 10(A), application no N/2012/0923 as being a Ward Councillor.

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 reported that the Appeal in respect of application no. N/2012/0318 had been dismissed.

RESOLVED: That the report be noted.

7. OTHER REPORTS

(A) LA/2010/0007- VARIATION OF SECTION 106 LA/2010/0007 TO VARY THE TIMING AND EXTENT OF OBLIGATIONS AT FORMER PEARCE LEATHER WORKS, FISHPONDS ROAD

The Head of Planning submitted a report in respect of application no. LA/2010/007 and elaborated thereon.

The Committee discussed the application.

RESOLVED: That the variation to the Section 106 Agreement as detailed in the report be approved.

8. NORTHAMPTONSHIRE COUNTY COUNCIL APPLICATIONS

None.

9. NORTHAMPTON BOROUGH COUNCIL APPLICATIONS

None.

10. ITEMS FOR DETERMINATION

(A) N/2012/0923- VARIATION OF CONDITION 2 OF PLANNING PERMISSION 10/0075/WNN TO REVISE THE POSITION FOR PRIVATE DRIVE ONTO NEW ESTATE ROAD AT WILD ACRES, WELLINGBOROUGH ROAD

The Head of Planning submitted a report in respect of application no. N/2012/0923 and referred to the addendum that set out an objection from the occupier of "Marazian" and the response thereto, an objection from the occupier of "Shalimar", letter from Shoosmiths solicitors dated 30 October 2012 and e-mail from Wilbraham Associates Limited dated 30 October 2012. He referred to the planning history of the site as set out in the report and noted that in proposing a realignment of the access to the three existing southern properties, the applicant had demonstrated how large vehicles would be able to negotiate the access. The Highway Authority had raised no objection to the proposal. The Highway Authority had also considered the contrary advice put forward by the objectors advisors (annexed to the Addendum as above) but were not minded to change their original assessment of the proposal. In respect of the letter submitted by Shoosmiths (and referred to above), the Head of Planning noted that a site visit had taken place the previous day and that the letter had been put before the Committee as an annex to the Addendum due to the timing of its receipt in relation to the preparation of the Addendum.

Mr N Parekh, Councillor for Sunnyside but speaking in a private capacity, stated that he opposed the proposal. He lived at "Shalimar" and stated that there had not been any consultation by Taylor Wimpey. He believed that the current situation had arisen from a dispute between Taylor Wimpey and the resident of "Marazian". He had raised with the Planning Officers on several occasions that the original planning permission had not been complied with and had asked that enforcement action take place. He was horrified that that a big company appeared to be "getting away with it". Mr Parekh believed that the new proposal would not be as safe for vehicles as the original; and that Taylor Wimpey should provide something that was safe. He did not consider that the current temporary arrangements were fair; he currently had to get

passengers to get into his car where the access joined Apple Blossom Crescent. In answer to questions, Mr Parekh commented that refuse vehicles were the usual other users of the access road other than residents own vehicles; that the existing temporary access was not safe; that the mud on the road seen on the site visit had been deposited by delivery vehicles to the Wild Acres development site and that refuse vehicles would use the same route.

Mr M Parekh, stated that he was the owner of "Shalimar" and commented that he had started his own works to his property in March and since then it had been difficult for vehicles to deliver to it via the temporary access. There had been small issues of traffic conflict and hoped that it would not take a major one before a solution was reached. He commented that the proposal would put the path closer to the Wellingborough Road and believed that this would be dangerous and should have been thought of previously. In answer to questions Mr Parekh commented that his preference would be for Taylor Wimpey to provide what had been previously agreed and that there was mud on the road because large vehicles had to swing round wide to negotiate the corner of Apple Blossom Crescent and the Wellingborough Road.

Councillor Malpas as a Ward Councillor commented that two wrongs did not make a right. The Applicant was in breach of the original planning permission but no enforcement action had been taken. From his own experience of serving on the Committee he knew that that Highway Authority advice had been questioned in the past and reminded the Committee of the large vehicle turning into Apple Blossom Crescent that had been witnessed during the site visit the previous day. The proposed access from the service road onto Apple Blossom Crescent would only be 16 metres from the Wellingborough Road. He observed that traffic moved along the Wellingborough Road quicker than it had in 1999, when the original planning permission had been granted. He also noted that the report stated that there would be a neutral effect on the existing oak tree but he considered that it might need to be removed.

Mr Pearson, the Technical Manager for Taylor Wimpey East Midlands commented that they believed that the access to the service road had been discharged in accordance with the original planning permission but that its effect had been frustrated by the owner of "Marazian" erecting a fence and thereby partially blocking the access. This was a commercial situation for Taylor Wimpey to resolve but should not be part of the Committee's consideration. The existing temporary access arrangements were what they were but had led to the current application. He believed that the new arrangement would be better than the original; the safety assessment confirmed this and had been accepted by the Highway Authority. There would be a low number of traffic movements to the three properties affected and Mr Pearson believed that it was acceptable and would resolve the neighbours issues. If the Committee were minded to approve the application it would be implemented immediately. In answer to questions Mr Pearson commented that the Council's arboricultural officer was happy that no damage to the oak tree or its roots would take place but would be happy to accept a condition that the access be constructed in such a way as not to damage the tree and its roots; that history of the Wild Acres development was over ten years and confirmed that the owner of "Marazian" had erected the fence once they had started work on it and believed that this proposal would resolve that situation; that he personally only became aware of the situation once work started on the development earlier in the year; confirmed that Taylor

Wimpey believed that the original condition concerning access had been discharged but that it had been frustrated by the owner of “Marazian” and disagreed with the report that it had not been complied with; and confirmed that he believed that the proposal would give the neighbours what they wanted i.e., a simple, straight, safe access road.

Mr Vening, a chartered engineer for Taylor Wimpey commented that they had produced the drawing displayed earlier to the meeting showing how large vehicles would manoeuvre from the Wellingborough Road into Apple Blossom Crescent and into the service road. He noted that the arrangements seen by the Committee at the site visit were the temporary ones. He commented that in drawing up the current proposal the latest guidelines had been used and these included taking into account visibility and manoeuvrability of large vehicles. They had also taken into account personal injury accidents on that stretch of the Wellingborough Road over the last five years: there had been none. The safety audit had confirmed that the straighter access was safer and the Highway Authority had agreed with this. He hoped the Committee would approve the application. In answer to questions Mr Vening commented that the new access would be 4 metres closer to the Wellingborough Road than the original proposal and that this had been considered as part of the assessment of risk; that the original scheme in 1999 had been based on a 1997 NBC policy concerning standards of access for up to four properties but that this had not been a saved policy after 2007: and that the safety assessment had not made any recommendations but had made a comment about gullies that would need moving.

The Head of Planning noted that the current temporary access arrangements did not form part of application before the Committee; confirmed that the safety of the proposal had been assessed and that the Highway Authority were content with it; observed that articulated vehicles as commented on by Councillor Malpas, were typically 16.5 metres in length, refuse vehicles were typically 10 metres long; the vehicles connected with the development of Wild Acres should be discounted; the trees adjacent to the Wellingborough Road were protected and that the Council’s Arboricultural Officer was content about the impact of the proposal; that former Policy H12 as referred to by Mr Vening was not a saved policy and could not be taken into account; current national advice should be considered and more weight given to more contemporary documents. In answer to questions the Head of Planning commented that they had been aware that Taylor Wimpey were in breach of Condition 2 of the 1999 planning permission and had taken steps to resolve the situation, had taken legal advice and held discussions with the developer which had led to the current application; and reminded the Committee that they needed to consider the current application and not issues that were not relevant to it.

The Committee discussed the application.

RESOLVED: That the application be approved subject to the conditions set out in the report as the proposed revision would have a neutral impact upon highway safety, visual amenity and the surrounding trees. The proposal was therefore in accordance with the requirements of the National Planning Policy Framework and Local Plan Policies E11 and E20.

11. ENFORCEMENT MATTERS

None.

12. ITEMS FOR CONSULTATION

None.

The meeting concluded at 7:10 pm