

**NORTHAMPTON BOROUGH COUNCIL**

**PLANNING COMMITTEE**

**Tuesday, 10 November 2015**

**PRESENT:** Councillor Oldham (Chair); Councillor Lynch (Deputy Chair);  
Councillors Aziz, Davenport, Golby, Hill, Lane, Larratt, McCutcheon  
and Meredith

**OFFICERS:** Steven Boyes (Director of Regeneration, Enterprise and Planning)  
David Hackforth (Interim Head of Planning), David Rowen,  
(Development Management Team Leader) Andrew Holden, (Principal  
Planning Officer), Theresa Boyd, (Solicitor), Francis Fernandes  
(Borough Secretary) Heather Sargent (Junior Counsel – Landmark  
Chambers)

**1. APOLOGIES**

Apologies for absence were received from Councillor Birch, Lynch and Haque.

**2. DEPUTATIONS / PUBLIC ADDRESSES**

**RESOLVED:** That under the following items the members of the public listed below  
be granted leave to address the Committee:

**N/2013/1035 & N/2013/1063:**

Mr Malcolm Bruce  
Mr Murray Croft  
Mr Nigel Maple-Toft  
Mr Rod Sellers  
Dr Chris Leads  
Mr Robert Boulter  
County Councillor Gonzalez de Savage.

**3. DECLARATIONS OF INTEREST/PREDETERMINATION**

There were none.

**4. MATTERS OF URGENCY WHICH BY REASON OF SPECIAL  
CIRCUMSTANCES THE CHAIR IS OF THE OPINION SHOULD BE  
CONSIDERED**

There were none.

**5. N/2013/1035: OUTLINE APPLICATION FOR THE NORTHAMPTON SOUTH  
SUSTAINABLE URBAN EXTENSION TO COMPRISE UP TO 1000  
DWELLINGS & N/2013/1063: FULL APPLICATION FOR 378 DWELLINGS  
SERVED BY A NEW ACCESS FROM WINDINGBROOK LANE, AND THE**

## **RE-CONFIGURATION OF PART OF THE COLLINGTREE PARK GOLF COURSE**

The Interim Head of Planning submitted a report and elaborated thereon. He explained that the purpose of this report was to advise Members further on the background to the decision to withdraw reasons 2 and 3 from the Council's case at the forthcoming public inquiry into the Collingtree appeal.

It was noted that no decision was being sought by the Committee as the report was for noting. He reminded the Committee that reason 2 was:

*“The highway mitigation measures proposed fail to demonstrate that this major development would not have a residual cumulative impact on the A45 trunk road and associated junctions including local highway network such that the cumulative impacts of the development would be severe. These adverse highway impacts would lead to a detrimental impact on the wider Northampton highway network thereby adversely affecting the prospects for economic growth and regeneration in Northampton. The proposed development would therefore be contrary to the objectives of the National Planning Policy Framework and Policy C2 of the West Northamptonshire Joint Core Strategy”.*

Reason 3 was:

*“The proposed development would introduce unacceptable impact on residential and general amenity due to the increase in traffic on the local highway network contrary to the objectives of the National Planning Policy Framework and Policy S10 of the West Northamptonshire Joint Core Strategy”.*

The Council had engaged leading Counsel and a team of independent consultants to defend the refusal of planning permission and to act as expert witnesses at the inquiry. Neither Northamptonshire County Council as Highway Authority nor Highways England (formerly the Highways Agency) responsible for trunk roads had objected to the planning application. It was therefore essential that the Council be able to field professionally qualified witnesses who were willing and able to present technical evidence to the inquiry. For Highways and Traffic evidence the Council engaged John Birch of the Glanville Group, the same consultant who appeared for the Council at the earlier Hardington appeal inquiry. For noise issues, it was noted that they had engaged Mike Brownstone of Resound Acoustics, a qualified and very experienced Acoustic Engineer.

Consistent with the inquiry rules and appeal best practice, the Council's consultants had contacted the appellant's team to identify areas of common ground and where possible, to resolve issues by further work. Shortly before the date set by the Planning Inspectorate for two sides to submit their Statements of Case, the appellant's highways consultants, PBA sent a significant amount of additional traffic data to our consultant team. On the basis of this additional information and further traffic modelling by our team the Council's highway and noise consultants concluded that they could no longer sustain a case based on the impact of the development on the local highway network as referred to in reasons 2 and 3 of the decision notice. Consequently, neither expert would be able to produce a Proof of Evidence in support of those two reasons for refusal or give evidence at the public inquiry.

Given these circumstances, the Council's QC advised in a written Opinion that the best outcome for the Council would be to withdraw reasons 2 and 3 while avoiding paying consequential legal costs to the appellant. The Council's best chance of achieving that outcome was to approach the appellant as soon as possible. Given the urgency of the matter and the risk of a potential award of costs against the Council, the Borough Secretary and Monitoring Officer exercised a delegation to protect the Council's position by withdrawing those reasons for refusal.

The appellant confirmed in writing that, if reasons 2 and 3 were withdrawn, it would not seek consequential costs. Officers then wrote to the Planning Inspectorate informing it of the withdrawal of reasons 2 and 3..

Urgent action had been required, firstly because the Council had to submit its Statement of Case to meet the strict Appeal timetable Inspectorate and secondly because the appellant had set a deadline in its agreement not to pursue costs in respect of reasons 2 and 3. It was therefore not possible to report the matter for a decision by the Planning Committee as the first available meeting was after the deadlines referred to above. The matter could not have been reported to an earlier meeting because the new information had not been provided by the appellant.

It was noted that the appeal team would continue to defend the two remaining reasons for refusal (in relation to noise and heritage matters) and would present the Council's case at the public inquiry due to begin on 1st December.

Mr Malcolm Brice, as Chairman of Collingtree Parish Council, addressed the Committee and spoke against the withdrawal of the reasons as set out in the report.

Mr Murray Croft, as a member of Collingtree Park Residents Alliance, addressed the Committee and spoke against the withdrawal of the reasons as set out in the report.

Mr Nigel Maple-Toft, as a member of Collingtree Park Residents Alliance, addressed the Committee and spoke against the withdrawal of the reasons as set out in the report.

Mr Roger Sellers, as a member of Hunsbury & Collingtree Residents Alliance, addressed the Committee and spoke against the withdrawal of the reasons as set out in the report.

Dr Chris Leads, as a member of Wootton Brook Action Group, addressed the Committee and spoke against the withdrawal of the reasons as set out in the report.

Mr Robert Boulter, as a member of Hunsbury and Collingtree Residents Alliance, addressed the Committee and spoke against the withdrawal of the reasons as set out in the report.

In response to questions asked by the Chair, the Junior Counsel from Landmark Chambers, the legal representative for the Council at the forthcoming public inquiry, stated that the removal of the reasons would avoid the Council and the appellant incurring costs, through the appeals process. She confirmed that the remaining reasons were considered defensible.

County Councillor Gonzalez de Savage, spoke as the Ward Councillor for East Hunsbury and as the Cabinet Member for Strategic Infrastructure, Economic Growth and Public Protection and commented that the Highways Agency could only comment on the legal position.

The Borough Secretary responded to questions by commenting that the withdrawal of the two reasons for refusal could potentially avoid liability for costs of approximately £200,000.

Members discussed the report.

**RESOLVED:**

That Members **noted** the withdrawal of the following reasons for refusal for both applications N/2013/1035 and N/2013/1063:

(2) The highway mitigation measures proposed fail to demonstrate that this major development would not have a residual cumulative impact on the A45 trunk road and associated junctions including local highway network such that the cumulative impacts of the development would be severe. These adverse highway impacts would lead to a detrimental impact on the wider Northampton highway network thereby adversely affecting the prospects for economic growth and regeneration in Northampton. The proposed development would therefore be contrary to the policies of the National Planning Policy Framework and Policies C2, INF1, INF2, N1 and N5 of the West Northamptonshire Joint Core Strategy.

(3) The proposed development would introduce unacceptable impact on residential and general amenity due to the increase in traffic on the local highway network contrary to the policies of the National Planning Policy Framework and Policies S10 and BN9 of the West Northamptonshire Joint Core Strategy.

Members also **AGREED** to withdraw from the Growth Management Strategy and urged Northamptonshire County Council to do the same.

The meeting concluded at 7.37pm