



Northampton UDA Planning Committee Minutes

9th March 2011

Committee Members present:

Councillor Chris Millar (CM)

– Chair

John Weir (JW)

Councillor Richard Church
(RC)

Councillor Joy Capstick (JC)

Councillor Penny Flavell (PF)

Councillor Brian Markham
(BM)

In attendance:

Adrian Arnold (AA) – Director
of Planning Services

Eric Owens (EO) – Development
Team Manager

Matthew Collerson (MC) –
Principal Development
Manager

Suzanne Holmes (SH) -
Committee Secretary

Ben Thornely (BT) Environment
Agency

Rhiannon Swindale (RS)
Environment Agency

This Public meeting was held on

9th March 2011

In

Court Room,
Guildhall,
St Giles Street,
Northampton
NN1

Reference	Minutes	Action
	The Chair opened the meeting at 6pm	
Item 1	<u>Item 1: Apologies</u> Nick Thompson Cllr Dennis Meredith	
Item 2	<u>Item 2: Declaration of interests</u> No members declared any interests	
Item 3	<u>Item 3: Minutes of the meeting held on 25th January 2011</u> 3.1 IT WAS AGREED: That the minutes of the meeting held on 25 th January 2011, were a true and accurate record.	
Item 4	<u>Item 4: Land off Banbury Lane, Pineham</u> Applicant: David Wilson Homes Application No: 10/0188/FULWNN Description: Erection of 176 Dwellings, Roads and Sewers and associated Open Space Address: Land off Banbury Lane Pineham Northampton Northamptonshire Ward: West Hunsbury 4.1 EO presented the update report and ran through the various points and conditions contained therein (Update report attached as Appendix A). 4.2 Geoff Wagg spoke Against the application as Chairman of Banbury Lane Residents Association and raised the following points: <ul style="list-style-type: none"> • Flooding of St James and Far Cotton from 1998 • Swan Valley development flooded at Upton Mill 	Eric Owens

	<ul style="list-style-type: none"> • Wootton Brook has not been looked at for protection against flooding • Where will the water flow into? Wootton Brook? • Residents have a concern about the development and further flooding • Increase in population will increase the volume of water and there are no flood defences on the site <p>4.3 RS from the Environment Agency answered GW concerns as follows:</p> <ul style="list-style-type: none"> • A Flood Risk Assessment has been done. This has looked at Wootton Brook and assessed impact through a 1 in 200 year with climate change assessment. • No development is proposed within the flood plain on site • Balancing ponds will be put on site to discharge the water and mentioned that the wider catchment area has been earmarked since the late 1980's to accommodate the proposed development. There is no increase to flood risk from the development. • Duston reservoir will be used for additional water storage • Upton Mill works part of the Upton attenuation scheme and reduces flood levels of Northampton by one third and there will be defences around the Mill to help with the flow of water further down stream <p>4.4 GW said that there were further concerns on the flood risk between Wootton Brook where it ends and Banbury Lane / proposed development and River Nene. Wootton Brook has no flood defences and will push greater amounts of water</p>	
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onto the site.

4.5 EA confirmed that the canal provides a standard of protection and that they are content that there would be no increase of flood risk over the rate of discharge. In addition, the capacity of Wootton Brook will be increased through proposed works to the channel.

4.6 Roger Kingston spoke Against the application as a member of the public and supporting the Northants Residents Alliance and raised the following points:

- NBC Building Control advised that the Land Stability is a risk and that independent building control had not been adhered to in the past
- The proposed site has no protection against flooding and the development will cause more water problems never mind putting a further burden on the existing homes
- The EA has failed to take forward the recommendations of the 'Northampton Standards of Protection Review' commissioned by the Regional Flood Defence Committee following the 1998 floods and are therefore not in a position to give advice

4.7 Cllr RC asked RK if he had seen the letter from Hydrock which had been received before committee.

4.8 RK, No I have not seen the letter.

4.9 Cllr RC read through part of the letter relating to Solifluction and that it occurs on slopes steeper than 5° and that the site is generally less than 2°.

4.10 RK remarked that he was talking about Land Stability and not

	<p>Solifluction as the land is unstable due to increased water pressure.</p> <p>4.11 Cllr CM asked EO/AA to comment on the WNDC / NBC issue raised.</p> <p>4.12 AA answered as follows:</p> <ul style="list-style-type: none"> • Planning Policy will come into play and has been done through an update and consultation. • If the development does not abide by this then it will be a matter for building control to handle <p>4.13 EO further mentioned that the risk of hazard is rated as low, very low, negative or moderate for various categories but not high. Development of A43 has created manmade compressions. The desk top study which was done also shows where were the works undertaken and where a drainage system is situated. Running sands (British Geological Survey) is a possibility in trenches and that water will flow downwards by the canal and away from the site.</p> <p>4.14 RS confirmed that under Government Policy PPS25 the flood risk has been looked at and an assessment submitted and they are satisfied at this time that the surface water drainage will not cause further problems with flood risk. Stated that volume of water passing through the culvert may need to be looked at in further detail.</p> <p>4.15 RK stated that permission for this application is to be given tonight and looking at volume of water later would be too late.</p> <p>4.16 RS said that although there could be more water entering the</p>	
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	<p>system it can be designed to be discharged correctly.</p> <p>4.17 RK asked how do we know that this will be maintained? Wootton Brook has had a problem with water for a while.</p> <p>4.18 BT advised that work had been done on dredging and that further work would be completed with NCC.</p> <p>4.19 RK said that this would be too expensive.</p> <p>4.20 EO mentioned Condition 11 which relates to surface water drainage. Discharging this requires further work and assessment prior to the development going ahead. SUDs and SUD maintenance is proposed to be secured through the Section 106 Legal Agreement.</p> <p>4.21 AA passed this back to the Environment Agency stating that it would be appropriate for them to comment. BT confirmed that the EA have the statutory duty regarding maintenance/management of this watercourse. Works have or are planned to the existing watercourses north and south of the development site.</p> <p>4.22 RS confirmed that they are the appropriate body to advise on water related matters and clarified this under Article 10 dated 1st October 2006 of the Town and Country Planning Act/Order GDPO 1995 – Authorities are to consult the Environment Agency on all planning applications which are in a flood risk area.</p> <p>4.23 Cllr CM stated that the members of the committee take flood risk very seriously and that it is important to hear all the facts.</p> <p>4.24 Cllr David Hugheston-Roberts spoke Against the application</p>	
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in the capacity of Ward Councillor and raised the following Point of Order:

- He declared an interest due to him living within the ward
- Early last year Cllr H-R raised concerns with AA via a telephone conversation and was told that further time would be given due to a misunderstanding of the site address. Cllr H-R did not receive a correction letter after 10 days nor did he receive a letter after a further 7 days. He then wrote to AA asking why he had not received any response.
- He finds it discourteous behaviour towards a County Councillor and to residents that WNDC did not send out responses

4.25 Cllr CM asked Cllr H-R if this was a Point of Order?

4.26 Cllr H-R confirmed that it was and that he deems it unfair, undemocratic and possibly illegal and has informed the Secretary of State of the lack of action he has received. He then asked if the meeting could be adjourned as he only received a letter 5 working days before the meeting which has not given himself and residents enough time to prepare.

4.27 Cllr CM stated that the meeting would not be adjourned as 5 working days notice period is standard practice and also due to there being another application to be determined.

4.28 AA answered that what Cllr H-R had stated was incorrect and that he recollects advising that the address was correct and that it had been checked with the relevant authorities and the post office. He recalled stating that further site notices would be put up around the site as this was a statutory requirement which was completed together with a plan

	<p>showing the positions of the notices. He then stated that he did not agree to undertake to write again to residents and he believed that there was no illegal activity.</p> <p>4.29 Cllr H-R stated that the area has always been referred to as 'Pineham ' why does the address say Banbury Lane?</p> <p>4.30 EO responded that the reason the application is classed as Land off Banbury Lane is that it is part of the Pineham area and that the employment and proposed residential development is within the Pineham area and that the area to the West of the site is still classed as Pineham.</p> <p>4.31 Cllr H-R said that he had never seen an application so dismissive of legal advice. The application favours developers at the expense of residents. The situation will become much worse and residents may not be able to acquire insurance. He mentioned that the Secretary of State in 2002 had refused development on the site and said that this application should be rejected again and not to let it go to a Public Inquiry. At Junction 15a of the M1 water is collected in hollows in the ground which are now being filled in by 8000 tons of soil/hard core to level the surface in preparation for it to be concreted/tarmaced for development. Where will the water go? Into Wootton Brook? The principles have been forgotten contrary to PPG25 and the Floods and Water Law. EA has discovered a small stream which is to be diverted.</p> <p>4.32 RS asked if Cllr H-R meant the hollows on the opposite side of Wootton Brook bank? There are no applications for this site. The stream comes from Rothersthorpe and the diversion will allow for water to flow downstream and not upstream to the site.</p>	
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	<p>4.33 AA stated that approximately 350 letters of notification went out on 15th December and reiterated that site notices together with a plan were displayed around the site and that a public notice was advertised in the paper.</p> <p>4.34 Cllr Matthews spoke Against the application and raised the following points:</p> <ul style="list-style-type: none"> • He sympathised with the flooding issues • The site does not allow for a bus service or play areas for children. The existing play area is on the opposite side of the development and children would have to cross a busy road to get to it, it also has a water course close by which is a hazard. • Understands the confusion regarding the address and felt that it should be Hunsbury and not Pineham <p>4.35 Cllr BM raised the question of will a play area be provided?</p> <p>4.36 Cllr M said that he was not aware of one.</p> <p>4.37 EO confirmed that local play areas were proposed for the site adjacent to the canal in the North West and South of the site and that these areas had always been proposed. Developers have agreed to put in equipment for a trim trail. EO then outlined the relevant play areas for children and adults on a plan and showed it to the members and to Cllr M.</p> <p>4.38 Phillip Leggett spoke For the application as the Senior Land Manager for David Wilson Homes and introduced Tony Chapman from Waldeck. PL raised the following points in relation to the proposal:</p> <ul style="list-style-type: none"> • SWSP review • Identified in Strategic Housing Land Availability 	
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	<p>Assessment</p> <ul style="list-style-type: none"> • Subject to a Development Brief allowing up to 200 dwellings could be implemented but we are only proposing 176 • There is no issues with the development in principle and it will become an important gateway for Northampton from Junction 15a of the M1 • Through implementing the British Timken site DWH are aware of the WNDK exacting standards • Grateful to the EA for attending and answering the flood risk issues raised • The application should be determined on its own merits and they broadly agree with the planning conditions and S106 <p>The Chair asked members if they had any questions</p> <p>4.39 JW - asked how they would manage the volume of water? Am I correct in saying that there would be no greater threat of flooding as it is as good as Greenfield?</p> <p>4.40 EA -Yes that is correct</p> <p>4.41 Cllr RC - Public transport and Bus routes, can you clarify on this.</p> <p>4.42 EO - Yes, the County Council have agreed that there will be a two hourly bus service. Half hourly during the day time and one hourly in the evening and on Sundays. The S106 will provide for this and the County Council has not requested a bus turning area and have confirmed the layout as a satisfactory standard.</p> <p>4.43 Cllr JC - Page 42 – 12.6 Noise. What do you mean by</p>	
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	<p>mechanical noise ventilation?</p> <p>4.44 EO - Road traffic noise. The Eastern edge of the site will be designed to act as a barrier to reduce noise. A number of potential solutions are proposed to provide a satisfactory living environment; these are detailed in the noise report and they will have to be agreed with Environmental Health as part of taking the development forward.</p> <p>4.45 Cllr PF - Page 52 – 11 Floor Risk. What scheme is this?</p> <p>4.46 EO - As proposed it looks for information on water flows, technical design and modelling. Not sure which scheme is required at present as the volume of water needs to be determined.</p> <p>4.47 Cllr PF - Have the developers not done the scheme to show impact?</p> <p>4.48 EO - Rate of runoff will be no more than Greenfield sites. Relates to the pipes which connect Wootton Brook to the site. A further assessment is required to ensure that any additional volume of water can be accommodated by the pipes.</p> <p>4.49 RS - EO has summed it up well. We are satisfied that the conditions meet the requirements and that the water will not flow downstream to the residents. The issues have been addressed and are acceptable.</p> <p>4.50 AA - Confirmed that if the condition is not discharged the developer will not commence on site.</p> <p>4.51 Cllr BM - Transport, flooding and run off have been answered and the Addendum explains this. What are your</p>	
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thoughts if residents do away with gardens – would this impact on run off?

4.52 EO - Condition 9 and 10 on Page 51/52 covers this. A surface water assessment will have to be done before development takes place.

The Chair put the application to a vote:

JW - Supports the application – Delighted to have a development for residential dwellings as there is a housing crisis at present. This development will be acceptable for first time buyers with 35% affordable and over 25% of dwellings being either 1 and 2 bed units and I welcome the mixture of parking facilities. Achievement to accomplish £3m in S106 contributions.

Cllr RC - Supports the application – Issues need to be addressed and realised. There is sound evidence and there is no evidence that it will not be stable or suitable for development.

Cllr JC - Supports the application – Welcomes smaller accommodation. Developers are to address the noise and flooding issues. Agree with the comments on car parking.

Cllr PF - Supports the application – Comment that the architect deems the design to be modern, but does not agree with this. Would like the developer to take this on board. This is to be a gateway to Northampton and should have a suitable design.

Cllr BM - Supports the application – Unfortunately for the residents of old Banbury Lane nobody paid attention to flooding and I am glad that this time flood risk has been taken

	<p>seriously. I like the layout and design and welcome affordable housing and small accommodation.</p> <p>IT WAS RESOLVED:</p> <p>That the application be APPROVED as set out in the report and in the update sheet</p>	
Item 5	<p>Item 5: Zone F, Grange Park</p> <p>Applicant: Evander Properties Ltd and B.A Pension Fund Ltd</p> <p>Application No: 10/0164/FULWNS</p> <p>Description: Erection of a Warehouse (Use Class B8), ancillary offices (Use Class B1a), vehicle maintenance unit, car parking, servicing and associated plant and works</p> <p>Address: Zone F, Land at Saxon Avenue Grange Park Northamptonshire</p> <p>Ward: Grange Park</p> <p>5.1 MC presented the application and provided one update to the report explaining that further discussions would need to take place with the applicant to determine the precise heads of terms within the Section 106 agreement, this would need to include how transport matters would be accommodated within the agreement. As such the draft list of financial obligations set out on page 19 of the report should include transport.</p> <p>5.2 Neil Dickinson of Evander Properties Ltd spoke For the application on behalf of the applicant and made the following points:</p> <ul style="list-style-type: none"> • As responsible developers they canvassed widely and consulted with local residents and Grange Park Parish Council 	Matthew Collerson

- Physical building is set back from Saxon Avenue with buffer landscaping of 60m in depth and will have trees and fauna planted around the site
- As developers we have made a promise to reach a standard of BREEAM Excellent and hopefully with the right occupiers will reach a standard of BREEAM Outstanding
- BA are willing to make a significant S.106 contribution and seek to agree with WNDC and the Parish on where monies are to be spent.

5.3 JW welcomed the use of photovoltaic panels and cutting edge technology. We want Northampton to be known to have great distribution centres and encourages this to be the best in cutting edge technology.

5.4 ND replied that they have done this already and will work towards achieving the next level with the right occupier

The Chair put the application to a vote:

Cllr BM – I Support the application. The design is not boring. This development will provide jobs for Northampton. It is a high tech building which requires high tech employees. Welcomes the willingness of the developer to be involved. WNDC should explore connections with the University [Northampton] to enhance sustainability.

Cllr PF - I Support the application. I have no problems with this development and it will be great for Northampton.

Cllr JC - I Support the application. Commended the applicant and the officers in coming up with this great building.

	<p>Materials are crucial and I ask that you use top quality materials. The landscaping edges need to work well to soften the features of the building.</p> <p>Cllr RC - I Support the application. The site visit was useful and I like the fact that the site is only visible by limited numbers of homes. The Borough and WNDC are keen to promote excellence and it has great potential for creating jobs.</p> <p>JW - I Support the application.</p> <p>IT WAS RESOLVED: That the application be APPROVED as set out in the report</p>	
Item 6	<p><u>Item 6: Future meeting dates were agreed to be:</u></p> <ul style="list-style-type: none"> • 7th April 2011 • 19th April 2011 • 17th May 2011 • 14th June 2011 • 12th July 2011 • 6th September 2011 • 4th October 2011 • 1st November 2011 • 6th December 2011 	
Item 7	<p><u>Item 7: AOB</u></p> <p>There being no further business, the meeting closed at 7:50pm</p> <p>Suzanne Holmes Committee Assistant</p> <p>Signed by the Chairman</p> <hr style="width: 20%; margin-left: 0;"/>	

Appendix A

COMMITTEE UPDATE

Northampton UDA Planning Committee

9th March 2011

Agenda Item 4:

Application number: 10/0188/FULWNN

Applicant: David Wilson Homes

Address: Land Off Banbury Lane, Pineham, Northampton

Description: Erection of 176 Dwellings, Roads and sewers and associated open space.

Submission of further information

Representations

Natural England

Following a review of the further information submitted by the applicant, the previous objection is withdrawn subject to the application of conditions following those recommendations set out within Section 4 of the Ecological Assessment. A condition restricting the removal of vegetation during the bird breeding season should also be included.

British Waterways

The Principal Engineer has confirmed that he does not expect there to be any capacity issue with the culvert providing the SUDS is designed to ensure attenuation of surface water to existing agricultural run-off rates, but the inclusion of Condition 11 does offer security in ensuring that this is fully investigated so that the detailed design of the SUDS takes account of the culvert capacity.

Notification and Responses

Northampton Residents Alliance (NRA)

Correspondence has been received from the NRA, indicating their intention to present the issue of Solifluction in the West Hunsbury area of Northamptonshire to the Planning Committee. Information regarding the degree of slope and submission of a geotechnical survey has been requested. In addition, officers have been directed to historical documents available from NRA, which highlight the storey of Solifluction in the West Hunsbury area during development in the 1980's.

Considerations

Public Realm: General Public Realm Matters

Following receipt of the response from Natural England it is considered those previous matters raised are now resolved, subject to conditions being applied and the holding direction is now lifted. Those conditions sought, have been drafted and are presented within the Committee Report through conditions 5, 17, 18, 19, 20, 21 and 22.

Other Matters

Matters in relation Soliflucation and ground stability have been given due consideration. Through further discussion with the applicant and a review of the Desk Study, for the avoidance of doubt, it is considered that the Desk Study as submitted has met the requirements of PPG 14: Development on Unstable Ground.

In accordance, with paragraphs 16 to 18, the desk based assessment has correctly undertaken a review of the site and produced a risk based assessment that highlights the required measures to allow development to proceed in an appropriate manner. In addition, officer's consider that the applicant through the content and conclusion of the Desk Study have fulfilled the requirements placed upon a planning authority through paragraph 22, namely:-

"A planning authority does not owe a duty or care to individual landowners when granting applications for planning permission and accordingly is not liable for loss caused to an adjoining landowner by permitting development. Nevertheless, where development is proposed on land which the planning authority knows is unstable or potentially unstable, it should ensure that the following issues are properly addressed by the development proposed:-

- the physical capability of the land to be developed;*
- possible adverse effects of instability on the development;*
- possible adverse effects of the development on the stability of adjoining land; and*
- possible effects on local amenities and conservation interests of the development and of any remedial or precautionary measures proposed."*

Further, in conformity with paragraph 23 and 36, Officers would not recommend the need for further detailed investigations are undertaken nor further conditions be imposed, in this instance, in relation to ground stability prior to planning permission being issued. Apart from matters arising in relation to tree and hedgerow protection, it is considered that those identified matters of detailed design raised within the Desk Study fall into the jurisdiction of Building Control regulation, hence where further information is proposed as part of the Desk Study, this will be carried forward and included within the consideration for foundation design across the relevant areas of the site. This approach is consistent with normal practice undertaken by planning authorities and reflects the supporting statement issued by the applicant

Conditions

Following publication of the Committee Report, discussions with the applicant have continued on a number of detailed matters. These have focused principally on clarifying the interpretation of the proposed conditions and the submission of further information to satisfy those elements conditioned. Considerations with respect to those conditions identified are set out below. In addition, a further condition is proposed in relation to tree/hedgerow root protection measures.

Proposed Revisions/ Amendments

Condition 3: Material Schedule and Plans

A draft Material Schedule and Plan has been submitted to the WNDP by the applicant. An initial review of the information submitted concludes that this is likely, subject to a further slight amendment, to satisfy the requirements of Condition 3, as drafted. That said, in the absence of any formal agreement between parties, prior to Planning Committee, it is proposed that Condition 3, remain in place. Should a satisfactory Material Schedule and Plan be agreed prior to permission being issued, it is proposed that Condition 3 be revised to require the applicant to comply with the submitted details during implementation.

Condition 7: Archaeological Investigation

A draft Brief for a programme of Archaeological Excavation, Recording, Analysis and Publication of Land off Banbury Lane, Pineham has been submitted to the WNDP and applicants by NCC. It is likely that this may satisfy Condition 7, as drafted. That said, in the absence of any formal agreement between parties, prior to Planning Committee, it is proposed that Condition 7, remain in place as drafted. Should a satisfactory Brief be agreed prior to permission being issued, it is proposed that Condition 7 be revised to require the applicant to comply with the agreed Brief during the course of implementation.

Condition 11: Wootton Brook Culvert

The applicant in response to the matters raised within the Committee Report (Section 9.120) relating to the Wootton Brook Culvert have submitted a further report covering an Assessment of Culverted Section of Wootton Brook and Potential Increase to Water Levels. In addition, British Waterways have confirmed that there is likely to be no issue in relation to the capacity of the culvert if greenfield run-off rates are maintained for the development. Although, they also express some comfort, that Condition 11, allows the issue to be explored in some detail.

Following an initial review, Officers consider that the findings of the supplemental Assessment, in combination with the matters raised by British Waterways, to be reasonable in their conclusions and as such there would be no need for Condition 11 to be maintained. That said technical discussions are on-going with both the Environment Agency and British Waterways, to confirm that the analysis undertaken was appropriate and conclusions acceptable from their perspectives.

As above, in the absence of any formal agreement between parties, prior to Planning Committee, it is proposed that Condition 11, remain in place as drafted. Should agreement be

reached prior to permission being issued, it is proposed that Condition 11 be removed, as appropriate drainage measures are secured through the other conditions proposed and the S106 Agreement.

Condition 14: Site Noise Protection Measures

Following discussions with the applicant and NBC Environmental Protection, it is considered reasonable to secure the necessary noise protection measures sought through the Road Traffic Noise Survey and Assessment report in a phased approach. It is proposed that this condition be revised to require the submission of a phased noise protection scheme, submitted and approved by the Local Planning Authority.

Condition 16: Bus Stop Provision

To ensure that the provision of the necessary bus stops are secured and provided in tandem with the introduction of the subsidised bus service, it is proposed that this condition be deleted and the requirement secured through the Section 106 Agreement. The timing for the provision of both of these elements are yet to be agreed with NCC.

Condition 24: Landscape and Boundary Treatments

To avoid doubt, it is proposed that this condition be revised to clarify that all connections to external footpaths are covered and details of the proposed barriers (both pedestrian and/or cycle) are necessary as part of the treatment of hard-surfaced areas.

Condition 33: Gateway Boundary Treatment

It is proposed that this condition be revised to remove the reference to the timing of provision. It is considered more appropriate to follow a holistic approach in securing the provision of the landscape and open space on the Northern Edge fronting Banbury Lane. As such, it is proposed that whilst the details of the Feature are secured by this condition, the timing of provision be secured within the Section 106 Agreement as part of the public open space within the Northern Edge.

Conditions Various: Plan Numbers

Prior to any permission being issued, it is proposed to undertake a final review of the plan numbers included within the conditions as drafted within the Committee Report. It may be necessary to revise those identified numbers to take account of any further minor amendments or the submission of details by the applicant in advance of permission being issued.

Additional Condition

A further condition is proposed in relation to tree/ hedgerow root protection measures. This would require, prior to the commencement of development that details relating the foundation design of roadways and footpaths, adjacent to the existing hedgerow and trees on site. This is considered necessary to ensure that works undertaken do not adversely affect these assets.

Revised Recommendation

Taking the above matters into consideration, the following revised recommendation is proposed:

"It is recommended that the application be APPROVED with delegated authority to the Director of Planning Services to finalise the conditions and issue planning permission subject to the resolution of a S106 agreement as set out in the Report. "

DRAFT