

NORTHAMPTON BOROUGH COUNCIL

PLANNING COMMITTEE

Wednesday, 26 August 2009

PRESENT: Councillor Markham (Chair); Councillor Meredith (Deputy Chair);
Councillors Church, J. Conroy, Golby, Malpas and Mason

1. APOLOGIES

Apologies were received from Councillors De Cruz, M Hoare, Lane and Matthews.

2. MINUTES

The minutes of the meeting of the Committee held on 29 July 2009 were signed by the Chair.

3. DEPUTATIONS / PUBLIC ADDRESSES

RESOLVED: (1) That Mr B Waine be granted leave to address the Committee in respect of Application No N/2009/0187 – Demolition of Existing 4No Dwellings and Business Premises and Erection of 29No Apartments at 68-72 Abbey Street.

(2) That Messrs Leventhal, Tagg and Summers, Mrs Tagg and Councillor B Hoare be granted leave to address the Committee in respect of Application No N/2009/0481 – Erection of Two Commentary Boxes, Camera Gantry, Extension to Pavilion and Installation of Six Floodlights at County Cricket Ground, Abington Avenue, Northampton.

4. DECLARATIONS OF INTEREST

1. Councillors Church, J Conroy, B Hoare and Meredith declared a personal interest in respect of Application No N/2009/0481 as the Liberal Democrat offices adjoin the site.
2. Councillor B Markham declared a personal and prejudicial interest in Application No N/2009/0481 as his wife was an objector to the application.
3. Councillor Church declared a personal interest in Application No N/2009/0481 as a Board member of WNDC.
4. Councillor Meredith declared a personal interest in Application No N/2009/0481 as a substitute Board member of the WNDC.

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 elaborated thereon.

RESOLVED: That the report be noted.

7. OTHER REPORTS

(A) DC PERFORMANCE JUNE 2009

The Head of Planning submitted a report and elaborated thereon.

RESOLVED: That the report be received and that the congratulations of the Committee be passed on to the staff involved.

8. NORTHAMPTONSHIRE COUNTY COUNCIL APPLICATIONS

None.

9. NORTHAMPTON BOROUGH COUNCIL APPLICATIONS

None.

10. ITEMS FOR DETERMINATION

(A) N/2009/0187 - DEMOLITION OF EXISTING 4 NO. DWELLINGS AND BUSINESS PREMISES AND ERECTION OF 29 NO. APARTMENTS AT 68-72 ABBEY STREET.

The Head of Planning submitted a report in respect of Application No N/2009/0187 and referred to the Addendum that set out the formal response from the Environment Agency, including an additional condition requiring that the development be carried out in accordance with the approved Flood Risk Assessment (FRA) 07/8533/FRA July 2009 and comments from Northamptonshire Fire and Rescue Service and County Highways. In answer to a question, the Head of Planning noted that the proposal was for a mix of one and two bedroom apartments.

Mr B Waine, agent for the applicant, commented that the proposal sought to overcome previous objections principally from the Highways Authority in respect of turning circles. He noted that the principle of development on the site had already been established and commented that the existing use by Mario's was a non-conforming use in a residential area. He also noted that the issues of overlooking and shadowing were dealt with in the Committee report and stated that a great deal of consultation had taken place with the Planning officers to arrive at a development which was acceptable and sympathetic to the surrounding area in respect of the Saints stadium, the existing blocks of flats and housing.

In answer to questions, the Head of Planning noted that PPG13 and PPS3 encouraged

local authorities to approve planning applications with reduced car park provisions in sustainable areas where there was good access to local facilities and public transport. The site was regarded as being in a sustainable location. She also noted that there was provision for secure cycle storage within the site.

The Committee discussed the application.

RESOLVED: That approval be given in principle subject to:

1. Prior finalisation of a Section 106 Agreement to secure:
 - the provision of a minimum of 35% affordable housing within the site with 10% of these being mobility units
 - a contribution towards education provision
 - a payment for the necessary administrative, legal and works costs for the changes to the Traffic Rule Regulation Order adjacent to the site
2. Planning conditions set out in the report and in the Addendum and additionally conditions in respect of the maintenance of the secure cycle storage for the life of the development and the provision of a brick wall to the boundary of the site with the existing residential properties as the proposed development would have no undue detrimental impact on the amenities of neighbouring occupiers and would be in keeping with the character and appearance of the area and would enable the removal of a non-conforming commercial use within a primarily residential area as identified in the Northampton Local Plan. The proposal would also help in meeting the requirements of the housing provision as identified in the Regional Spatial Strategy and in line with the growth agenda for West Northamptonshire. The development would therefore be in line with the Policies H6, H17, H32, E20 and E40 of the Northampton Local Plan and the advice contained in PPS1 (Delivering Sustainable Development), PPS3 (Housing) and PPG13 (Transport).

11. ENFORCEMENT MATTERS

(A) E/2009/1 - BREACH OF PLANNING CONTROL AT 58 GRAY STREET.

The Head of Planning submitted a report in respect of E/2009/1 and elaborated thereon.

RESOLVED: That the Borough Solicitor be authorised to instigate prosecution proceedings in respect of the non-compliance with Enforcement Notices 8/2008, 18/2008 and 19/2008.

12. APPLICATIONS FOR CONSULTATION

(A) N/2009/0481 - ERECTION OF TWO COMMENTARY BOXES, CAMERA

GANTRY, EXTENSION TO PAVILION AND INSTALLATION OF SIX FLOODLIGHTS AT COUNTY CRICKET GROUND, ABINGTON AVENUE, NORTHAMPTON

Councillor B Markham vacated the Chair in favour of the Deputy Chair, Councillor Meredith, and left the room during the discussion on this matter.

The Head of Planning submitted a report in respect of Application No N/2009/0481 and referred to the Addendum, which noted that a revised lighting scheme had been submitted, comments from Public Protection, correspondence from Mr Tagg and Councillor B Hoare. The Head of Planning noted that the six floodlight columns would be permanent features but would be in use in the summer months and for a maximum of fifteen occasions. By way of comparison, the floodlight columns proposed were 48 metres in height and those at the Sixfields and Franklins Gardens, were 21 metres. At Lords they were 47 metres in height and retractable. The requirement for the increased height was because of the larger playing area and ICC and ECB rules. The temporary lights currently used under Permitted Development rights were 40 metres in height and gave higher light levels than the proposal in the application. Within Permitted Development Rights the applicant could use temporary floodlights for a total of 28 days in a year. In answer to a question it was noted that the floodlights, although arranged in a different way, had been 30 metres in height when the Football Club also played at the County Cricket Ground.

Mr Leventhal commented that he was representing a number of local residents and noted a statement in the report that the impact of the proposal needed to be balanced against the advantages it gave to the applicant. He commented that the lighting columns would be 150 feet high and, as permanent, would be visible all through the year. He noted that the Cricket Club would get a approximately 45 hours of benefit per year from their provision. He commented that light spillage and noise from tannoys would be experienced up to 11:00 pm and that 20:20 Cricket was about generating noise and atmosphere. This also included the consumption of alcohol. Together his would have a severe impact on residents. He commented that if the application were to be rejected 20:20 Cricket would still continue to be played at the Ground. He asked whether other possibilities had been considered, such as earlier start times and measures to reduce the noise from the tannoy system. He commented that there should be a travel plan and a seasonal visual impact study made. In answer to a question, Mr Leventhal noted that comments concerning the consumption of alcohol had come from a report in the Chronicle & Echo. He had no direct evidence of this being an issue.

Councillor B Hoare noted that he had emailed his comments to members of the Committee ahead of the meeting. He noted that the Committee was a consultee to the application; the issue was a question of impact on residents and the effect on the adjoining Conservation Area in terms of light, noise and traffic. He understood that the impact assessment of the lighting had been on the basis of a single lighting column. He felt that the report failed to be persuasive in terms of recommending no objections to the proposal. He also commented that the revised lighting scheme still did not meet all of Public Protection's concerns and likened the proposal to being a change of use, given the carnival atmosphere that existed at 20:20 Cricket matches. In answer to a question, Councillor B Hoare commented that other first class cricket grounds had acknowledged the potential issues of an excess of alcohol and had placed restrictions on the hours of serving drink. In answer to a question Councillor B Hoare indicated

that he had no direct evidence of alcohol being an issue.

Mr Summers, a local resident, displayed a photograph of his 8 month old daughter. He commented that he had bought their current property in Wantage Road approximately a year previously, being aware of the cricket ground and had paid a premium because of its quiet location. He noted that his daughter's bedroom would be approximately 12 metres from a 150 foot monolith floodlight column. He noted comments published in the Cricket Club's fanzine, which spoke about increasing the capacity of the Ground. He noted that the rear of his garden was only 4 metres from a proposed floodlight column and referred to the stress that the issue was placing on his family. He also noted rights contained within the Human Rights Act for people to have peaceful enjoyment of their residence. He felt that a commercial enterprise should not be able to ride roughshod over residents.

In answer to questions, Mr Summers commented that he had seen an indicative plan which showed the position of the floodlight columns and was objecting to the changes that the application represented. When he had bought his property he was aware of and accepted the current situation vis a vis the Cricket Ground.

Mr Tagg, the Chief Executive of Northamptonshire County Cricket Club, commented that the Club represented the County which had the smallest population of all the first class cricketing counties. He noted that many grounds around the country were making improvements, including floodlighting, and that the Cricket Club provided leadership of the game throughout the County. The Club had a responsibility to develop cricketing talent and had to be commercially viable. He noted that children as young as eight and nine were taking part in the game and this youngest age group had recently won a national trophy. He commented that the game had received a major boost by the England team winning the Ashes and the County could boast Monty Panesar and ex-player Graham Swann as being part of the current national team set up. He noted that if the Club did not move with the times it was likely to lose its best players and the momentum for supporting the game throughout the County would be diminished. In answer to a question, Mr Tagg commented that retractable floodlights had been considered but their cost was £2.5m as compared with £650,000 for ordinary lighting columns. Furthermore retractable floodlight columns had a much broader profile and base and were more visible as when they were retracted the head of the column became more into eyesight. Mr Tagg also noted that the ECB monitored and audited the Club's crowd control measures, in terms of public safety and alcohol consumption etc and had approved the County's performance in respect of these. The Club's bars could be closed at any moment if an issue arose. So far it had not been necessary to do so. He commented that the so called "tannoys" were in fact a public address system and the Club had already indicated that it would be happy for games to finish at around 9:15 pm and reduce lux levels from the lighting to 100 lux after 10:00 pm. Mr Tagg noted that at present there was only one full game that took place annually as a floodlit match and that although the application was asking for up to fifteen occasions, in reality it was likely to be less than this. He also noted that stewards were trained to deal with crowd control issues as they arose.

Mrs Tagg, Planning Consultant, commented that the application represented a considerable investment in time and process by the Club. The Club had considered residents and public exhibitions had been held in November 2008 and people had been invited to a floodlit game to look at the light spill for themselves. She noted that a further revised lighting scheme to reduce lux levels had been submitted and that the

Committee needed to have regard to the action that the Club had taken. She referred to circular 11/95, which stated that application should be approved if it could be controlled by conditions. The Club took its relationship with the community very seriously but had to look at these developments to be able to move forward. In answer to a question, Mrs Tagg commented that the playing of music through the public address system was a bit of razmataz as batsmen changed. The whole philosophy behind 20:20 Cricket was about engendering a wider public interest. She also noted that the growth in floodlit cricket matches was something that was occurring throughout the country.

The Head of Planning noted that this application did not represent change of use and that no change in the capacity of the ground was proposed. The lights at Lords were still 30 metres in height when retracted and that in respect of noise, paragraph 1.3 of the report, WNDC were requested to negotiate a scheme to manage the situation with the applicant. In answer to a question, the Head of Planning noted that if the application were to be approved, these rights under the Permitted Development Rights Order could be removed so as to prevent the applicant from providing temporary floodlighting and allowing an additional 28 days of use for further floodlit games.

The Committee discussed the application.

RESOLVED: The Council raised no objections for the following reason:

By reason of their siting, design and appearance the proposed commentary box, camera gantry and pavilion extension would not unduly impact upon visual or residential amenity and therefore complies with requirement of Policy E20 of the Northampton Local Plan. Although there would be some impact from the proposed floodlights this needs to be balanced against the wider benefits of the scheme in terms of promoting high level sport within Northampton and how this can contribute to the aspirations regarding the future growth and identity of Northampton as required by Policies 5 and 32 of the Regional Spatial Strategy.

If WNDC are minded to approve the application it be requested that the Head of Planning discuss with them the issues of concern in respect of the use of the floodlights, control of noise nuisance, traffic management plan and the potential removal of permitted development rights in respect of the further provision of temporary lights if the application is to be approved and to discuss conditions to meet those concerns and that the following conditions be attached to any approval:

- (1) The Conditions limiting the operation of proposed floodlights to no more than 15 days between April and September and that the use be restricted to no later than 11:00 pm.
- (2) That WNDC negotiate a scheme where after the cessation of cricket matches lighting levels are reduced to minimise the impact on the occupiers of neighbouring properties whilst allowing for spectators to leave safely.

- (3) As there is a potential for games to take place during late evenings/ antisocial hours any approval be subject to a condition that restricts the use of the public address systems and that it can be demonstrated that such a system would not create any undue disturbance to the occupiers of the neighbouring properties.
- (4) That any approval be subject to the submission of a travel plan dealing with the promotion of sustainable and alternative transport methods.

Councillor Meredith vacated the chair in favour of Councillor B Markham.

<TRAILER_SECTION>

The meeting concluded at 19.44 hours