

NORTHAMPTON BOROUGH COUNCIL

PLANNING COMMITTEE

YOUR ATTENDANCE IS REQUESTED AT A MEETING TO BE HELD AT
THE GUILDHALL ON WEDNESDAY, 26 AUGUST 2009 AT 6.00 PM.

D. KENNEDY
CHIEF EXECUTIVE

AGENDA

1. APOLOGIES
2. MINUTES
3. DEPUTATIONS / PUBLIC ADDRESSES
4. DECLARATIONS OF INTEREST
5. MATTERS OF URGENCY WHICH BY REASON OF SPECIAL CIRCUMSTANCES THE CHAIR IS OF THE OPINION SHOULD BE CONSIDERED
- 6. LIST OF CURRENT APPEALS AND INQUIRIES
Report of Head of Planning (copy herewith) A.
HOLDEN
X 8466
7. OTHER REPORTS
(A) DC PERFORMANCE JUNE 2009
Report of Head of Planning (Copy herewith).
8. NORTHAMPTONSHIRE COUNTY COUNCIL APPLICATIONS
9. NORTHAMPTON BOROUGH COUNCIL APPLICATIONS
10. ITEMS FOR DETERMINATION
An Addendum of further information considered by the Committee is attached.
(A) N/2009/0187 - DEMOLITION OF EXISTING 4 NO. DWELLINGS AND BUSINESS PREMISES AND ERECTION OF 29 NO. APARTMENTS AT 68-72 ABBEY STREET.
Report of Head of Planning (copy herewith)
Ward: St James
11. ENFORCEMENT MATTERS
(A) E/2009/1 - BREACH OF PLANNING CONTROL AT 58 GRAY STREET.
Report of Head of Planning (copy herewith)
Ward: St Crispins
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

Report of Head of Planning (copy herewith)

Ward: Abington

13. EXCLUSION OF PUBLIC AND PRESS

THE CHAIR TO MOVE:

“THAT THE PUBLIC AND PRESS BE EXCLUDED FROM THE REMAINDER OF THE MEETING ON THE GROUNDS THAT THERE IS LIKELY TO BE DISCLOSURE TO THEM OF SUCH CATEGORIES OF EXEMPT INFORMATION AS DEFINED BY SECTION 100(1) OF THE LOCAL GOVERNMENT ACT 1972 AS LISTED AGAINST SUCH ITEMS OF BUSINESS BY REFERENCE TO THE APPROPRIATE PARAGRAPH OF SCHEDULE 12A TO SUCH ACT.”

SUPPLEMENTARY AGENDA

**Exempted Under Schedule
12A of L.Govt Act 1972
Para No:-**

Agenda Item 2

NORTHAMPTON BOROUGH COUNCIL

PLANNING COMMITTEE

Wednesday, 29 July 2009

PRESENT: Councillor Markham (Chair); Councillor Meredith (Deputy Chair);
Councillors Church, De Cruz, Golby, Lane, Malpas and Mason

1. APOLOGIES

Apologies for absence were received from Councillors Matthews, J. Conroy and M. Hoare.

2. MINUTES

The minutes of the meeting held on 18th June 2009 were signed by the Chair.

3. DEPUTATIONS / PUBLIC ADDRESSES

- RESOLVED:**
- (1) That Mr J Price-Jones and Dr S Hollowell be granted leave to address the Committee in respect of application no. N2008/0004 – Erection of a Heritage Centre including teaching facilities, museum, tearoom and gift shop. Land for Heritage Site, The Causeway.
 - (2) That Mr C Evans, Mrs M Mangan and Councillor Mildren be granted leave to address the Committee in respect of application no. N2009/0436 – Erection of detached bungalow with garage to land rear and demolition of existing garage and rear additions and erection of a single storey rear extension to existing bungalow at 23 Lorraine Crescent.

4. DECLARATIONS OF INTEREST

Councillor Church declared a Personal and Prejudicial interest in item 9 (A) as the Portfolio Holder for Planning and Regeneration.

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, Transportation and Regeneration submitted a List of Current Appeals and Inquiries and elaborated thereon.

RESOLVED: That the report be noted.

7. OTHER REPORTS

None.

8. NORTHAMPTONSHIRE COUNTY COUNCIL APPLICATIONS

None.

9. NORTHAMPTON BOROUGH COUNCIL APPLICATIONS

(A) N/2009/0499 -2 NO FREE STANDING NOTICE BOARDS, 2 NO MONITOR/DISPLAY SCREENS AND 14 NO BANNERS AT MARKET SQUARE.

Councillor Church withdrew for this item.

The Head of Planning submitted a report in respect of application no. N/2009/0499 and referred to the Addendum and comments from the Conservation Section who had raised a concern about the position of the TV screen in the north eastern corner of the Market Square due to its proximity to two listed buildings. Discussions would take place with a view to relocating this particular TV Screen.

The Committee discussed the application.

Councillor Malpas proposed a further condition to ensure that advertising on the banners be restricted to Council events only. Councillor Golby seconded the motion.

Upon a vote the motion was agreed.

RESOLVED: That the application be approved subject to the conditions set out in the report and additional condition to restrict the advertising in the banners to Council events only, as the notice boards, screens and banners would not have a significant impact on amenity or public safety and would preserve the character and appearance of the All Saints Conservation Area and would comply with Policy E26 of the Northampton Local Plan, advice in PPG15 (Planning and the Historic Environment) and PPG19 (Outdoor Advertisement Control).

10. ITEMS FOR DETERMINATION

(A) N2008/0004 - ERECTION OF A HERITAGE CENTRE INCLUDING TEACHING FACILITIES, MUSEUM, TEAROOM AND GIFT SHOP. LAND FOR HERITAGE SITE, THE CAUSEWAY.

The Head of Planning submitted a report in respect of application no N/2008/0004 and noted that this application had been considered in May 2008 and approved in principle, subject to the completion of a Section 106 Agreement relating to highway work. She also referred to the Addendum and a copy response from Dr Hollowell to the report. The Addendum identified two options: (i) refuse the application in line with the recommendation or (ii) to approve the application and without the requirement for a Section106 Agreement. The highways authority had been unable to identify any future highways improvements and therefore the Committee might take the view that this requirement was now unreasonable. She confirmed that the Secretary of State had decided not to call this application in and therefore the Committee were able to determine the application in the usual way.

Mr Price-Jones confirmed he was a the Trustee of Northampton Museums Ltd and referred to the application having been considered by Planning Committee in May 2008 and they approved subject to referral to the Secretary of State, a Section 106 Agreement and planning conditions. Of the 19 conditions only three related to access and highway issues and the proposed Section 106 Agreement related to mitigating highways measures. The highway authority had not identified any highways works so there was nothing to be included in a S106 Agreement. He asked the Committee to show their support for a worthy project and remove the requirement for a Section 106 agreement from the planning permission as it was superfluous.

Dr Hollowell commented that the trust had completed everything which was required of it and as the highway authority had not raised any further matters that the application be approved without the requirement for a Section 106 Agreement.

The Committee discussed the application.

Councillor Mason proposed that the application be approved subject to conditions but without the requirement for a Section 106 Agreement. Councillor Meredith seconded the motion.

Upon a vote the motion was agreed.

RESOVLED:

- 1) That the recommendation in the report recommending refusal be not agreed.
- 2) That the decision of the Committee to approve the application on 7th May 2008 subject to the conditions and for the reasons listed at that time be reaffirmed, subject to the removal of the requirement for a Section 106 Agreement as no relevant highway works have been identified by the Highway Authority.

(B) N/2009/0436 - ERECTION OF DETACHED BUNGALOW WITH GARAGE TO LAND REAR AND DEMOLITION OF EXISTING GARAGE AND REAR ADDITIONS AND ERECTION OF SINGLE STOREY REAR EXTENSION TO EXISTING BUNGALOW AT 23 LORRAINE CRESCENT.

The Head of Planning submitted a report in respect of application no N/2009/0436 and elaborated thereon.

Mr Evans the applicant commented that the access had been amended from the previous application and a bedroom had been relocated to the rear of the existing dwelling which provided a three metre access to the proposed new dwelling. He intended to update the existing property and the garden as the side extension and garage had been badly constructed. He believed there would be no impact on surrounding properties and parking had been carefully arranged.

Mrs Mangan confirmed that she lived in Becket Way and her property was adjacent to the proposed development. The new dwelling would run the whole length of her property and three quarters of the garden and would cause her to be overlooked. There were already other taller properties surrounding her bungalow, the boundary of the proposed development was the only vista; and that it would block out more light to

her property.

The Committee discussed the application.

RESOLVED: That the application be refused by reason

- 1) That by its design and layout, the proposal is likely to create noise and disturbance to the occupiers of the proposed dwelling, detrimental to residential amenity and contrary to Policies H6 and H10 of the Northampton Local Plan.
- 2) That reason of its design and scale, the proposed layout would result in the need for difficult and cumbersome vehicle manoeuvrings resulting in the proposal being a contrived form of development and contrary to Policies E20 and H6 of the Northampton Local Plan and PPG13.

11. ENFORCEMENT MATTERS

(A) E/2007/511 - BREACH OF PLANNING CONTROL AT 25/25A ST GEORGES AVENUE.

The Head of Planning submitted a report in respect of E/2007/511 and elaborated thereon.

The Committee discussed the Report.

RESOLVED: That the Borough Solicitor be authorised to instigate prosecution proceedings in respect of the non-compliance with Enforcement Notice No. 7/2008.

12. APPLICATIONS FOR CONSULTATION

None.

The meeting concluded at 19.10.

PLANNING APPEALS

26th August 2009

Written Reps Procedure	DEL/PC	Description	Decision
N/2009/0197 APP/V2825/A/09/2106367/NWF	DEL	Change of use from Post Office (A1) to Take Away (A5) including extraction flue at Booth Ville Post Office, 3 Booth Lane North.	
N/2009/0288 APP/N2825/A109/2108554/NWF	DEL	Proposed change of use of part of the car park to accommodate hand car wash area at The Romany Public House Kingsley Road.	
N/2009/0365 APP/V2825/A/09/2108648/NWF	DEL	Proposed change of use from laundrette (Sui Generis) to hot food takeaway (A5) including installation of extraction flue at 168 Birchfield Road East.	
N/2008/0835 APP/V2825/A/09/2104719	DEL	3no. New B2/B8 units (sub-divided into 11 units) and extension of existing B2/B8 units (sub-divided into 10 units) at Action Express, 30 Liliput Road.	
N/2008/1262 APP/V2825/A/09/2104719/NWF	DEL	Proposed erection of 3no. Detached dwellings with associated parking/garages at 31a Greenfield Avenue.	
N/2008/1276 APP/V2825/A/09/2099559/NWF	PC	Change of use from residential (Class C3) to takeaway (Class A5) including alterations to roof, installation of extractor unit and provision of rear car parking at 47 Main Road Duston. (Wild Thyme Cottage)	
Hearing Procedure	NONE		
Enforcement			

Enforcement	NONE
Inquiry Procedure	NONE

The Address for Planning Appeals is Mr K Pitchers, The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN.

Appeal decisions can be viewed at www.planning-inspectorate.gov.uk

Local Government (Access to Information) Act 1985 Background Papers

The Appeal Papers for the appeals listed.

Author and Contact Officer

Ms June Kelly, Interim Development Control Manager

Telephone 01604 838999

Planning and Regeneration

Cliftonville House, Bedford Road, Northampton, NN4 7NR.



NORTHAMPTON
BOROUGH COUNCIL

PLANNING COMMITTEE: 26 August 2009

DIRECTORATE: Planning and Regeneration

HEAD OF PLANNING: Susan Bridge

**REPORT TITLE: Development Control and Enforcement
Performance.**

1. RECOMMENDATION

1.1 That the report be noted

2. BACKGROUND

2.1 Planning Service Improvements

2.2 Workload

Factors affecting the workload include the impact of WNDC as a local planning authority, the current economic climate and its effect on house building and the changes to householder permitted development rights. The number of applications and WNDC consultations received from 1 April 2009 to 30 June 2009 was 341 compared to 404 for the same period in 2008; the number of applications received during this quarter has increased and continues to do so which would indicate that the average of 1300 applications per year is likely to be achieved. The section also continues to have a substantial workload of customer enquiries, planning condition discharges, appeals and enforcement cases.

3. PERFORMANCE

3.1 Performance statistics

This report sets out performance data on national and local indicators for the quarter 1 April 2009 to 30 June 2009 and also gives the cumulative performance for the year ending 30 June 2009. The DCLG figures for the year-end are not yet available, however, given that overall performance has been maintained throughout the year it is expected that NBC would remain within the top quartile as one of the higher performers within the region.

Performance indicator	Code	Nat target	NBC Target	April - June 2009	Year ending June 2009
% Large Major apps within 13 weeks	NI157(A)	60%	74%	0%	0%
% Small Major apps within 13 weeks	NI157(A)	60%	74%	0%	0%
% Minor apps within 8 weeks	NI157(B)	65%	87%	98.78%	94.74%
% Other apps within 8 weeks	NI157(C)	80%	96%	96.43%	98.53%
% Appeals allowed	BV204	33%	<25%	37.5%	29%
% Delegated apps	BV188 (local)	-	95%	98.60%	96.66%
Best Value checklist: Quality of service	BV205	100%	80%	77.8%	77.8%

3.2 Speed of determination (NI 157A)

Processing of the majority of applications (minor and other categories) was in the in the top quartile nationally with performance exceeding national and the more exacting Northampton BC targets. However it should be noted that the number of Major and minor application have dropped significantly. Major applications should be determined within 13 weeks. This can only be met for more complex applications by ensuring quality pre-application discussions and making early progress with Legal (Section 106) Agreements, where appropriate. The Council's local validation requirements now require Heads of Terms for Legal Agreements, such as contributions to affordable housing targets, open space and education, to be submitted at the application stage.

3.3 Appeals (BV204)

As members can see above the percentage of appeals allowed over the last quarter (contrary to the Council's decision) has been reduced and is marginally above the national average target of 33% and it remains higher than the Northampton BC target. The improvement is most notable in the annual figures, which is below the national average

at 29%, there has been a significant decrease in the number of appeals being allowed against the Council's decision. It is expected that given the improvements that have been implemented to the decision making process, the improvements in the appeal performance will continue.

	Appeals determined	Total allowed	Total dismissed	No. which were Committee decisions	No. allowed (Committee decisions)	No, dismissed (Committee decisions)	% allowed
April – June 2009	8	3	5	0	0	0	37.5%
Year ending 30 June 2009	45	13	32	5	2	3	29%

3.4 **Percentage of applications determined through Delegated procedures (BV188) now a Local Indicator**

The result for the quarter was 98.60% which above the Northampton BC target of 95%. Of the 11 applications considered at Committee in the last quarter 2 were called in by Members under the Council's procedures.

3.5 **BV205 Quality of Service checklist**

This checklist comprises a number of components such as information on the planning website and access to professional advice. Officers are working to improve the use of IT systems within the planning service and the quality of the web-based information to enable improved access to information and speedier response times in relation to this indicator. As a result, it is expected that performance under this indicator will meet CLG requirements within 2 years.

4. **ENFORCEMENT**

4.1 The Council adopted an enforcement policy and associated priorities for action last year. The following data indicates performance in relation to workload and the new priorities

4.2 Planning Enforcement statistics for the period from 1 April 2009 to 30 June 2009

Enforcement Investigations

	PRIORITY 1	PRIORITY 2	PRIORITY 3	PRIORITY 4	TOTAL
NEW CASES APRIL - JUNE	22	36	54	101	213
APRIL - JUNE CASES CLOSED	18	29	46	93	186
APRIL - JUNE CASES OUTSTANDING	4	7	8	8	27
CASES INVESTIGATED WITHIN WDC AREA	4	6	3	7	47
CASES O/S 31.12.08					136
PRE 31.12.08 CASES CLOSED					17
PRE 31.12.08 CASES OUTSTANDING					33
TOTAL CASES OUTSTANDING					132

5. Legal Implications:

5.1 None

6. Background Papers:

6.1 DCLG planning statistics.

7. **Summary and Links to Corporate Plan**

7.1 In reaching the attached recommendation regard has been given to securing the objectives, visions and priorities outlined in the Corporate Plan together with those of associated Frameworks and Strategies. Monitoring performance is consistent with the objectives of securing an efficient and effective planning service.

Position:	Name/Signature:	Date
Author: Interim DC Manager	June Kelly	13/08/2009
Head of Planning	Sue Bridge	13/08/2009

26th August 2009



Addendum to Agenda Items

<u>Item</u>	<u>Application</u>	
7	A	Development Control Performance - June 2009.
10	A	<p>N/2009/0187 - Demolition of existing 4no. dwellings and business premises and erection of 29no. apartments at 68-72 Abbey Street Northampton.</p> <p>Environment Agency (Formal response following on from informal comments) -</p> <p>We consider that the details in the FRA have been undertaken in line with Annex E of Planning Policy Statement 25 'Development and Flood Risk' (PPS25), and these are considered appropriate for the scale and nature of the proposed development.</p> <p>Accordingly, the Environment Agency is prepared to withdraw its previous objection, subject to the imposition of the following condition on any subsequent planning permission granted:</p> <p>Condition: The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) 07/8533/FRA July 2009 and the following mitigation measures detailed within the FRA:</p>

1. Finished Floor levels for the blocks should be set at or above those stated on Drawing 07/G57/100B Proposed development at Abbey Street, Northampton.
2. Flood-proofing measures detailed in section 5.2.2 should be included in the built development.

Reason:

To reduce the risk of flooding to the proposed development and future occupants.

Further clarification that a safe access/egress route can be provided should be discussed with Local Authority
Emergency Planners to conform with their necessary requirements to ensure the safety and welfare of users and occupiers, including emergency services, of the development during a flood event.

Northamptonshire Fire and Rescue Service (consulted on the advice of Emergency Planners) - Do not have any objections to the proposed development on the understanding that Emergency Vehicle Access (Fire Appliances) will comply with the current guidance as specified within the Communities and Local Government (Department for Transport) Manual for Streets (Section 6-Sub section 6.7 Emergency vehicles)

County Highways - As discussed, the development does comply with the regulations quoted in the Manual for Streets, which are principally the normal Building Regulations 2000 requirements. M for S also refers to the need to consult the Fire Safety Officer if a reduced standard of access is requested, however there would not be an issue for this development.

The introduction of the Fire and Rescue Services Act 2004 is also referred to in terms of response times to particular areas, together with the ease of movement within it. The

		<p>provision of adequate parking for new development is considered a factor regarding response times, although again for this development, there would not be an issue due to the width of existing highways for both the site frontages, as well as current parking restrictions. A new turning-head is also being provided at the end of Abbey Street as part of the development in order to provide an adequate turning facility.</p>
11	A	E/2009/1 - Breach of planning control at 58 Gray Street.
12	A	N/2009/0481 - Erection of two commentary boxes, camera gantry, extension to pavilion and installation of six floodlights.
		<p>A revised lighting scheme has been submitted, which in most cases reduces the level of light spill from that previously submitted. Comments are also made regarding the use of the Institute of Lighting Engineers guidance as it is considered that this is not immediately applicable to situations where floodlights are not intensively used. A visual impact assessment has been submitted using a temporary structure. A scheme to reduce lighting levels after play ceases has also been proposed. The Travel Plan would include measures to encourage alternative transport methods. Strategies are also considered to assist with spectators leaving the ground.</p> <p>Comments from NBC Public Protection state that whilst the proposal is an improvement but reservations exist about the level of lighting and the frequency of use.</p> <p>A letter from Mr M. Tagg (NCCC Chief Executive) – Commenting on the need for the floodlights in order to ensure the continued viability of the Cricket Club. Without these lights, it would not be possible to play Twenty-Twenty games within Northamptonshire. This would move the economic benefits of such games away from Northampton. Increasing numbers of spectators are being attracted from outside of the county. The use of retractable floodlights has been investigated and the cost has proven to be prohibitive.</p> <p>A letter from Cllr B. Hoare – Requesting the visual impact</p>

			<p>drawings are submitted, that the main concerns for local residents in terms of residential amenity are in respect of Light and Noise pollution and impact on traffic and parking. Therefore recommending refusal on the grounds that NBC Public Protection are not satisfied with the mitigation measures. The noise level of Twenty-Twenty matches also needs to be considered. A comprehensive travel plan should also be required.</p>
--	--	--	--

The NBC planning committee is not the determining authority for this application and the report that you have received from NBC officers recommends how you might advise the WNDC. However fundamental to this application are policies and protections that NBC provide to local residents.

This application is adjacent to the Abington conservation area, which restricts the development of many of the Households who are objecting to this application. The conservation area was established to protect the visual environment around Abington Park. Para 1.2 of the officer's report states, "*there would be some impacts from the proposed floodlights*" and rightly states that these have to be balanced against the "wider benefits" of promoting higher level sport within Northampton.

Residents and councillors have inspected the application file and could not find any "VISUAL IMPACT DRAWINGS". The planners agreed these would be required to make this balanced judgment. I would ask you to look at the Visual Impact Drawings so that you can judge if the stated "SOME IMPACTS" are acceptable, recognising that as a planning authority we will wish to constrain residential development in the defined Conservation area to preserve its character.

The main concerns for local residents in terms of residential amenity are in respect of Light and Noise pollution and impact on traffic and parking. I believe the officers advising you have failed to be as robust as they should to ensure that local residents do not suffer a detrimental impact on their quality of life and residential amenity.

I believe there are two stages that you should consider when determining this report.

1. Is the potential impact on the residential amenity of such a concern that it justifies the recommendation not to approve this application?
2. If you are not minded to recommend rejection what conditions should be recommended to WNDC to enable the NBC Environmental Health Department to take action to protect the residents if this becomes necessary

Conditions would need to be clear and very specific

Lighting

- In Para 6.1 the NBC Public Protection department state that "this application does not go into sufficient details to demonstrate that appropriate measures have been proposed to mitigate the impacts of Obtrusive light"
- The only proposed condition recommended to the committee regarding is in Para 1.3 ii) relates to lighting levels after the cessation of the cricket match and does not attempt to afford any protection to residents during the cricket match.
- I would ask that you recommend refusal on the basis that the Public protection are not satisfied that sufficient mitigation against Obtrusive Light is being proposed.
- Also that you recommend that if the WNDC approve the scheme subject to a satisfactory lighting scheme that WNDC impose a condition that defines the Acceptable level of Obtrusive Light i.e. the lux level that would enable the EHD to protect the local residential amenity.

Noise

- In Para 6.2 the NBC Public Protection department state "the applicant has not made any reference to the potential impact of noise arising from the increase in the number evening games".
- The committee needs to consider the impact on the local residents of the carnival atmosphere that ECB and Sky Sport wish to be associated with T20 Twenty games. This floodlight version of cricket is highly animated with maximum crowd involvement stimulated by repeat action screens and pa announcements.
- The EHD undertook sound recording at a recent 20 Twenty match but this is not referred to in the report presented to you. This was not a well-attended match and concluded in the early evening but it would provide the planning committee a sense of the impact on the local residents.
- I would ask that you recommend refusal on the basis that it is not possible to establish a reasonable compromise between what the Cricket Authorities / Sky will be trying to stimulate and the needs of local families with young children who need to be able to sleep before 11.00 pm.

- Should you be minded not recommend refusal then the officer recommendation in para 1.3 iii) is inadequate. The NBC planning committee must recommend an enforceable condition that protects local residents and does not leave the NBC EHD with an impossible task of interpreting what is an acceptable noise level.

Traffic

- Para 4.1 details previous planning applications including N/2009/0214 for additional Spectator Stands. These have been installed but the travel plan has not been approved as the applicant was given 3 months from granting the application to achieve approval of the plan. This approach favours the applicant because they get what they want and can vacillate about achieving a quality travel plan.
- The focus of this application is to facilitate late night cricket matches disgorging c 4,000 to 5,000 spectators between 10pm and 11pm at night.
- The Applicants complacency regarding the impact of late night traffic is demonstrated in para 9.7 of the Planning Statement where the applicant states, "a travel plan is not needed for this application" but then acknowledges that travel to floodlight games is considered.
- The 20 Twenty matches will finish late at night and the number of local bus stops is irrelevant if there are no buses running at this time at night.
- The high investment in 48 metre high floodlights is only commercially viable if maximum crowds are attracted to the County Ground and who will stay to the end of the match enjoying the match, which will include drinking over a 3 to 4 hour period.
- The planning committee should recommend refusal until a comprehensive travel plan has been agreed by the authorities in consultation with local councillors.
- Preventing gridlock late at night in the Abington area (when 20 Twenty matches are being played) must be a condition of giving planning permission. The travel plan must be approved involving the local councillors as a condition that must be fulfilled before the new cricket facilities are put into use.
- The travel plan that must recognise that there is not late night public transport capable of handling 4/5K spectators leaving the County Ground. The cricket club needs to demonstrate that they have a robust plan to prevent spectator cars bringing Abington to a gridlock.



NORTHAMPTON
BOROUGH COUNCIL

PLANNING COMMITTEE: 29th July 2009
DIRECTORATE: Planning and Regeneration
HEAD OF PLANNING: Susan Bridge

N/2009/0187: 68-72 Abbey Street Northampton,
Demolition of existing 4no. dwellings
and business premises and erection of
29no. apartments.

WARD: St James

APPLICANT: P and G Brindisi
AGENT: Barry Waine, Shoosmiths

REFERRED BY: Head of Planning
REASON: Major Application

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

APPROVAL IN PRINCIPLE subject to the following:

- (1) Prior finalisation of a S106 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 Regulation Order adjacent to the site.
- (2) Planning conditions below and for the following reason:

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 requirement of 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, E40 of the Northampton Local Plan and the advice contained in PPS1 (Delivering Sustainable Development), PPS3 (Housing) and PPG13 (Transport).

2. THE PROPOSAL

- 2.1 The proposed development is a three storey building, with the top floor set into the roofspace, providing a total of 29 apartments.

3. SITE DESCRIPTION

- 3.1 The site comprises commercial premises, in use as a depot for an ice cream business and four dwellings (3 terraced houses and one detached house). All on site buildings would be demolished.
- 3.2 The site lies within a primarily residential area and Abbey Street is defined predominantly by 2 storey terraced dwellings with on street parking. Opposite the site is the more modern Abbey Court development and to the rear is the Northampton Saints Rugby Ground. To the west of the site, across Melbourne Road, is a 6 storey block of flats known as Melbourne Place.

4. PLANNING HISTORY

- 4.1 The earlier planning history for the site relates to the erection of the detached house on the site, which was approved in outline in 1982, with reserved matters being approved in 1986.
- 4.2 An application for the site for 32 apartments was withdrawn in 2008 under reference N/2008/0077.
- 4.3 A revised application for the erection of 29 apartments was refused on 05-11-2008 under reference N/2008/0812 for the following reasons:
 - The failure to provide an adoptable turning head at the entrance to the site would result in an increase in highway congestion due to the increased vehicle movements along the street and substandard turning and manoeuvring space for all vehicles to the detriment of highway safety and the amenities of adjoining occupiers. The proposal is thereby contrary to Policy T3 of the Northamptonshire County Structure Plan the advice contained in PPG13 Transport.
 - The failure to provide pedestrian visibility splays at the Melbourne Road access to the site would be detrimental to

highway and pedestrian safety. The proposal is thereby contrary to Policy T3 of the Northamptonshire County Structure Plan the advice contained in PPG13 Transport.

5. PLANNING POLICY

5.1 Development Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan and unless material considerations indicate otherwise. The current Development Plan comprises the Regional Spatial Strategy (RSS), the Northamptonshire County Structure Plan and the Northampton Local Plan.

5.2 Local Plan Policy

H6, H17, H32, E20 and E40
E20 New development
E40 Crime and Vandalism

5.3 East Midlands Regional Plan 2009

Policy 2 – Promoting Better Design
Encourages highway access and parking that improves both safety and the quality of public space, whilst seeking design that reduces crime and the fear of crime.

5.4 National Policy

Planning Policy Guidance (PPG);
PPG13 Transport
PPG24 Planning and Noise

Planning Policy Statements (PPS)
PPS1 Delivering Sustainable Development
PPS23 Pollution Control

5.5 Other Policy Considerations

Supplementary Planning Guidance (SPG);
Parking
Planning out Crime

6. CONSULTATIONS/REPRESENTATIONS

- 6.1 Housing Strategy - There is a 35% affordable housing requirement on this scheme and the breakdown of that 35% should be 7 social rented

and 3 Intermediate tenure including NewBuild HomeBuy. 10% of the units should meet NBC's mobility standard, or some other such standard which is superior, such as Lifetime homes. In order for a comprehensive management of the affordable units but eh housing association we would ask that the block in the SW with plot numbers 1-4, 9-11 and 20-22 be the affordable units. Management of the affordable units will need to be by one of NBC's RSL preferred management partners. The affordable units should comply with the HCA's Design and Quality Standards and also be compliant with Code for Sustainable Homes Level 4.

- 6.2 Police Crime Prevention Design Adviser - I am pleased to note that the applicant has taken into account my previous recommendations for security and that these will be incorporated into the development. Since the previous application I am now tasked to include recommendations on behalf of Northants Fire and Rescue with regard to the potential for arson from communal bin storage areas. I note that the applicant's agent references that the bin storage is secured and can be protected from arson attack but I can find no drawing of the bin stores on the drawing so am not in a position to comment on how appropriate the protection will be.
- 6.3 Environmental Health - The application includes a stage 1 environmental assessment - this indicates that further site investigation risk assessment and possibly some remediation may be necessary to ensure that the site is suitable for use. It is therefore recommended that the conditions below are imposed to address this issue. The site is located in the St James area of the town and any traffic from the development will travel through the air quality management area on Weedon Rd / Harlestone Road. It is therefore recommended that any approval is subject to a condition requiring an assessment of the air quality impact of the traffic generated by the development as outlined below. It is noted that the proposed development includes an automatic pedestrian and vehicle access gate and garages with roller shutter doors located on the Abbey Street facade. This section has previously received complaints concerning noise from this type of equipment and it is therefore recommended that the condition below is imposed to address this issue. Given the proximity of the site to existing residential properties it is requested that the applicant is provided with the attached guidance on construction noise and dust control. Please note that with effect from 6 April 2008, a Site Waste Management Plan (SWMP) must be produced for all construction projects worth over £300,000. A SWMP records the amount and type of waste produced on a construction site and how it will be reused, recycled or disposed.
- 6.4 County Highways: *Initial Comments* - Request minor amendments to highway layout together with standard conditions re. surfacing, automatic gates, adoptable highway and re-instatement of highway.
- 6.5 County Highways: *On receipt of amendments* - Confirm amendments acceptable.

- 6.6 Environment Agency - *Initial Comments* - I can confirm that we have received a copy of the Sequential Test undertaken by Northampton Borough Council (NBC) and confirmation from NBC that the Sequential Test has been passed. The Environment Agency OBJECTS to the proposed development, as the Flood Risk Assessment (FRA), prepared by David Smith Associates, reference no. 07/8533/FRA Rev B, submitted with this application does not comply with the requirements set out in Annex E, paragraph E3 of Planning Policy Statement 25 (PPS 25). The submitted FRA does not therefore, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.
- 6.7 Environment Agency - *Comments On Revised Plans* - Maintain our previous objection to the proposed development subject to the submission of an amended FRA, which addresses the following point: We consider that the finished floor levels of the proposed Block 1 are not set at a level that can be considered to be safe for occupants in the event of a flood. Block 1 has ground floor sleeping accommodation with no place of safety available on other floors in the event of a flood. Therefore, the finished floor levels for Block 1 should be set at the same level as the other proposed blocks.
- 6.8 Revised plans have been received showing the revised floor levels as requested and the Environment Agency have informally confirmed that this is acceptable. Their formal response is awaited and will be reported verbally to the Committee.
- 6.9 St James Residents Association: Object to the application in its present form, this is a relatively small piece of land irregular in shape and tightly packed behind existing houses and the saints Rugby ground and does not lend itself to development on this scale. There are still too few parking spaces being provided, while the association welcomes initiatives to reduce dependency on the private car, we live in the real world and do not believe the occupants of these dwellings will walk or cycle everywhere. Note that the only access is adjacent to the gates of the Saints Rugby Club, believe the extra traffic is too much for this small cul-de-sac, particularly on match days.
- 6.10 Representations received from neighbouring occupiers at 48 Abbey St, 18 Abbey Court and the owners of 66 Abbey St (resident in Broughton), making the following points -
- In favour of seeing the factory demolished and redevelopment in this area only.
 - 3 storey block to the rear of our gardens is a step too far.
 - Have had problems with previous neighbours, would be made worse if 100 plus people move in.

- Concerned about parking - only 23 spaces for 29 flats. A resident may try to use private parking in Abbey Court.
- Concerned about height of the proposed block, will tower over surrounding properties.
- Concerned at number of flats, town is overrun with new flats which are not being sold.
- Wish to voice my absolute wholehearted support for the proposals which will significantly improve the amenity of this part of Abbey St and which due to the large number of parking spaces provided will in fact reduce congestion in Abbey St.
- Have long felt that the commercial activity on this site is incompatible with a residential area and that the development will provide much needed low cost housing.

7. APPRAISAL

Main issues

- 7.1 The main issues to consider are the impact on the street scene and on the amenities of adjoining occupiers, as well as due to increased vehicle movements in the area and flood risk issues..

Policy context

- 7.2 Policy E20 states that planning permission for new development will be granted subject to the design of any new building adequately reflecting the character of its surroundings in terms of layout, siting, form, scale and use of appropriate materials and the development being designed, located and used in a manner which ensures adequate standards of privacy and light.
- 7.3 Policy H6 of the local plan is also relevant and states that planning permission for residential development will be granted except where the development would be of a scale and density detrimental to the character of the area.

Planning History of the site

- 7.4 The first application submitted for this development was withdrawn following concerns expressed by the case officer in respect of the scale of development and its impact on existing adjoining occupiers.
- 7.5 An amended scheme later re-submitted for 29 flats. This reduced the bulk of the building by setting the third floor windows into the roofspace and was therefore considered to be acceptable in design terms, however

this was refused due to concerns raised by County Highways, which could not be resolved by amendments to the scheme.

- 7.6 The current application retains many of the elements of this previous scheme but with alterations to incorporate the concerns of County Highways. Principally these relate to alterations to the appearance of block 1, to allow space for the turning head.

Assessment of issues

Street Scene

- 7.7 The site is essentially a backland site, being to the rear of existing dwellings, although it is also openly visible from the side of these dwellings and would also be seen in the context of the adjacent rugby ground as well as the adjacent block at Melbourne House.
- 7.8 Although the proposed buildings would also be viewed in the context of the terraced properties, which are two storeys high, it is considered that given the higher buildings in the locality and given the amendments to the previous plans which reduced the bulk of the proposals, a three storey development in this area would not be out of keeping with the street scene or the character of the area and would not appear incongruous.

Impact on neighbouring Occupiers

- 7.9 The proposed development is in a 'L' shape form. In terms of its impact on adjacent occupiers, the building in part would be set away from the rear of the remaining houses by in excess of 20m, meaning that there would be no overlooking or overshadowing of these properties.
- 7.10 The left hand side of the proposed building would be in a more close relationship with the existing dwellings, at the end of the development near no.66 Abbey Street. However, this block has been designed with bedroom and bathroom windows facing the rear yards of the terraced properties, with the main lounge and master bedroom windows facing towards the adjacent rugby club car park, meaning that there would be no significant overlooking of these neighbouring properties.

Parking

- 7.11 In terms of parking, 23 spaces would be provided for the 29 flats. The streets surrounding the site are somewhat congested, in spite of residents parking restrictions, however given the sustainable location of development near shops and services on Weedon and St James Roads and near a bus route into town and easy access to the train station, and taking into account the guidance in PPG 13, it is considered that the level of parking proposed is acceptable.

Standard of Accommodation / Security

- 7.12 The flats themselves would provide a reasonable standard of accommodation, although limited areas of outdoor amenity space are provided, However there are areas of public open space within close proximity to the site which would provide for residents needs.
- 7.13 Comments from the Police Crime Prevention Design Adviser indicate concerns over the potential for arson in the bin stores. It is considered that this can be addressed by means of a suitable condition.

Flooding

- 7.14 The Environment Agency initially objected to the application on the grounds that the site is within flood zone 3 and that the use of the ground floor for sleeping accommodation was not acceptable.
- 7.15 A revised Flood Risk Assessment has been submitted and forwarded to the Environment Agency, whose response was that the floor level of Block 1 should be raised by 0.225m. Amended plans to achieve this have been received and have been informally accepted by the Environment Agency.
- 7.16 It is considered, therefore, that the issue of flood risk has been satisfactorily addressed.

8. CONCLUSION

- 8.1 It is considered that the proposed development would have no adverse impact on the street scene or on the amenities of adjacent occupiers and that a satisfactory standard of accommodation would be provided for future occupants. No adverse impact in terms of highway congestion would result and the issue of flood risk has been satisfactorily addressed.

9. CONDITIONS

(1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

(2) Details and/or samples of all proposed external facing materials shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and to ensure that the development will harmonise with its surroundings in accordance with Policy E20 of the Northampton Local Plan.

(3) Prior to the commencement of any work on site full details of security measures to be included within the development shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be incorporated into the development and shall be available and functional before the occupation of any of the flats hereby approved.

Reason: In the interest of the security of future occupiers of the development and the prevention of crime, in accordance with Policy E40 of the Northampton Local Plan.

(4) The parking spaces shown on the submitted plan shall be laid and marked out prior to the development being first brought into use and retained thereafter.

Reason: To ensure adequate parking remains available for the lifetime of the development, in accordance with Planning Policy Statement 1.

(5) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a detailed scheme of hard and soft landscaping for the site. The scheme shall include indications of all existing trees and hedgerows on the land and details of any to be retained.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy E20 of the Northampton Local Plan.

(6) Full details of the proposed surface treatment of all roads, access and parking areas, footpaths, private drives and the deterrent parking area adjacent to the access drive including their gradients shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction work on site. Development shall be carried out in accordance with the approved details.

Reason: To secure a satisfactory standard of development in accordance with Policy E20 of the Northampton Local Plan.

(7) The automated vehicular access gates shown on the approved drawings shall be electronically controlled and fully installed prior to first occupation of any dwelling and thereafter maintained.

Reason: In the interests of highway and pedestrian safety, in accordance with the guidance as set out in Planning Policy Guidance 13 "Transport".

(8) Full details of all roads and drainage including cross-sections, longitudinal sections, highway boundaries and proposed ground and floor levels shall be submitted to and be approved by the Council prior to the commencement of construction work on site.

Reason: In the interests of highway and pedestrian safety, in accordance with the guidance as set out in Planning Policy Guidance 13 "Transport".

(9) The existing vehicle crossover on the Melbourne Road frontage is to be reinstated to verge full details of which are to be submitted to and approved by the Council and the works shall be carried out prior to first occupation of any of the dwellings hereby permitted’.

Reason: In the interests of highway and pedestrian safety, in accordance with the guidance as set out in Planning Policy Guidance 13 “Transport”.

(10) Unless otherwise agreed in writing, prior to the first occupation of any of the dwellings hereby permitted, amendments to Traffic Regulation Orders along Abbey Road are to be secured and fully implemented in accordance with the approval of the County Council.

Reason: In the interests of highway and pedestrian safety, in accordance with the guidance as set out in Planning Policy Guidance 13 “Transport”.

(11) Details of the provision for the storage of refuse and materials for recycling shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development, implemented prior to the occupation or bringing into use of the building(s) and thereafter maintained.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy E20 of the Northampton Local Plan.

(12) Prior to the commencement of the development hereby permitted, an investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - ground waters and surface waters,
 - ecological systems,

- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

Reason: To ensure the effective investigation and remediation of contaminated land sites and in the interests of health and safety and the quality of the environment in accordance with the advice contained in PPS23 Planning and Pollution Control.

(13) Prior to the commencement of the development hereby permitted, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings, and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure the effective investigation and remediation of contaminated land sites and in the interests of health and safety and the quality of the environment in accordance with the advice contained in PPS23 Planning and Pollution Control.

(14) The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure the effective investigation and remediation of contaminated land sites and in the interests of health and safety and the quality of the environment in accordance with the advice contained in PPS23 Planning and Pollution Control.

(15) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Condition (Q2c above – to be substituted with the correct condition number), and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition (Q3c above – to be

substituted with the correct condition number), which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Condition (Q4c above – to be substituted with the correct condition number).

Reason: To ensure the effective investigation and remediation of contaminated land sites and in the interests of health and safety and the quality of the environment in accordance with the advice contained in PPS23 Planning and Pollution Control.

(16) A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of (x) years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11.

Reason: To ensure the effective investigation and remediation of contaminated land sites and in the interests of health and safety and the quality of the environment in accordance with the advice contained in PPS23 "Planning and Pollution Control".

(17) Before the development hereby permitted commences a scheme shall be agreed with the Planning Authority which specifies the sources of noise on the site, whether from fixed plant or equipment or noise generated within the buildings, and the provisions to be made for its control. The agreed scheme shall be implemented prior to the development coming into use and shall be maintained thereafter.

Reason: To protect the amenities of adjoining occupiers and future residents, in accordance with the guidance in PPG24 "Planning and Noise".

(18) Prior to the commencement of the development an air quality assessment should be carried out to determine whether it is likely to have a significant impact on air quality. The results of this assessment shall be submitted to the LPA and if the assessment indicates that there is an air quality impact a scheme of mitigation shall be submitted to the LPA and the agreed scheme implemented prior to the occupation of the development.

Reason: To protect the amenities of adjoining occupiers and future residents, in accordance with the guidance in PPS23 "Planning and Pollution Control".

10. LEGAL IMPLICATIONS:

None.

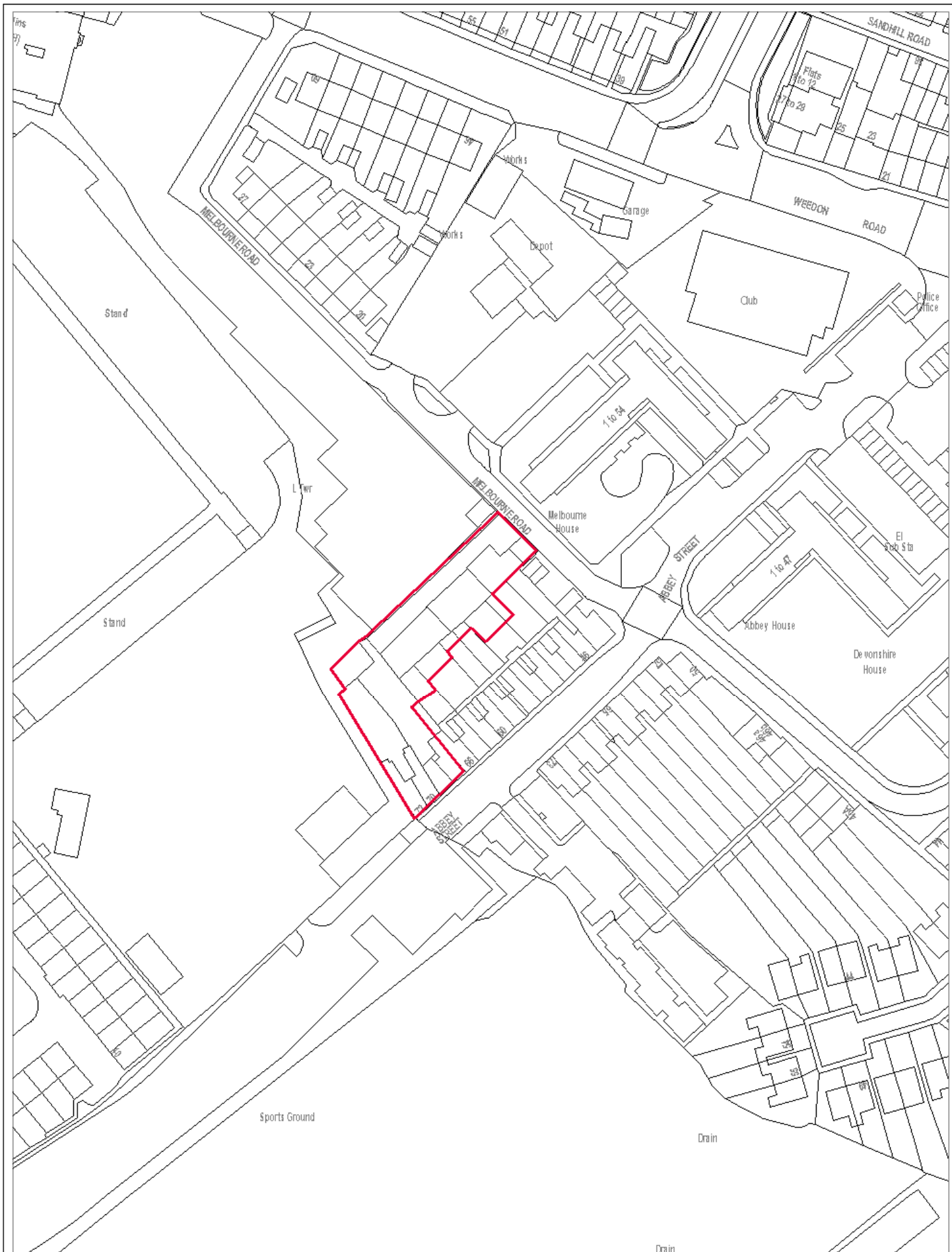
11. BACKGROUND PAPERS

Application files N/2008/0807, N/2008/0812, N/2009/0187

12. SUMMARY AND LINKS TO CORPORATE PLAN

12.1 In reaching the attached recommendations regard has been given to securing the objectives, visions and priorities outlined in the Corporate Plan together with those of associated Frameworks and Strategies

Position:	Name/Signature:	Date:
Author:	Andrew Holden	10/08/09
Development Control Manager:	June Kelly	



Drawn by: Jon Martin
 Date: 14th August 2009
 Scale: 1:1250
 Use: Planning
 File: Location Plan

Title
68-70 Abbey Street
 Produced from the 2009 Ordnance Survey mapping with the permission of the
 Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction
 infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100019655



NORTHAMPTON
BOROUGH COUNCIL

PLANNING COMMITTEE: 26 August 2009
DIRECTORATE: Planning and Regeneration
HEAD OF PLANNING: Susan Bridge

APP: E/2009/1 58 Gray Street

WARD: St Crispins

APPLICANT: N/A

AGENT: N/A

REFERRED BY: Head of Planning
REASON: Breach of planning control

DEPARTURE: N/A

ENFORCEMENT MATTER: 58 Gray Street

1. RECOMMENDATION

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

2. THE BREACH OF PLANNING CONTROL

2.1 The unauthorised erection of a two-storey rear extension and change of use of an outbuilding to two self contained flats without the benefit of planning permission.

3. SITE DESCRIPTION

3.1 The property is a modest end of terrace Victorian dwelling located on the north-west side of Gray Street, within an area of predominantly residential premises as identified within the Northampton Local Plan.

4. PLANNING HISTORY

- 4.1 On 7 January 2008 the Council were in receipt of a complaint regarding the erection of a two-storey rear extension at 58 Gray Street.
- 4.2 On 14 January 2008 Planning Enforcement Officers visited the site for a second time and met with the builders. It was identified that the property was also being converted to two self-contained flats without the benefit of planning permission.
- 4.3 On 13 February 2008 a report was presented to the Planning Committee requesting authorisation to take formal enforcement action in respect of the unauthorised development and change of use.
- 4.4 Enforcement Notices reference 8/2008, 18/2008 and 19/2008 were issued on the owner requiring the removal of the unauthorised two storey extension and requiring the cessation the unauthorised use of the ground and first floor flats with a compliance period of 3 months.
- 4.5 On 17 March 2009 the existing tenants vacated the ground and first floor flats, however they have now been re-occupied. The two-storey extension also remains in situ.

5. PLANNING POLICY

5.1 Northampton Local Plan

E20 – New Development
H18 – Extensions

National Planning Policy Guidance

PPS1 – Delivering Sustainable Development

Supplementary Planning Guidance

Residential Extensions Design Guide SPG (adopted September 2002).

5. CONSULTATIONS/REPRESENTATIONS

- 6.1 N/A

7. APPRAISAL

- 7.1 It is considered that the erection of the unauthorised extension and change of use to two flats has resulted in a cramped form of development and over intensive use of both the site and the existing dwelling. This was deemed to be unacceptable and resulted in the issuing of Enforcement Notices reference 8/2008, 18/2008 and 19/2008.
- 7.2 Attempts have been made to negotiate compliance with the notices, however these have been unsuccessful to date and as stated above the two unauthorised flats have now been re-let.
- 7.3 Failure to comply with the steps prescribed within an enforcement notice is a criminal offence. As such pursuant to the provisions of the Town and Country Planning Act a Local Planning Authority can instigate prosecution proceedings to seek compliance with the enforcement notice.

8. CONCLUSION

- 8.1 The unauthorised change of use and development has remained in situ for approximately 18 months. Attempts to negotiate compliance with the notice have not been successful to date, as such it is requested that members authorise the instigation of formal prosecution proceedings

9. HUMAN RIGHTS IMPLICATIONS

- 9.1 The Human Rights Act 1998 introduces a number of rights contained in the European Convention on Human Rights. Public bodies such as the Council have to ensure that the rights contained in the Convention are complied with. However, many of the rights are not absolute and can be interfered with if sanctioned by law and the action taken must be proportionate to the intended objective. In this particular case Officers' views are that seeking to take action in respect of a perceived loss of amenity to nearby residents and occupiers is compliant with the Human Rights Act 1998 because the harm to the wider community clearly outweighs the harm (in human rights terms) to the owner or users.

10. LEGAL IMPLICATIONS:

- 10.1 There will be a cost implication in bringing about prosecution proceedings although an application for costs can be made to Magistrate's Court at the conclusion of a successful prosecution.

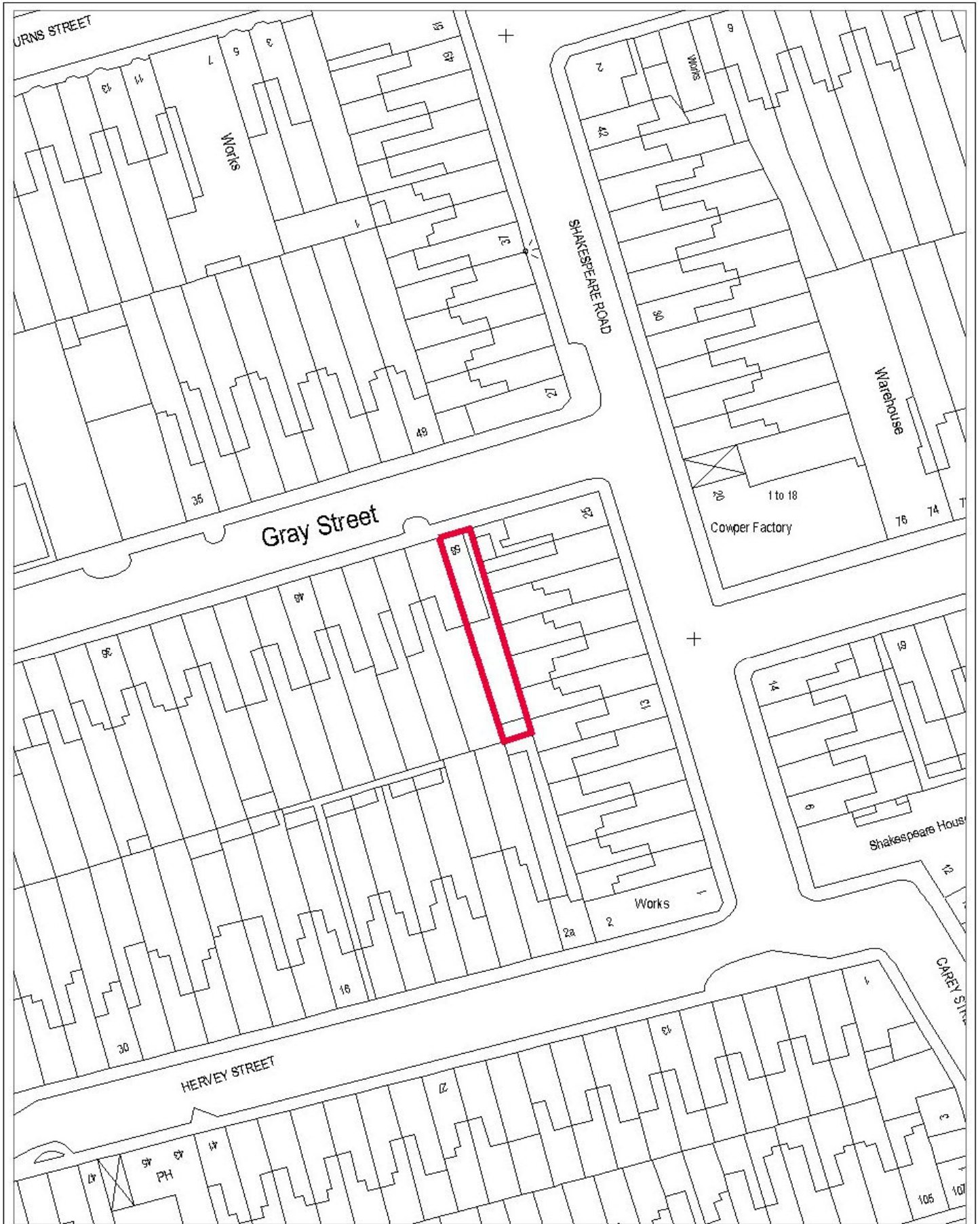
11. BACKGROUND PAPERS

- 11.1 Planning Application Ref: WN/2006/58
Planning Enforcement Ref: E/2008/8, E/2008/18, E2008/19

12. Summary and Links to Corporate Plan

- 12.1 In reaching the attached recommendations regard has been given to securing the objectives, visions and priorities outlined in the Corporate Plan together with those of associated Frameworks and Strategies.

Position:	Name/Signature:	Date:
Author:	James Willoughby	12 August.09
Development Control Manager:	June Kelly	13 August 09



im: E/c Gittins
 dt: 4th February 2008
 su: NTS
 pr: Planning Support
 prj: Location Plan

Title
58 Gray Street

Produced from the 2006 Ordnance Survey 1:1250 mapping with the permission of the
 Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction
 infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100019655



NORTHAMPTON
BOROUGH COUNCIL

PLANNING COMMITTEE: 26th August 2009
DIRECTORATE: Planning and Regeneration
HEAD OF PLANNING: Susan Bridge

N/2009/0481 – Full: **Erection of two Commentary Boxes, Camera Gantry, extension to Pavilion and installation of six floodlights (48m in height) County Cricket Ground, Abington Avenue, Northampton**

WARD: Abington

APPLICANT: Northamptonshire County Cricket Club
AGENT: Foxley Tagg Planning Ltd

REFERRED BY: Cllr B. Hoare
REASON: Due to the impact on the adjoining Conservation Area and the light and noise nuisance on adjoining residential properties

DEPARTURE: No

APPLICATION FOR CONSULTATION BY WNDC:

1. RECOMMENDATION

- 1.1 That the Council raise no objections for the following reason:
- 1.2 By reason of their siting, design and appearance the proposed commentary boxes, camera gantry and pavilion extension would not unduly impact upon visual or residential amenity and therefore complies with the requirement of Policy E20 of the Northampton Local Plan. Although there would be some impacts 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.

- 1.3 If WNDC are minded to approve the application, it be requested that the following conditions are attached to any approval:
- i) That conditions limiting the operation of the proposed floodlights to no more than 15 days between April and September and that the use be restricted to no later than 11pm.
 - ii) 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
 - iii) As there is the potential for games to take place during less sociable hours, any approval be subject to a condition that restricts the use of the Public Address systems, unless it can be demonstrated that such a system would not create any undue disturbance to the occupiers of neighbouring properties.
 - iv) That any approval be subject to the submission of a travel plan dealing with the promotion of sustainable and alternative transport methods.

2. THE PROPOSAL

- 2.1 The applicant has made a full application for planning permission to the West Northamptonshire Development Corporation to install two new commentary boxes, which are to be erected on top of the existing Lynn Wilson Centre to the north of the site. It is proposed that the roof of the building be adapted to include a camera gantry of 40m². An extension to the pavilion to the south of the site is also proposed, which would provide additional accommodation for this building and would replace an existing terraced area used for spectators.
- 2.2 It is also proposed to erect six floodlighting columns at the ground at a height of 48m, which would be erected at regular intervals around the ground. With regards to the light fittings, they form a rectangular block in shape, the two closest columns to the northern and southern boundaries would have an overall length of 4.42m and an overall depth of 4.95m. The two floodlights in closest proximity to the centre of the pitch would have dimensions of 6.63m in length and 5.64m in depth. The proposed floodlight column itself would have a diameter of 1.46m at the base, which would gradually diminish before tapering to a point.
- 2.3 Of these the two closest to the northern boundary and the two closest to the southern boundary would have dimensions of 4.42m in height and 4.95m in width. The two floodlights in closest proximity to the centre of the pitch would have dimensions of 6.63m in height and 5.64m in width. The proposed floodlight column would have a diameter of 1.46m at the base, which would gradually diminish before tapering to a point.

- 2.4 A Planning Statement, a Design and Access Statement, a Transport Statement and a Flood Risk Statement have been submitted in support of the application.

3. SITE DESCRIPTION

- 3.1 The application site has been in use as a sports ground / venue for home games of the Northamptonshire County Cricket Club since 1885. In addition to cricket, the venue has, in the past, been used for football, tennis and bowls. On account of this, the styles and form of buildings within the ground are varied in design and this reflects the gradual development of the site as an important local and national sports ground. The Cricket Ground currently holds games that are part of the highest tier of the domestic game and holds matches of an international level.
- 3.2 The Pavilion located towards the southern part of the site is 11.5m in height. The northern elevation of this building features areas of seating and a terraced viewing platform, which is accessed by a number of glazed doors. It is proposed that this terrace be enclosed in order to provide additional accommodation for member within the Pavilion.
- 3.3 Towards the north of the pitch is the Lynn Wilson Centre, which is of a modern design and construction and is 10m in height. An existing walkway is included as part of the roof, which has been used to provide a temporary camera gantry.
- 3.4 The wider area is identified within the Northampton Local Plan as being an existing residential area. Typically the types of dwelling within the area are relatively small terraced houses to the south and west of the site, with larger dwellings on the northern side of Abington Avenue. Dwellings in Wellingborough Road are also of larger proportions, although some of these have been converted to commercial uses. The majority of roads around the ground are of a narrow nature, with both sides of the street generally being used for car parking. Abington Avenue is a more widely used road, although cars being parked on the street are a common occurrence. There is a significant demand for car parking within the Abington area.
- 3.5 The eastern boundary of the site marks the boundary of the Abington Park Conservation Area. This area extends to the east to include the park and also the south, which incorporates part of Wellingborough Road. Immediately to the east of the site is Abington Cottages, which are Grade II Listed Buildings and date from the mid 19th century and are constructed in a Tudor style.

4. PLANNING HISTORY

- 4.1 *Relevant Past Applications:*

210/50 – Stand – Approved
85/60 – The erection of four pylons for floodlighting football pitch – Approved
185/78 – New Pavilion and Club House – Approved
95/0858 – Extension to terracing to the existing Spencer Pavilion – Approved
59/86 – Demolition of existing west stand and erection of replacement – Approved
86/1019 – Extensions and alterations to new pavilion – Approved
89/0035 – Kitchens and bar extension to new pavilion – Approved
90/0666 – Extensions and alterations to old pavilion – Approved
96/0874 – New indoor cricket school – Approved
97/0080 – Centre of Excellence for the training and development of cricketers together with 5no. hospitality suites and associated accommodation – Approved
99/0100 – Extension to visitors reception – Approved
99/0396 – Permanent terrace building – Approved
N/2005/0630 – 10.7m high replacement score board and associated works - Approved
N/2008/0634 – Change of Use of Bowls Club to teaching accommodation, including new ramped approach and additional WC extension – Approved
N/2009/0214 – Proposed Erection of 2no. Spectator Stands – Approved

5. PLANNING POLICY

5.1 Development Plan:

Section 36(6) of Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan and unless material consideration indicate otherwise. The current Development Plan comprises the Regional Spatial Strategy (RSS), the Northamptonshire County Structure Plan and the Northampton Local Plan.

5.2 Local Plan Policy:

E1 – Impact on character and structure of landscape
E19 – Implementing development
E20 – New development
E26 – Development within Conservation Areas

5.3 Regional Spatial Strategy Policies:

5 – Concentrating Development in Urban Areas
32 – Regional Priorities for Sports and Recreational facilities

5.4 National Policies:

Planning Policy Statement (PPS):
PPS1 – Delivering Sustainable Development;
PPS23 – Planning and Pollution Control

Planning Policy Guidance (PPG):
PPG13 – Transport
PPG15 – Planning and the Historic Environment
PPG17 – Planning for Open Space, Sports and Recreation
PPG24 – Planning and Noise

6. CONSULTATIONS/REPRESENTATIONS

Internal

- 6.1 **NBC Public Protection** – The report submitted in support of this application does not go into sufficient detail to demonstrate that appropriate measures can be taken/have been proposed to mitigate the impacts of obtrusive light. The proposed lux levels from the lighting installation are predicted to significantly exceed the pre-curfew guideline limit of 25 lux as included within the Institute of Lighting Engineers (ILE) Guidance relating to obtrusive light. In addition the report appears to make no assessment of the luminous intensity, which should also be assessed. If permission for a permanent floodlighting installation is granted, it is recommended that conditions, such as restriction of the number of floodlit evening games, and permitted times of operation.
- 6.2 In addition to the implications of the artificial light, the applicant has not made any reference to the potential impact of noise arising from the increase in the number of evening games. This is likely to include noise from crowds and a PA system potentially up until 11pm, which has the potential for a noticeable noise impact.

External

- 6.3 **Sally Keeble MP** – The proposal will generate noise pollution, especially within Twenty-Twenty matches. The use of the floodlights will create light pollution and the proposal would increase demand for parking spaces, heightening existing problems with a lack of spaces and congestion.

Councillors

- 6.3 **Cllr B. Hoare** – The needs of the local residential community should be considered and there is no reference how these needs are being considered. A key consideration to this application is the additional use that the floodlights will enable at the cricket ground and in particular the potential for late night cricket more often. The lack of information regarding the "intensity of late night activity" at the cricket ground makes it impossible to assess the impacts on the residential

amenity of local residents. This is fundamental to the planning process and therefore must be demanded from the applicant before you can reasonably advise the planning committee of the merits of the application.

- 6.4 A joint response from **Cllr B. Hoare** and **Cllr I. Markham** - Express support for the development of the Cricket Ground to enable it to thrive and put Northampton on the cricketing map but do not believe that the current proposals strikes the appropriate balance between the needs of the Cricket Club and the needs of the local residents. It is important to note that in the case of the County Ground it is surrounded by residential properties literally backing on to the cricket ground. The proposal is to erect six floodlights, which will impact on the Northampton skyline 365 days of the year. The Lighting gantries are of the order of 7 metres by 6 metres and would create a massing in the sky, which needs careful consideration.
- 6.5 The style of cricket significantly increases noise levels to the detriment of residential amenity. Loud speakers are also used during less sociable hours. There is potential light pollution into the adjacent residential properties. The Floodlights are specifically required to enable matches to be held in the evening after normal transport services cease, which could create problems on the road network.

Neighbours

- 6.6 As a consultee, Northampton Borough Council has not carried out neighbour consultations. However, representations have been received from the occupiers of **100, 192, 193, 200, 214 and 217 Abington Avenue; 161 and 164 Adnitt Road, 16 Ardington Road; 122 Ashburnham Road; 14, 24, 30, 46, 54 and 58 Christchurch Road; 4, 7, 17, 41, 47, 57 and 94 Clarke Road; 36 Garrick Road; 16, 26, 30, 38, 50, 84 and 86 Roe Road; 13,15, 36 and 41 Roseholme Road; 18, 20, 30, 31, 55, 57 and 59 Wantage Road; 399, 409 (Flat 3), 411c, 421, 429 and 431 Wellingborough Road**. A letter from a resident of **Roe Road**, which does not include the house number, has also been received. Copies of the representations received have been forwarded to WNDC and a summary of the comments made is as follows.
- The proposals would have a negative impact upon the skyline of Abington.
 - Such a skyline would not be in keeping with the character of Abington.
 - The floodlights would lead to significant overshadowing.
 - There would be a negative impact upon the Abington Park Conservation Area.
 - The proposal would create excessive noise, particularly given the style of play and events that occur when Twenty-Twenty games are played.
 - The light levels will negatively impact upon residential amenity.
 - Privacy levels will be impacted upon

- There would be a negative impact upon the amenities of private, rear gardens
- The commentary boxes would overlook residential properties
- Such lights would have negative environmental repercussions
- The differences between temporary and permanent lights are not a valid comparison.
- Crowd dispersal will take significant periods of time during anti-social hours
- The parking situation in the area would be made even worse
- Transport links should be improved
- An independent assessment should be carried out in relation to the impact of the existing temporary scheme and the proposed new, permanent floodlighting
- The impacts of the temporary floodlights are much smaller as they are only on site for relatively short periods of time
- The need to capture television audiences should not form a material consideration
- The greater number of cricket games would adversely impact upon the character of the area and residential amenity.
- The proposed floodlighting would impact upon local wildlife.
- Comparisons are made between the County Cricket Ground and Lords, which has recently received approval for retractable floodlights.
- Other grounds have utilised retractable floodlights effectively.
- The proposal could attract non-cricket uses to the ground.

7. APPRAISAL

- 7.1 As detailed previously, the application is for the installation of six floodlight columns, two commentary boxes, a camera gantry and an extension to the pavilion building.

Pavilion Extension

- 7.2 The development proposed in this location, relates to Policy E20 of the Northampton Local Plan. This Policy states that planning permission should only be granted in circumstances where the design of any proposal adequately reflects the character of its surroundings. Given that the alterations are of a similar design to that of the existing building, the impact upon the visual amenity of the site would be minimal and would therefore comply with the broad requirements of Policy E20. The positioning of this element of the scheme means that it would not be overly visible from the surrounding area. Therefore there would not be an undue detrimental impact upon the character and appearance of the wider area, including the Abington Park Conservation Area

Commentary Boxes and Camera Gantry

- 7.3 As the proposed commentary boxes and gantry face into the ground, this element of the proposal would not be overly visible from outside the ground as the existing building would provide some degree of screening. Therefore, this element of the proposal would be unlikely to significantly impact upon the character and appearance of the vicinity and are therefore in accordance with the requirements of Policies E20 and E26 of the Northampton Local Plan.
- 7.4 Within the ground, these structures are of a form that is comparable to the existing building and would be constructed from materials, which would harmonise with those utilised within the Lynn Wilson Centre. Given the wide range of building materials and styles used within the Cricket Ground, these structures would not form incongruous features when viewed within the ground.
- 7.5 It is recognised that a number of observations have been received relating to the impact that this section of the proposal would have on privacy levels on due to the height of these structure, which is approximately 9m at their lowest point. However, the existing pavilion building would obscure views to the south and with regard to the eastern and western boundaries, any overlooking from these elements of the proposal would be at an oblique angle and would therefore minimise the any potential loss of privacy. It should also be noted there are some existing trees towards the eastern boundary, which would provide additional screening, especially during summer months. Therefore, this element of the proposal complies with the requirements of Policy E20 of the Northampton Local Plan in that an adequate standard of privacy would be ensured.

Floodlights

- 7.6 The application seeks permission for the installation of six, 48m high floodlight columns with proportions as set out in Paragraph 2.2 of this report. As a result of their height and form, it is necessary to consider their visual impact as well as the impact as a result of their illumination.
- 7.7 The height of the proposed columns means that they would be visible from some distance away from the site. However, the built up character of the area means that in the main, views of these structures would be of a fleeting nature, such as at road junctions or in gaps between buildings. Therefore, the character and appearance of the wider area, would in the main, be reasonably unaffected by the visual impact of the proposed development.
- 7.8 Policy E26 of the Northampton Local Plan states that development affecting Conservation Areas should preserve or enhance the character of such areas. This requirement is enshrined within PPG15 –

Planning and the Historic Environment, where it is expanded upon to include development adjacent to the boundaries of such areas.

- 7.9 The height of the floodlights would mean that they would be visible from the Abington Park. However, the general topography of the area, combined with pattern of buildings within the Abington area and the significant number of trees would to a certain extent mask views of the lighting columns. Whilst it is acknowledged that in some locations, views of the lights would be possible to a greater or lesser extent, however, these would be limited to specific positions and therefore the character and appearance of the area as a whole would be reasonably unaffected.
- 7.10 With regards to the area of the Abington Park Conservation to the south of the Cricket Ground, views of the floodlighting columns would again be limited to occasional views between buildings and at road junctions. As such this situation would not unduly impact upon the critical areas of the Abington Park Conservation Area.
- 7.11 Although visible in parts, there would be a degree of delineation between the Conservation Area and the proposed floodlights. Clearly lighting columns of the size proposed do have a visual impact and as set out above, parts of the lighting columns are visible. Whilst is acknowledged that a range of differing types of lighting column is available, some of which are retractable, however this form of lighting is not being considered as part of this application. Given that it is the view of both the Planning and Conservation Officers, that the scheme as proposed would have minimal impact on those important features that comprise the Conservation Area. It would be unreasonable to request amendments to the lighting type, given the cost implications, as refusal on these grounds could not be justified. Therefore on the basis of these factors, it is considered that there would not be a significant impact upon the character and appearance of the Abington Part Conservation Area and Policy E26 of the Northampton Local Plan and PPG15 – Planning and the Historic Environment
- 7.12 As outlined in Paragraph 3.5, the Grade II Listed Buildings of Abington Cottages are located to the east of the site. However, the closest floodlight would be 60m away from the boundary of Abington Cottages. As a result of this arrangement and separation distances, there would be no undue impact on the setting of these buildings.
- 7.13 In conservation terms, the cricket ground contributes to the social and historical character of the locality as the ground itself pre-dates a lot of the surrounding residential development. The provision of the proposed facilities would not only ensure the continued staging of high level sporting events at this location, but would reinforce and support the distinctive character of the area.

- 7.14 As a result of the layout of the residential accommodation surrounding the ground, it is likely that the greatest visual impact would be upon those dwellings immediately adjacent to the ground. This is particularly applicable to the properties that have rear boundaries and therefore rear gardens adjacent to the cricket ground. The separation distances between the rear elevations of these dwellings and the proposed floodlight columns varies from between 20m to 60m and while, it is acknowledged that the proposed lighting columns would only be in close proximity to a small number of dwellings. Given that the design of the proposed columns, would be of a tapered form this would reduce the impact in visual terms.
- 7.15 It is acknowledged that the proposed lighting columns would emit a high level of light spillage, which does have the potential to detrimentally impact upon the level of residential amenity of the adjoining residents, particularly given the relatively late hours that the floodlights are to be in operation. As such, the proposal does not wholly meet the requirements of PPS23 – Planning and Pollution Control. However, it should be acknowledged that permission is only being sought to operate these floodlights between the months of April and September and on only 15 days within any calendar year. As such, the proposed floodlights would be predominantly operating at times when there is a substantial level of natural light and this would in effect reduce the impact of the lights in terms of light spillage/nuisance. The number of days in use and the months in which the floodlights could be operated can be made conditional of any planning permission.
- 7.16 The supporting information in respect of the application states that matches would typically start at 7pm and lasting for a period of approximately 3 hours would have and approximate 10pm finish. Whilst the application seeks permission for the operation of the lights to be permitted until 11pm, this is to enable spectators to leave the ground safely and it is likely that lower levels of light would be required at this time. Therefore, WNDC is requested to negotiate a scheme where a lower level of light can be provided in these periods. Such a scheme would assist in reducing the impact on neighbouring properties especially during the latter part of the evening, when the lighting would be more prominent due to the lack of natural light and making the proposal more acceptable in terms of the requirements of PPS23 – Planning and Pollution Control.
- 7.17 The issue of the detrimental affects on the occupiers of neighbouring properties in terms of the visual impact and light spillage, this needs to be balanced against the wider benefits for the town of the scheme in terms of the promotion of sport and cricket within Northampton. The application has identified that the proposed floodlights are required in order to create a more viable cricket club for the future through the facilitation of top level cricket matches, which are popular with members of the public.

- 7.18 Policy 32 of the Regional Spatial Strategy states that there should be a suitable provision of sports and recreation facilities, which is consistent with the priorities for principal urban areas, such as Northampton. Given the aspirations for Northampton to develop into a city, the continued development of a cricket club, which participates at the highest tier of the domestic game, supports this ambition. The playing of such cricket matches, combined with other sports played within Northampton can help provide the town (and future city) with the distinct identity it needs.
- 7.19 Policy 5 of the Regional Spatial Strategy, which states that settlements such as Northampton should be locations with a distinct identity and be venues for improved recreational facilities, supports this aspiration.

Noise Impacts

- 7.20 It is recognised that the proposed developments, if approved would result in the site being operated for longer periods of time and into less sociable hours. It is also recognised that the operation of Public Address systems and the broadcasting of music to the crowds has the potential to create significant disturbance to residents. Therefore, WNDC should be requested that if minded to grant Planning Permission for this development, it be subject to a condition preventing such systems from being used at unsociable times, unless it can clearly be demonstrated that such a system would not cause disturbance. Such a condition is justifiable based on the requirements of PPG17 and PPG24, which state that negative impacts on residents from such equipment should be minimised in order to protect residential amenity.
- 7.21 It is noted that representations received by Northampton Borough Council have commented on the possibility of the floodlights being utilised for other events being held at the County Cricket Ground. However, if any planning approval for this proposal were to include limitations regarding the use of the floodlights in terms of the hours of operations and the number of days in which they could be in operated, combined with a condition regarding a limit on noise levels, this would ensure that any such events would be managed to avoid unreasonable disturbance for the occupiers of adjoining properties. It should also be noted that any such events would be subject to a separate licensing process.

Transport Considerations

- 7.22 The application was accompanied by a transport statement, which sets out a range of options to improve transport links and accessibility. These include a reconfiguration of the existing parking at the ground, provision of more cycle facilities as well as promoting other transport alternative to private cars. In addition, it is stated the permanent floodlights, commentary boxes and a camera gantry would remove the

need for large vehicles to visit the ground and surrounding residential areas to set up temporary facilities.

- 7.23 It should be recognised that the proposal does not seek permission to increase the capacity of the ground. However, the supporting information with the application does identify the importance of Twenty-Twenty matches in ensuring the continued viability of the ground. As the Twenty-Twenty matches are the most popular with spectators and this is reflected in attendance figures.
- 7.24 It is likely that the general improvement in facilities linked to an increase in Twenty-Twenty matches would make the ground more attractive to spectators, particularly during periods of time when on street car parking within the area may be a premium. References within the supporting information documentation makes reference to the travel plan that was requested as part of the permission for the spectator stands approved in 2009. At the time of writing this report the required Travel Plan has been submitted but yet to be fully considered. Therefore in order to develop this and promote the utilisation of sustainable transport methods and where possible encourage new means of transport, WNDC are requested to condition the submission of travel plan. Such a condition would be in accordance with the requirements of objections of PPG13 – Transport.

Other considerations:

- 7.25 It should be also recognised that Class B of Part 4 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) relates to temporary uses, this means that temporary floodlights could be operated at the ground for a period of up to 28 days without the requirement for Planning Permission, which would include periods of time when the lights are being assembled and dismantled or non-operational. Under this legislation, it is not possible to place limitations on the lights levels or hours of operation. Therefore, in supporting this proposal this would provide a degree of management of the situation in respect of the light levels and periods of operation by the opportunity to impose conditions. Furthermore, the number of days proposed is less than what can currently be provided under permitted development rights, albeit on a temporary basis.

8. CONCLUSION

- 8.1 Whilst it is accepted that the development as proposed would have an impact, it is considered that there are no sound planning reasons for refusing the proposed commentary boxes, camera gantry and pavilion extension. Although it is considered that the proposed floodlights would not have a significant impact on the visual amenity of the wider area, including the Abington Park Conservation, and it is acknowledged the proposed floodlights could have a negative impact on the occupiers of

adjacent residential properties in terms of light intrusion and an adverse visual impact.

- 8.2 However, these impacts need to be balanced against the wider benefits for the community as a whole that the proposal would have, in terms of promoting Northampton and assisting in delivering the wider aims of the settlement as a future city. Given that controls can be exercised limiting the use of the floodlights to 15 days of the year, lighting levels, limiting the hours of operation and potentially noise, it is considered that the proposal is acceptable and therefore no objections should be raised.

9. LEGAL IMPLICATIONS:

- 9.1 None

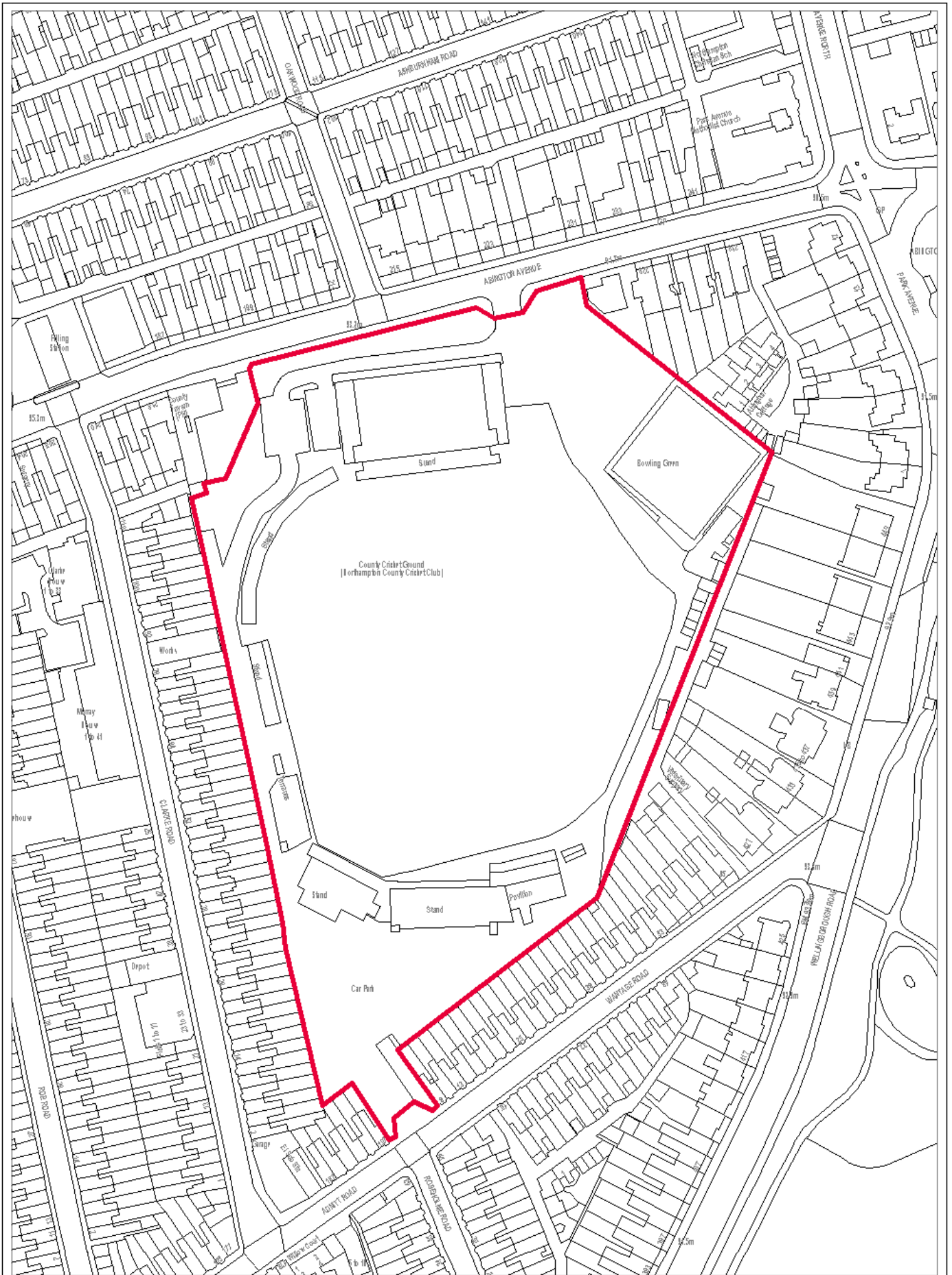
10. BACKGROUND PAPERS

- 10.1 None

11. Summary and Links to Corporate Plan

- 11.1 In reaching the attached recommendations regard has been given to securing the objectives, visions and priorities outlined in the Corporate Plan together with those of associated Frameworks and Strategies.

Position:	Name/Signature:	Date:
Author:	Ben Clarke	07/08/2009
Development Control Manager:	June Kelly	13/08/2009



by: Jon Martin
 dt: 14th August 2009
 nr: 1:1750
 rd: Planning
 pd: Location Plan

Title
County Cricket Club

Produced from the 2009 Ordnance Survey mapping with the permission of the
 Controller of Her Majesty's Stationery Office. © Crown Copyright Unauthorised reproduction
 infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100019655