

# **NORTHAMPTON BOROUGH COUNCIL**

## **PLANNING COMMITTEE**

**Tuesday, 17 November 2009**

**PRESENT:** Councillor Collins (Chair); Councillor Meredith (Deputy Chair);  
Councillors Church, J. Conroy, Golby, Lane, Malpas, Mason,  
Matthews and Woods

### **1. APOLOGIES**

An apology was received from Councillor M Hoare.

### **2. MINUTES**

The minutes of the meeting of the Committee held on 27 October 2009 were signed by the Chair.

### **3. DEPUTATIONS / PUBLIC ADDRESSES**

**RESOLVED:** (1) That Messrs Pepper and Dutfield be granted leave to address the Committee in respect of Application No N/2009/0536 – Application to Permanently Divert Public Footpath KL10 (Part) at the Former British Timken Works (Meeting Lane).

(2) That Mrs Lane and Councillor Meredith be granted leave to address the Committee in respect of Application No N/2009/0800 – Proposed Two Storey Side Extension at 28 Barley Hill Road.

(3) That County Councillor Legg and Councillor Garlick be granted leave to address the Committee in respect of Application No N/2009/0731 – Erection of Class A1 Food Retail Store and Associated Parking at 582-592 Wellingborough Road.

### **4. DECLARATIONS OF INTEREST**

1. Council Meredith declared a personal and prejudicial interest in respect of Application No N/2009/0800 as representing a constituent who was objecting to the application.

2. Councillor Woods declared a personal interest in respect of Application No N/2009/0813 in so far as the WNDC, of which he was a Board member, was part funding the scheme.

3. Councillor Mason declared a personal interest in respect of Application No 2009/0536 as a member of the Ramblers Association.

4. Councillors Church and Woods declared a personal interest in respect of Application No 2009/0731 as Board members of WNDC.

5. Councillor Church declared a personal and prejudicial interest in respect of Application No 2009/0813 as the application concerned the regeneration aspect of his Portfolio.
6. Councillor Malpas declared a personal interest in respect of Application No 2009/0536 as being known to one of the speakers.
7. Councillors Malpas and Golby declared a personal interest in respect of Application No N/2009/0731 as being known to one of the speakers.

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

None.

**6. LIST OF CURRENT APPEALS AND INQUIRIES**

The Head of Planning submitted a report and noted that in respect of Application No N/2009/0365 an Inspector had allowed the appeal despite the Highways Authority having raised an objection. He also reported that an Inspector had allowed the appeal in respect of Application No N/2009/0285 but that an Inspector had dismissed the appeal in respect of Application No N/2009/0430.

**RESOLVED:** That the report be received.

**7. OTHER REPORTS**

None.

**8. NORTHAMPTONSHIRE COUNTY COUNCIL APPLICATIONS**

None.

**9. NORTHAMPTON BOROUGH COUNCIL APPLICATIONS**

None.

**10. ITEMS FOR DETERMINATION**

**(A) N/2009/0536 - APPLICATION TO PERMANENTLY DIVERT PUBLIC FOOTPATH KL10 (PART) AT THE FORMER BRITISH TIMKEN WORKS (MEETING LANE)**

The Head of Planning submitted a report in respect of Application No N/2009/0536 and referred to the Addendum which attached a plan showing both the existing and proposed diverted route of the footpath, letters of support from residents of Holmleigh Close and Rose Villa Farm and representations in support of the proposal from Northamptonshire Police.

Mr Pepper, the Chair of Duston Parish Council, stated that he was also speaking on behalf of a majority of Duston residents. He commented that the present alignment of

the footpath was an ancient right of way and he understood that the footpath was not actually within the former British Timken land. He believed the proposal to change the route of the footpath was a shameful act, a wrong use of the Council's powers and that residents would not gain from it. He commented that the footpath was on the edge of the historic core of the village and a vital part of the Conservation Area. He hoped that the Committee would reject the proposal. He commented that the Parish Council would consider what further action it could take if the Committee did not refuse to resolve to make the Order. In answer to a question Mr Pepper commented that the footpath had existed for at least one hundred years.

Mr Duffield, the resident of 3 Rose Villa Farm, commented that he owned several properties in the vicinity and was also speaking on behalf of two other residents. He noted that the footpath had been identified in the original planning application for the redevelopment of the site as being too narrow for modern purposes. He commented that the footpath could not be lit and that rubbish and leaves and other debris collected along it. He believed that the current positioning of the footpath posed a security risk to the existing properties and he supported its proposed diversion. In answer to a question, Mr Duffield commented that his own property dated from approximately 1945 and the other properties from the early 1990s.

The Head of Planning noted that the footpath was within the planning application site boundary and that planning permission for the redevelopment of the site had already been granted. The diversion of the footpath was as a consequence of the redevelopment. The Borough Solicitor advised that the effect of the redevelopment on this public right of way would have been a material consideration and WNDP would have, therefore, considered the acceptability of the alternative route in recommending the planning application for approval. The issue that the Committee needed to consider was whether the diversion of the footpath was necessary to enable the development to take place. In answer to a question, the Head of Planning noted that the existing footpath would be broken up and the land it occupied assimilated into the gardens of the properties to be constructed within the development.

The Committee discussed the application.

**RESOLVED:** That an order be made pursuant to Section 257 of the Town and Country Planning Act 1990 in respect of a proposal to permanently divert part of the public footpath KL10 at the former British Timken Works (Meeting Lane) as shown for identification purposes on the plan attached to the report and Addendum.

**(B) N/2009/0800 - PROPOSED TWO STOREY SIDE EXTENSION AT 28 BARLEY HILL ROAD.**

The Head of Planning submitted a report in respect of Application No N/2009/0800 and referred to the Addendum, which amended paragraph 2.2 of the Committee report, so that the revised proposal now included the setting back of the front elevation and a reduction in height. The Head of Planning noted that the proposal now met the concerns set out in the refusal by the Committee on 22 September 2009.

Councillor Meredith asked the Committee to reject the application and commented that the existing properties, which were mainly bungalows, had been originally designed to

have garages added to them and not major extensions. The neighbours had no objection to a garage extension. He believed that the effect of the extension would be to dominate the neighbour's property and, despite being amended, would still look out of character with the area. He believed that there were issues of light for the neighbours and requested that the Committee should keep the area as had been originally conceived. In answer to questions, Councillor Meredith indicated that he believed that the extension would extend to the boundary fence between the two properties and, as far as he was aware, there were restrictive covenants in respect of extensions being built.

(Councillor Meredith left the room in accordance with his earlier declaration of interest.)

Mrs Lane, in referring to a recent article in the Chronicle & Echo about the new lighting scheme in the Market Square, commented that she just wanted daylight in her bungalow during the daytime. She considered the revisions that had been made to the scheme were only minimal and that the extension would still be overbearing and affect light to her property. She commented that her conservatory was used for eating and reading and was the lightest part of their property. She commented that the bungalow was mainly dark, as it was situated on the north side of Barley Hill Road. In answer to a question, she commented that her conservatory measured approximately ten foot by nine and would be approximately seven foot from the extension end wall.

The Head of Planning advised the Committee that the current revised proposal had to be considered in the light of the reason given for refusal on 22 September 2009 which had not included loss of amenity to the neighbour.

The Committee discussed the application

Councillor Woods proposed and Councillor Lane seconded, "That the application be refused on the grounds of residential amenity to the residents of the neighbouring property in that the proposal would be contrary to Policies E20 and H18 of the Northampton Local Plan".

Upon a vote the proposal was lost.

**RESOLVED:** That approval be given to the application subject to the conditions set out in the report as by reason by its siting, design and scale the proposed extension would maintain the character and appearance of the locality, whilst preserving the level of residential amenity for adjoining residents. The proposal therefore complies with Policies E20 and H18 of the Northampton Local Plan and the Supplementary Planning Guidance – Residential Extension Design Guide.

(Councillor Meredith rejoined the meeting.)

## **11. ENFORCEMENT MATTERS**

### **(A) E/2009/449 - BREACH OF PLANNING CONTROL AT 55 KINGSLEY ROAD.**

The Head of Planning submitted a report and referred to the Addendum, which made it clear that the Borough Solicitor should be authorised to issue an Enforcement Notice.

The Committee discussed the report.

**RESOLVED:** That the Borough Solicitor be authorised to issue an Enforcement Notice in respect of the unauthorised change of use at 55 Kingsley Road from ancillary driveway to driveway and vehicle sales forecourt with a compliance period of two months.

**(B) E/2007/697 - BREACH OF PLANNING CONTROL AT 7 AUGUSTA AVENUE.**

The Head of Planning submitted a report in respect of E/2009/697 and referred to the Addendum that set out a revised recommendation making it clear that the Borough Solicitor be authorised to issue a Enforcement Notice.

The Committee discussed the report.

**RESOLVED:** 1. That the Borough Solicitor be authorised to issue an Enforcement Notice requiring compliance with Condition (2) of the planning consent granted by the Planning Inspectorate in an appeal decision dated 15 January 2009 (Reference APP/2825/A/08/2080988) with a compliance period of two months.

2. That in the event that the requirements of the Enforcement Notice are not met within the prescribed period, the Borough Solicitor be authorised to instigate prosecution proceedings and/ or the Head of Planning be authorised to carry out the works in default and the cost be recharged to the owner.

**(C) E/2009/699 - BREACH OF PLANNING CONTROL AT 59 HOLLY ROAD.**

The Head of Planning submitted a report in respect of E/2009/699 and referred to the Addendum, which made it clear that the Borough Solicitor be authorised to issue an Enforcement Notice in respect of the unauthorised change of use of the garage and revise the description of the breach of planning control.

The Committee discussed the report.

**RESOLVED:** That the Borough Solicitor be authorised to issue an Enforcement Notice in respect of the unauthorised change of use of the dwelling and associated land at 59 Holly Road from use as a dwellinghouse with ancillary garage to use as a dwellinghouse and vehicle repair garage with a compliance period of two months.

## **12. APPLICATIONS FOR CONSULTATION**

**(A) N/2009/0731 - ERECTION OF CLASS A1 FOOD RETAIL STORE AND ASSOCIATED PARKING AT 582 – 592 WELLINGBOROUGH ROAD.**

The Head of Planning submitted a report in respect of Application No N/2009/0731 and referred to the Addendum that set out an adjusted comment in respect of a requirement for a more robust sequential assessment, a revised approach to control use to “a limited assortment discounter” and to revise the response to WNDC

accordingly and making further comments in respect of the provision of car parking, times of deliveries and the need for a pedestrian crossing within the store's car park. In answer to a question it was noted that the application site did not fall within the Weston Favell Conservation Area.

County Councillor Legg, as the County Councillor for the Weston Division, commented that the site was a former garage and that the proposal only took in half of the site. He assumed that the other half of the site would be left derelict. He did not consider that Aldi was really a convenience store and felt that there was a missed opportunity for local retail units. In answer to a question, it was noted that Aldi were proposing housing on the remainder of the site.

Councillor Garlick commented that the Wellingborough Road, at this point, formed the boundary between Headlands and Weston Wards. He was in favour of the application, with the proviso that certain conditions were in place. He welcomed a suggestion for a pedestrian crossing within the site but his main concerns were that the development would not damage the viability of the town centre and that the quantity of non-convenience goods were controlled. He referred to the recent closure of the Post Office and shop in Weston Favell village and commented that residents would welcome a local facility. A more sympathetic design to fit in with the area would be welcomed.

The Head of Planning noted that consideration had been given to suggesting that the application be withdrawn from the meeting but it was noted that WNDC would be considering it soon. It was up to WNDC to be satisfied that the sequential test had been met.

The Committee discussed the application.

**RESOLVED:** That, in addition to the other matters raised in the Addendum, the Council should raise strong concerns regarding the following:

1. Before the application is determined, the applicant should carry out a rigorous sequential investigation of District and Local Centre sites due to reservations over the proposed retail use in this location. Furthermore, the applicant should be required to provide further justification as to why Northampton Town Centre should not form part of the sequential investigation. On receipt of this information, the Borough Council would wish to be reconsulted and have the opportunity to report to its Planning Committee prior to the application being determined.
2. That the design of the proposed store does not fully take into account the high quality of design and general character of development in the vicinity of the site. WNDC is therefore requested to seek amendments to the design of the proposed development to improve the appearance of the proposals in their own right and to better respond to the site's context on what is a prominent and well-used route to and from the town. The setting of the proposed development could also be enhanced through the provision of an improved landscaping scheme. Such an approach is supported through PPS 1 and Policy 2 of the Regional Plan and Policy E20 of

the Northampton Local Plan. On receipt of this information, the Borough Council would wish to be reconsulted and have the opportunity to report it to its Planning Committee prior to the application being determined.

**(B) N/2009/0813 - CONSTRUCTION OF 82 BERTH MARINA (SUI GENERIS) FOR MIXED LEISURE USE (76 BERTHS) AND RESIDENTIAL USE (6 BERTHS) AND ASSOCIATED WORKS AT MARINA SITE BECKETS PARK, BEDFORD ROAD.**

Councillor Church left the meeting in accordance with his declaration of interest.

The Head of Planning submitted a report in respect of Application No N/2009/0813 and referred to the Addendum, which noted the correction by the applicant of the depth to which the lake was to be dug out. The Head of Planning noted that WNDC would be discussing this application during the evening and it was understood that a decision to approve the application would be delegated to WNDC officers, subject to any comments that the Committee would wish to make.

The Committee discussed the application.

**RESOLVED:** (1) That the Head of Planning express the Committee's concern that the WNDC should be considering an application before the Council's observations could be made.

(2) That the Council supports the proposed development subject to WNDC being satisfied as to the arrangements for emergency services access to the marina and subject to the following decisions:

- That suitable tree and root protection condition/s be applied to ensure the appropriate safeguards for existing trees on the site for the reasons of conserving ecology and visual appearance of the area.
- An appropriate planning condition be applied following on from the initial desktop archaeology statement in the application submission to ensure finds are identified and recorded correctly.
- Conditions controlling environmental factors including the requiring for a noise assessment, lighting details and refuse storage proposals should be applied to any approval.
- Natural England and the Local Wildlife Trust must be satisfied with the ecological impacts of development and be content that the mitigation strategy of improving Abington Local Wildlife Site as compensation is a proportionate and acceptable method of overcoming the loss of habitats proposed.

<TRAILER\_SECTION>

The meeting concluded at 21.00 hours