

## **NORTHAMPTON BOROUGH COUNCIL**

### **PLANNING COMMITTEE**

**Tuesday, 12 January 2010**

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

#### **1. APOLOGIES**

Apologies were received from Councillors M Hoare and Meredith.

#### **2. MINUTES**

The minutes of the meeting of the Committee held on 15 December 2009 were signed by the Chair.

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

- RESOLVED:**
- (1) That Mr Dooley be granted leave to address the Committee in respect of Application No N/2009/0911 – Proposed New Entrance Together With Alterations to Create Additional Consulting Room, new Disabled Parking Bay and Vehicular Cross Over at Queens View Medical Centre, Thornton Road (as amended by revised plans received on 3 December 2009).
  - (2) That Mr M Bryce, Mrs P Hobbs and Councillor Crake be granted leave to address the Committee in respect of Application No N/2009/0955 – Variation of Condition 7 Requesting Four Yearly Social Events Until 24:00 Hours (Midnight) at Collingtree Primary School, Lodge Avenue (as amended by revised plan received on 3 December 2009).
  - (3) That Messrs Fruish and Abrams and K Warren be granted leave to address the Committee in respect of Application No N/2009/0968 – Conversion into 2no One Bed Flats, 4no new One Bed Flats and 2no New Bed Semi-Detached Dwellings at 54 Adams Avenue (Resubmission of Application No N/2007/1461).
  - (4) That J Pidgeon and Councillors Hollis and Woods be granted leave to address the Committee in respect of Application No N/2009/0179 – Outline Planning Permission for Residential Development on Land (all matters reserved other than means of access) at Former Northampton Middle School and Green Oaks Lower School (use Class C3 – Dwelling Houses) at Former Northampton Middle School and Green Oaks Lower School – Bective Road.

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

Councillor Church declared a personal and prejudicial interest in Application Nos N/2009/1008, 1009, etc through to 1020 as being the Portfolio Holder for Regeneration.

Councillor Woods declared a personal interest in Application Nos N/2009/1008, 1009, etc through to 1020 as being a Board member of WNDC.

Councillor Woods declared a personal and prejudicial interest in Application No N/2009/0179 as having previously objected to the proposal.

Councillor Church declared a personal interest in respect of Application No N/2009/0179 as being a Board member of WNDC and a member of Kingsthorpe Management Board.

Councillor Collins declared a personal and prejudicial interest in respect of Item 12a – N/2009/0179 as his partner was an objector to the application.

Councillor Mason declared a personal interest in respect of Application No N/2009/0179 as having been a member of the Committee where the potential use of this site had been previously discussed.

Councillors Church and Woods declared personal interests in Application Nos N/2009/0731 and N/2009/0744 as Board members of WNDC.

Councillors Collins, J Conroy, Malpas and Mason declared a personal interest in respect of Application No N/2009/0744 as being members of the Committee which had considered the outline consent.

Councillors Collins, Lane and Malpas declared a personal interest in respect of Application No N/2009/0179 as being members of the Planning Committee that had considered the application previously.

**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 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/2009/0976- EXTENSION TO ACCOMMODATE ADDITIONAL ELEVATOR AT ELENORE HOUSE, BUTTERMERE CLOSE**

The Head of Planning submitted a report and referred to the Addendum, which requested that as the advertisement period did not expire until 14 January 2010, and if the Committee were to find the proposal acceptable, the decision be delegated to the Head of Planning subject to no further material considerations being raised.

The Committee discussed the application.

**RESOLVED:** That subject to no further material considerations being raised, the Head of Planning be delegated authority to approve the application following expiry of the advertisement period on 14 January 2010 as the proposed development would not have an undue detrimental impact on the visual or residential amenity of the area and complied with Policy E20 of the Northampton Local Plan and advice PPS1 and PPG24.

(NB: Councillor Church left the meeting in accordance with his declaration of interest.)

### **(B) N/2009/1008- INSTALLATION OF LED FEATURE LIGHTING EQUIPMENT AT 32 MARKET SQUARE**

The Head of Planning submitted a report in respect of Application No N/2009/1008 and referred to the Addendum and noted that the advertisement period did not expire until 14 January 2010 and therefore requested that if the Committee found the proposal acceptable that the decision be delegated to the Head of Planning subject to no further material considerations being raised in order that the application could be referred to the Secretary of State. The Head of Planning also referred to comments received from English Heritage that the application should be determined on the basis of specialist conservation advice and in accordance with national planning guidance.

The Committee discussed the application.

**RESOLVED:** That subject to no further material considerations being raised the Head of Planning be delegated to approve the application in principle at the expiry of the advertisement period on 14 January 2010 for submission to the Secretary of State as the proposal would not unduly impact upon the fabric, character and appearance of various listed buildings within Northampton's Market Square. Furthermore the proposal would enhance the appearance of the listed buildings through a greater promotion of the buildings' distinct architecture. The proposal therefore complies with PPG15 (Planning in the Historic Environment) and Policies E20 and E26 of the Northampton Local Plan.

### **(C) N/2009/1009- INSTALLATION OF LED FEATURE LIGHTING EQUIPMENT AT LLOYDS TSB, 8-9 MARKET SQUARE**

The Head of Planning submitted a report in respect of Application No N/2009/1009 and referred to the Addendum and noted that the advertisement period did not expire until 14 January 2010 and therefore requested that if the Committee found the proposal acceptable that the decision be delegated to the Head of Planning subject to no further material considerations being raised so that the application could be referred to the Secretary of State.

The Committee discussed the application.

**RESOLVED:** That subject to no further material considerations being raised the Head of Planning be delegated to approve the application in principle at the expiry of the advertisement period on 14 January 2010 for submission to the Secretary of State as the proposal would not unduly impact upon the fabric, character and appearance of various listed buildings within Northampton's Market Square. Furthermore the proposal would enhance the appearance of the listed buildings through a greater promotion of the buildings' distinct architecture. The proposal therefore complies with PPG15 (Planning in the Historic Environment) and Policies E20 and E26 of the Northampton Local Plan.

**(D) N/2009/1010- INSTALLATION OF LED FEATURE LIGHTING EQUIPMENT AT PHONES4U, 1ABINGTON STREET**

The Head of Planning submitted a report in respect of Application No N/2009/1010 and referred to the Addendum and noted that the advertisement period did not expire until 14 January 2010 and therefore requested that if the Committee found the proposal acceptable that the decision be delegated to the Head of Planning subject to no further material considerations being raised so that the application could be referred to the Secretary of State.

The Committee discussed the application.

**RESOLVED:** That subject to no further material considerations being raised the Head of Planning be delegated to approve the application in principle at the expiry of the advertisement period on 14 January 2010 for submission to the Secretary of State as the proposal would not unduly impact upon the fabric, character and appearance of various listed buildings within Northampton's Market Square. Furthermore the proposal would enhance the appearance of the listed buildings through a greater promotion of the buildings' distinct architecture. The proposal therefore complies with PPG15 (Planning in the Historic Environment) and Policies E20 and E26 of the Northampton Local Plan.

**(E) N/2009/1011- INSTALLATION OF LED FEATURE LIGHTING EQUIPMENT AT THE AUCTIONEERS PUBLIC HOUSE, 11-12 MARKET SQUARE**

The Head of Planning submitted a report in respect of Application No N/2009/1011 and referred to the Addendum and noted that the advertisement period did not expire until 14 January 2010 and therefore requested that if the Committee found the proposal acceptable that the decision be delegated to the Head of Planning subject to no further material considerations being raised so that the application could be referred to the

Secretary of State.

The Committee discussed the application.

**RESOLVED:** That subject to no further material considerations being raised the Head of Planning be delegated to approve the application in principle at the expiry of the advertisement period on 14 January 2010 for submission to the Secretary of State as the proposal would not unduly impact upon the fabric, character and appearance of various listed buildings within Northampton's Market Square. Furthermore the proposal would enhance the appearance of the listed buildings through a greater promotion of the buildings' distinct architecture. The proposal therefore complies with PPG15 (Planning in the Historic Environment) and Policies E20 and E26 of the Northampton Local Plan.

**(F) N/2009/1012- INSTALLATION OF LED FEATURE LIGHTING EQUIPMENT AT LADBROKES, 5-6 MARKET SQUARE**

The Head of Planning submitted a report in respect of Application No N/2009/1012 and referred to the Addendum and noted that the advertisement period did not expire until 14 January 2010 and therefore requested that if the Committee found the proposal acceptable that the decision be delegated to the Head of Planning subject to no further material considerations being raised so that the application could be referred to the Secretary of State.

The Committee discussed the application.

**RESOLVED:** That subject to no further material considerations being raised the Head of Planning be delegated to approve the application in principle at the expiry of the advertisement period on 14 January 2010 for submission to the Secretary of State as the proposal would not unduly impact upon the fabric, character and appearance of various listed buildings within Northampton's Market Square. Furthermore the proposal would enhance the appearance of the listed buildings through a greater promotion of the buildings' distinct architecture. The proposal therefore complies with PPG15 (Planning in the Historic Environment) and Policies E20 and E26 of the Northampton Local Plan.

**(G) N/2009/1013- INSTALLATION OF LED FEATURE LIGHTING EQUIPMENT AT ABBEY NATIONAL, 1 MARKET SQUARE**

The Head of Planning submitted a report in respect of Application No N/2009/1013 and referred to the Addendum and noted that the advertisement period did not expire until 14 January 2010 and therefore requested that if the Committee found the proposal acceptable that the decision be delegated to the Head of Planning subject to no further material considerations being raised so that the application could be referred to the Secretary of State.

The Committee discussed the application.

**RESOLVED:** That subject to no further material considerations being raised the Head

of Planning be delegated to approve the application in principle at the expiry of the advertisement period on 14 January 2010 for submission to the Secretary of State as the proposal would not unduly impact upon the fabric, character and appearance of various listed buildings within Northampton's Market Square. Furthermore the proposal would enhance the appearance of the listed buildings through a greater promotion of the buildings' distinct architecture. The proposal therefore complies with PPG15 (Planning in the Historic Environment) and Policies E20 and E26 of the Northampton Local Plan.

**(H) N/2009/1014- INSTALLATION OF LED FEATURE LIGHTING EQUIPMENT AT EXTRASTAFF, 7 MARKET SQUARE**

The Head of Planning submitted a report in respect of Application No N/2009/14 and referred to the Addendum and noted that the advertisement period did not expire until 14 January 2010 and therefore requested that if the Committee found the proposal acceptable that the decision be delegated to the Head of Planning subject to no further material considerations being raised so that the application could be referred to the Secretary of State.

The Committee discussed the application.

**RESOLVED:** That subject to no further material considerations being raised the Head of Planning be delegated to approve the application in principle at the expiry of the advertisement period on 14 January 2010 for submission to the Secretary of State as the proposal would not unduly impact upon the fabric, character and appearance of various listed buildings within Northampton's Market Square. Furthermore the proposal would enhance the appearance of the listed buildings through a greater promotion of the buildings' distinct architecture. The proposal therefore complies with (Planning in the Historic Environment) and Policies E20 and E26 of the Northampton Local Plan.

**(I) N/2009/1015- INSTALLATION OF LED FEATURE LIGHTING EQUIPMENT AT WELSH HOUSE, 2 NEWLAND WALK**

The Head of Planning submitted a report in respect of Application No N/2009/1015 and referred to the Addendum and noted that the advertisement period did not expire until 14 January 2010 and therefore requested that if the Committee found the proposal acceptable that the decision be delegated to the Head of Planning subject to no further material considerations being raised so that the application could be referred to the Secretary of State. In answer to a question, the Head of Planning noted that it might be possible for the Medallion to be lit from a street light standard.

The Committee discussed the application.

**RESOLVED:** That subject to no further material considerations being raised the Head of Planning be delegated to approve the application in principle at the expiry of the advertisement period on 14 January 2010 for submission to the Secretary of State as the proposal would not unduly impact upon the fabric, character and appearance of various listed buildings within

Northampton's Market Square. Furthermore the proposal would enhance the appearance of the listed buildings through a greater promotion of the buildings' distinct architecture. The proposal therefore complies with PPG15 (Planning in the Historic Environment) and Policies E20 and E26 of the Northampton Local Plan.

**(J) N/2009/1016- INSTALLATION OF LED FEATURE LIGHTING EQUIPMENT AT CHICAGO ROCK CAFE, 4-5 THE PARADE**

The Head of Planning submitted a report in respect of Application No N/2009/1016 and referred to the Addendum and noted that the advertisement period did not expire until 14 January 2010 and therefore requested that if the Committee found the proposal acceptable that the decision be delegated to the Head of Planning subject to no further material considerations being raised so that the application could be referred to the Secretary of State.

The Committee discussed the application.

**RESOLVED:** That subject to no further material considerations being raised the Head of Planning be delegated to approve the application in principle at the expiry of the advertisement period on 14 January 2010 for submission to the Secretary of State as the proposal would not unduly impact upon the fabric, character and appearance of various listed buildings within Northampton's Market Square. Furthermore the proposal would enhance the appearance of the listed buildings through a greater promotion of the buildings' distinct architecture. The proposal therefore complies with PPG15 (Planning in the Historic Environment) and Policies E20 and E26 of the Northampton Local Plan.

**(K) N/2009/1017- INSTALLATION OF LED FEATURE LIGHTING EQUIPMENT AT PRIMETIME RECRUITMENT, 18 MARKET SQUARE**

The Head of Planning submitted a report in respect of Application No N/2009/1017 and referred to the Addendum and noted that the advertisement period did not expire until 14 January 2010 and therefore requested that if the Committee found the proposal acceptable that the decision be delegated to the Head of Planning subject to no further material considerations being raised so that the application could be referred to the Secretary of State. The Head of Planning also referred to comments received from English Heritage that the application be determined on the basis of specialist conservation advice and in accordance with national planning guidance.

The Committee discussed the application.

**RESOLVED:** That subject to no further material considerations being raised the Head of Planning be delegated to approve the application in principle at the expiry of the advertisement period on 14 January 2010 for submission to the Secretary of State as the proposal would not unduly impact upon the fabric, character and appearance of various listed buildings within Northampton's Market Square. Furthermore the proposal would enhance the appearance of the listed buildings through a greater promotion of the buildings' distinct architecture. The proposal therefore

complies with PPG15 (Planning in the Historic Environment) and Policies E20 and E26 of the Northampton Local Plan.

**(L) N/2009/1018- INSTALLATION OF LED FEATURE LIGHTING EQUIPMENT AT 13 MARKET SQUARE**

The Head of Planning submitted a report in respect of Application No N/2009/1018 and referred to the Addendum and noted that the advertisement period did not expire until 14 January 2010 and therefore requested that if the Committee found the proposal acceptable that the decision be delegated to the Head of Planning subject to no further material considerations being raised so that the application could be referred to the Secretary of State.

The Committee discussed the application.

**RESOLVED:** That subject to no further material considerations being raised the Head of Planning be delegated to approve the application in principle at the expiry of the advertisement period on 14 January 2010 for submission to the Secretary of State as the proposal would not unduly impact upon the fabric, character and appearance of various listed buildings within Northampton's Market Square. Furthermore the proposal would enhance the appearance of the listed buildings through a greater promotion of the buildings' distinct architecture. The proposal therefore complies with PPG15 (Planning in the Historic Environment) and Policies E20 and E26 of the Northampton Local Plan.

**(M) N/2009/1019- INSTALLATION OF LED FEATURE LIGHTING EQUIPMENT AT HALIFAX, 17 MARKET SQUARE**

The Head of Planning submitted a report in respect of Application No N/2009/1019 and referred to the Addendum and noted that the advertisement period did not expire until 14 January 2010 and therefore requested that if the Committee found the proposal acceptable that the decision be delegated to the Head of Planning subject to no further material considerations being raised so that the application could be referred to the Secretary of State.

The Committee discussed the application.

**RESOLVED:** That subject to no further material considerations being raised the Head of Planning be delegated to approve the application in principle at the expiry of the advertisement period on 14 January 2010 for submission to the Secretary of State as the proposal would not unduly impact upon the fabric, character and appearance of various listed buildings within Northampton's Market Square. Furthermore, the proposal would enhance the appearance of the listed buildings through a greater promotion of the buildings' distinct architecture. The proposal therefore complies with PPG15 (Planning in the Historic Environment) and Policies E20 and E26 of the Northampton Local Plan.

**(N) N/2009/1020- INSTALLATION OF LED FEATURE LIGHTING EQUIPMENT AT**



## **19 MARKET SQUARE**

The Head of Planning submitted a report in respect of Application No N/2009/1020 and referred to the Addendum and noted that the advertisement period did not expire until 14 January 2010 and therefore requested that if the Committee found the proposal acceptable that the decision be delegated to the Head of Planning subject to no further material considerations being raised so that the application could be referred to the Secretary of State.

The Committee discussed the application.

**RESOLVED:** That subject to no further material considerations being raised the Head of Planning be delegated to approve the application in principle at the expiry of the advertisement period on 14 January 2010 for submission to the Secretary of State as the proposal would not unduly impact upon the fabric, character and appearance of various listed buildings within Northampton's Market Square. Furthermore the proposal would enhance the appearance of the listed buildings through a greater promotion of the buildings' distinct architecture. The proposal therefore complies with PPG15 (Planning in the Historic Environment) and Policies E20 and E26 of the Northampton Local Plan.

(NB: Councillor Church rejoined the meeting.)

## **10. ITEMS FOR DETERMINATION**

### **(A) ITEM WITHDRAWN**

Item withdrawn.

### **(B) N/2009/0911- PROPOSED NEW ENTRANCE TOGETHER WITH ALTERATIONS TO CREATE ADDITIONAL CONSULTING ROOM, NEW DISABLED PARKING BAY AND VEHICULAR CROSS OVER AT QUEENSVIEW MEDICAL CENTRE, THORNTON ROAD (AS AMENDED BY REVISED PLANS RECEIVED ON 3 DECEMBER 2009)**

The Head of Planning submitted a report in respect of Application No N/2009/0911 and referred to the Addendum, which set out Councillor Church's reason for referral and amended paragraph 2.2 of the report, the reference from "community room" to "consulting room". The Head of Planning noted that Councillor Church had not objected to the application as incorrectly indicated in Section 6 of the report.

Mr Dooley, as the agent for the application, commented that the medical centre had been established for seventeen years and had over nine thousand patients. He commented that people came to the medical centre both by car and on foot. He commented that the proposal was to relocate the present entrance and to create a new consulting room. These alterations would allow the medical practice to provide further services in line with national trends. There would be no disruption to disabled parking. Mr Dooley noted that the scheme was part funded by the PCT. Off road parking would be provided to the side and front of the medical centre and he was unaware of any accidents from the current arrangements. He noted that on the site visit, comment had been made about the space between the chemist and the proposed extension to the

medical centre as being a potential area for anti-social behaviour and the applicant was prepared to gate this space to prevent inappropriate use. In answer to a question, Mr Dooley commented that alternative options had been considered but the present scheme was considered to be the best solution for the medical practice.

The Committee discussed the application.

**RESOLVED:** That the application be approved subject to the conditions set out in the report and the siting and design of the new entrance was acceptable and would not be detrimental to visual or residential amenity in accordance with Policy E20 of the Northampton Local Plan. A new disabled parking bay would not be detrimental to highway safety in accordance with the guidelines contained within PPG13 (Planning and Transportation).

**(C) N/2009/0955- VARIATION OF CONDITION 7 OF PLANNING APPLICATION 94/0442 REQUESTING 4 YEARLY SOCIAL EVENTS UNTIL 24.00 (MIDNIGHT) AT COLLINGTREE PRIMARY SCHOOL, LODGE AVENUE (AS AMENDED BY REVISED PLAN RECEIVED ON 2 DECEMBER 2009)**

The Head of Planning submitted a report in respect of Application No N/2009/0955 and referred to the Addendum, which set out further representations from Councillor Crake, representations from Collingtree Parish Council, correspondence from Mrs B Jenks and a letter of objection from residents of 37 Spinney Drive. He noted that it was not proposed to vary Condition 6, which related to the premises being used for educational use. In answer to a question, the Head of Planning noted that the current condition requiring events to cease at 22:00 hours had been imposed in August 1994.

Mr Bryce, representing Collingtree Parish Council, commented that the Parish Council supported residents in their objections to the application. He commented that if the time condition was valid in 1994, it remained valid now. He referred to events currently held in the sports hall and doors being opened for ventilation and the noise emanating from them. He noted that the majority of children who used the school came from out of the village and he referred to problems for residents' parking and the attitude of parents when dropping off or picking up their children from the school. He stated that drunken behaviour had been noted from two recent events held in the school. He also referred to a statement made by a governor of the school that events would only run until 22:00 hours. He observed that this appeared to be late enough for children. Mr Bryce stated that there were other more suitable venues in the village for adults to use until midnight. In answer to a question, Mr Bryce commented he believed that there had been three breaches of the 10:00 pm curfew over the last two years. After one particular incident, an apology had been made by the school. In answer to another question, Mr Bryce commented that the noise nuisance to residents caused by the doors in the sports hall being left open was considerable.

Councillor Crake commented that she was speaking as a Parish Councillor and noted the adverse impact the proposal would have on residents. She commented that every event at the school seemed to go beyond 22:00 hours and she referred to a marquee that had been put in the grounds of the school where that event had gone on much longer than 22:00 hours. She commented that enforcement was a problem as the events had finished before anyone could be notified that they were taking place. She

noted that the streets were usually full of parked cars and referred to difficulties with parents' attitude when dropping off or picking up their children. She commented that if these events were allowed until midnight, in reality people would be leaving the school site at 01:00 hours. In answer to a question, Councillor Crake commented that some events did involve alcohol and the marquee event had been run by a publican.

Mrs Hobbs, a resident living close to the school, commented that it had been built some thirteen years previously as an annexe to the original school. Most of the children who went to the school came from outside the village. She understood that the conditions placed on the original planning permission in 1994 had been done so to protect the amenity of local residents and she felt that these were even more valid now than they had been then. She believed that the current application was both unreasonable and provocative. Mrs Hobbs noted that Condition 6 of the permission referred to the premises being used for educational purposes. There was nowhere for people to park except on the streets and that there was only one route through the village to and from the school. She also referred to instances of rowdy behaviour and that the welfare of residents should be taken into account.

The Head of Planning noted that the conditions in the 1994 permission were placed there so as the proposal would not adversely affect residents. This was still the case. He noted that in respect of Condition 6, the use of the premises for was educational uses or uses ancillary to that. This would include school productions and fund raising events. He noted that the Highway Authority had raised no objections and that the Enforcement Section had investigated complaints and would continue to do so if they arose. He noted that in respect of the comments made about a marquee, that the conditions of the planning permission only extended to the school premises and not the grounds. The Borough Solicitor noted that under permitted development rights, a marquee could be used in the grounds for up to 28 days per year. The Head of Planning observed that many of the issues raised by the speaker referred to site management issues and that the Committee had to consider the application in terms of land use planning so far as they related to the proposed four additional/ later events per year. Other controls were available via licensing and environmental health legislation.

The Committee discussed the application.

Councillor Lane proposed and Councillor J Conroy seconded that "consideration of the application be deferred so as to allow discussions to take place between the residents and school to see if a way forward could be agreed".

Upon a vote the motion was carried.

**RESOLVED:** That consideration of the application be deferred so as to allow the school and residents an opportunity to discuss a way forward.

**(D) N/2009/0968- CONVERSION INTO 2NO 1 BED FLATS, 4NO NEW 1 BED FLATS AND 2NO NEW BED SEMI- DETACHED DWELLINGS AT 54 ADAMS AVENUE (RESUBMISSION OF N/2007/1461)**

The Head of Planning submitted a report in respect of Application No N/2009/0968 and referred to the Addendum, which set out a further objection from 55 Adams Avenue

and a response from Anglian Water. The Head of Planning circulated an appeal decision reached by a Planning Inspector dated 11 December 2008, which commented that any harm to highway safety could be overcome if the developer made an appropriate contribution towards the introduction, or enforcement, of suitable on-street parking controls. The applicant had now submitted a Unilateral Undertaking to this effect. Otherwise the scheme was as originally presented to and discussed by the Committee.

Mr Fruish, a local resident, commented that he had objected to the original application in 1997 and had attended the subsequent appeal hearing. He had understood that the Inspector had upheld comments made at that time in respect of public safety. He commented that the existing streets were already heavily parked, with there being examples of double parking and issues of access for emergency vehicles. He had suffered some personal health issues and could do without the stress this application was causing him. He questioned the probity of a financial solution to the problem. In answer to a question, Mr Fruish commented that he believed that more parking spaces were needed.

K Warren, a resident of Bostock Avenue, commented that she had lived in the area for eight years and over that time parking appeared to have got worse. She did not believe that a residents' parking scheme would help the situation, as it was not enforced after 6 00 pm. She noted that many people parked in the streets around that area who were using premises in Wellingborough Road. She also had concerns that as her garden adjoined the site, light would be blocked from it.

Mr Abrams, the agent for the scheme, commented that the proposal was the same as previously discussed with some modification to the materials to be used on the facing walls. He commented that the only ground for refusal had now been met by agreement to the Unilateral Agreement, which itself had been validated by the Highway Authority, the planners and legal officers. He commented as the sole objection raised by the Inspector had been resolved, that the Committee should approve the application.

The Head of Planning commented that issues about street scene concerned buildings and not cars in streets. He noted that the Inspector's concern raised in paragraph 16 of the appeal decision had now been resolved through the submission of a Unilateral Agreement, which had been checked and agreed by the Highway Authority, and County Council and Borough Council Solicitors.

The Committee discussed the application.

Councillor Matthews proposed and Councillor Church seconded that "consideration of the application be deferred pending receipt of information from the Highway Authority as to how they proposed to spend the monies that would be secured by the Unilateral Agreement in the event that planning permission were to be granted".

Upon a vote the motion was carried.

**RESOLVED:** That consideration of the application be deferred pending receipt of information from the Highways Authority as to how the monies secured by the Unilateral Agreement were to be spent in the event that planning

permission were to be granted.

## **11. ENFORCEMENT MATTERS**

### **(A) E/2009/567- BREACH OF PLANNING CONTROL AT 1 HUMBER CLOSE**

The Head of Planning submitted a report in respect of E/2009/567 and noted that recommendation 1.2 should be amended by altering the reference to the "Head of Planning" to "Borough Solicitor".

The Committee discussed the report.

**RESOLVED:** That:

- (1) The Borough Solicitor be authorised to issue an Enforcement Notice in respect of the unauthorised change of use of 1 Humber Close from a single residential dwellinghouse to 4no self contained flats requiring the use to cease with a compliance period of four months
- (2) Further, that in the event that the requirements in the Enforcement Notice are not complied with the Borough Solicitor be authorised to instigate prosecution proceedings in the Magistrates' Court in respect of non-compliance.

## **12. APPLICATIONS FOR CONSULTATION**

### **(A) N/2009/0179- OUTLINE PLANNING PERMISSION FOR RESIDENTIAL DEVELOPMENT ON LAND (ALL MATTERS RESERVED OTHER THAN MEANS OF ACCESS) AT FORMER NORTHAMPTON MIDDLE SCHOOL AND GREEN OAKS LOWER SCHOOL (USE CLASS C3- DWELLING HOUSES) AT FORMER MIDDLE SCHOOL AND GREEN OAKS LOWER SCHOOL, BECTIVE ROAD**

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

In the absence of the Chair and the Deputy Chair, the Borough Solicitor called for nominations for a Chair for this item. It was agreed that Councillor J Conroy chair the discussion of this item.

The Head of Planning submitted a report in respect of Application No N/2009/0179 and referred to the Addendum, which proposed additions to paragraph 1.2 of the report and included representations from Councillor Hollis.

J Pidgeon, the Manager for the Kingsthorpe Neighbourhood Management Area, commented that she believed that the community did not wish to see the removal of the existing community centre and its replacement by play equipment. She believed that the community wanted like for like facilities on the new school site. She noted that young people did not always want formalised play and that there were no community facilities in St Davids. The Kingsthorpe Management Board had secured funding for several projects to provide facilities for young people to divert them from congregating

outside the shops at the Kingsthorpe district centre. She also observed that the lack of youth facilities generally in the area was widely acknowledged.

Councillor Hollis, as both the Borough and County Councillor for St Davids, commented that the Kingsthorpe Management Board had been set up as a recognition of the deprivation that existed in St Davids. The County Council had originally undertaken to replace the existing current community facilities but this proposal did not do this. It was not practicable for facilities to be provided elsewhere. She noted the projects that the Board were currently involved with to create diversion opportunities for young people. Councillor Hollis also referred to the existing issues of the air quality management area and traffic concerns along the Harborough Road through Kingsthorpe. She noted that the Highway Authority had made no observations.

Councillor Woods commented that as member of Kingsthorpe Neighbourhood Management Board and also as a governor of Kingsthorpe Grove School, he had objected previously to putting housing on this site on the grounds of Highways issues and lack of amenity facilities. He commented that Wakefield Road and Whiston Road were both parked on both sides and therefore became single carriageway routes in practice. He commented that the proposed one hundred and seventy homes would affect the traffic impact and he referred to concerns discussed in considering another residential development recently further along Bective Road towards the Harborough Road. He stated that, essentially, there were no community facilities available in the area, although some limited use could be made of the Liburd Rooms. He believed that the County Council should stick to their previous undertaking to provide a community facility on this site and he asked that consideration of this be given in terms of making it part of a Section 106 Agreement and that more information was required on the mitigation of the traffic impact of the proposal.

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

The Committee discussed the application.

RESOLVED: (1) That the Council raise no objections to the principle of the proposed development for the following reason:

The proposal would result in the efficient re-use of previously developed land and provide a residential development that would maintain the character of the surrounding area. The proposal therefore complies with PPS1 (Delivering Sustainable Development), PPS3 (Housing) and Policy H7 of the Northampton Local Plan.

If WNDP is minded to approve this application, it is requested that the following matters be taken into account:

- i) That amendments are sought to the layout of the development in order to improve the visibility within the pedestrian access way as this would make the pathway more attractive and therefore enhance visibility and safety.
- ii) Significant concerns are raised regarding the impact on

highway safety and the free flow of traffic. There are particular areas of concern:

a) The impact on the capacity and safety resulting from additional vehicle movement at the junctions of Bective Road and Yelvertoft Road with Harborough Road.

b) Impact on safety resulting from potential 'rat running' through the development.

c) Safety and capacity concerns regarding the proposed vehicular access to Whiston Road particularly with regards to the width of Whiston Road, the current lack of on-street parking and the proximity of the school both in terms of pupil safety and pressure on on-street parking and the local road infrastructure at school dropping off/pick up times.

WNDC is therefore requested to ensure that all matters arising from consultations with Northamptonshire County Council Highways are taken into account prior to determining the application. In particular, this should investigate whether a revised transport assessment should be submitted in order to take into account all changes in circumstances that have occurred since the date of the original assessment.

- iii) That 35% of all dwellings are secured for affordable housing in order to comply with the requirements of PPS3 (Housing).
- iv) That 10% of proposed dwellings are constructed as mobility units.
- v) Securing sufficient on-site recreation facilities are provided for the future residents of the proposed development and adequate maintenance contribution that as required by Policy E19 of the Northampton Local Plan.
- vi) On account of the limited community facilities within the vicinity, it is requested that a community centre shall be provided on site in order to meet the future needs of the occupiers of the development. Given that the limited nature of existing facilities, a financial contribution would not be acceptable in this instance.
- vii) That suitable conditions are attached to any planning permission requiring the submission of an Air Quality Impact Assessment detailing the impacts of the proposed development on the Harborough Road Air Quality Management Area, which should include any necessary mitigation measures in order to ensure compliance with PSS23 (Planning and Pollution Control).

- viii) That suitable conditions are attached to any planning permission requiring the submission of a study of possible land contaminants and identify any remedial works as required by PPS23 (Planning and Pollution Control).
- ix) As the demolition work and clearing of the site could have an adverse impact upon nesting and roosting sites for bats and birds, WNDC are to be requested to ensure that a survey is carried out prior to the determination of the application. Enhancements to biodiversity and green infrastructure should also be considered. Long term management of green spaces should form part of any assessment.
- x) That WNDC take into account the contents of Paragraphs 7.16 – 7.19 of the attached Committee report with regards to indicative layout in order to inform the design process with any future reserved matters application.

Councillors Collins and Woods rejoined the meeting. Councillor Collins resumed the chair.

**(B) N/2009/0731- ERECTION OF A CLASS A1 FOOD RETAIL STORE AND ASSOCIATED CAR PARKING AT STORM SAAB, WESTONIA GARAGE, 582-592 WELLINGBOROUGH ROAD**

The Head of Planning submitted a report in respect of Application No N/2009/0731 and referred to the Addendum, which proposed a change to the recommendation to provide clarity to the Council's response and which noted the publication of PPS4 (Planning for Sustainable Economic Growth) and commented on the submission of revised plans and noting a reduction of car parking spaces to seventy three, not including disabled spaces. The Head of Planning noted that a separate application would be required for any advertisement consent.

The Committee discussed the application.

RESOLVED: That WNDC be informed that the Council would object to the scheme unless they secured:

- i) A legal agreement preventing the store from being occupied by anyone other than a 'Limited Assortment Discounter'.
- ii) A condition limiting the level of comparison goods retailing to not exceed 15% of the sales area and that the main function of the store should be for convenience retailing. The figure of 15% should be seen as a maximum and therefore opportunities to secure a lower provision should be investigated.
- iii) A condition preventing the future sub-division of the proposed store.



For the reason:

A convenience retail use of the type and nature proposed by the applicant, including the restriction on the amount of comparison goods to be sold, would not unduly harm the vitality and viability of Northampton's town centre whilst providing competition for the existing district centre at Weston Favell. This type of store responds to an identified need, would have a limited impact and be of a scale appropriate to its location. The proposal therefore complies with Policy 22 of the Regional Plan and PPS4 - Planning for Sustainable Economic Growth.

Should WNDP be minded to approve this application, it is requested that controls are attached to any approval requiring the following:

i) A scheme is submitted to and approved by the Local Planning Authority, which will detail the sources of noise and a means of management. This scheme should include any plant or equipment as well as deliveries to the store in order to ensure compliance with PPG24.

ii) There are no deliveries to the premises outside the hours of 9.00am to 8.00pm Monday to Saturday and 10.00am to 4.00pm on Sundays and Bank Holidays including loading and unloading of vehicles in the interests of residential neighbour amenity in accordance with PPG24.

iii) Details of all lighting installations are submitted in order to ensure that proposed development is appropriately managed in line with the requirements of PPG23.

iv) A study into potential contaminants is carried out in response to the site's former use as required by PPG23.

v) The site's car park shall not be made available to motorists outside of the store's opening hours in order to manage any anti-social behaviour in accordance with Policies E20 and E40 of the Northampton Local Plan.

vi) That a condition secure the provision of a pedestrian crossing within the curtilage of the proposed store to enable pedestrians to cross the site safely from Wellingborough Road to the store's entrance.

vii) In order to preserve the visual amenity of the locality, the choice of materials is of paramount importance. It is requested that WNDP ensure that the proposed building is constructed from appropriate materials, with specific concerns regarding the two elevations visible from Wellingborough Road. Given the vernacular of the surrounding area, it is requested that this be stone. This should be controlled by condition.

WNDP are requested to place an informative any decision notice informing the applicant that a separate application for advertisement

consent would need to be submitted to Northampton Borough Council. Based on the information submitted, there are currently concerns with the relationships between the advertisements and the proposed building.

**(C) N/2009/0744- RESERVED MATTERS APPLICATION INCLUDING APPEARANCE, LANDSCAPING, LAYOUT AND SCALE PURSUANT TO OUTLINE CONSENT WN/2006/0013 DATED 19.4.07- ERECTION OF 231 DWELLINGS, ROADS AND SEWERS AND PUBLIC OPEN SPACE AT PHASE 3 FORMER TIMKEN SITE, MAIN ROAD, DUSTON**

The Head of Planning submitted a report in respect of Application No N/2009/0744 and elaborated thereon. In answer to a question, the Head of Planning commented that information on the level of sustainability of the dwellings to be built was not known but the design codes relating to this site were very detailed.

The Committee discussed the application.

**RESOLVED:** That the Council raise no objections to the application as it is considered the development would be in accordance with the British Timken Masterplan and the Development Brief and Design Code. If WNDC are minded to approve the application then conditions are requested to be attached to any approval to deal with:

- unexpected contamination;
- submission of an arbocultural impact assessment report;
- noise – to ensure that the impact of noise has been considered on residential properties located adjacent to the employment area.

The meeting concluded at 21.54 hours