

NORTHAMPTON BOROUGH COUNCIL

PLANNING COMMITTEE

Thursday, 30 September 2010

PRESENT: Councillor Collins (Chair); Councillor Meredith (Deputy Chair);
Councillors Church, J. Conroy, Davies, Golby, Hawkins, Hill and
Woods

1. APOLOGIES

Apologies for absence were received from Councillors Lane and Matthews.

2. MINUTES

The minutes of the meeting held on 24 August 2010 were agreed and signed by the Chair.

3. DEPUTATIONS / PUBLIC ADDRESSES

- RESOLVED:**
1. That Messrs Convery and Kingston and Councillor Paul Varnsberry be granted leave to address the Committee in respect of application N/2010/0301- 80 Residential Units With Associated Garages, Roads and Sewers on Land Off South Meadow Road.
 2. That S. Tagg, Messrs Brown, Greco, and Levenshall, and Councillor I. Markham be granted leave to address the Committee in respect of application N/2010/0646- Retention of 6 Floodlight (48m in height) Columns and GRP Switch Cabinet at Northamptonshire County Cricket Club, Wantage Road.

4. DECLARATIONS OF INTEREST

Councillor Meredith declared Personal and Prejudicial interests in applications N/2010/0301 and N/2010/0646 as a member of WNDC's Northampton Planning Committee.

Councillors Church and Woods declared Personal interests in applications N/2010/0301 and N/2010/0646 as Board members of WNDC.

Councillor Hill declared a Personal interest in application N/2010/0646 as the applicant had made a donation to his Mayoral Charity.

Councillor Golby declared a Personal interest in application N/2010/0301 as being known to one of the speakers.

Councillors Collins, J. Conroy, Church and Woods declared Personal interests in application N/2010/0301 as the Liberal Democrat Office was situated in Clarke Road, adjacent to the site.

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

CONSIDERED

None.

6. LIST OF CURRENT APPEALS AND INQUIRIES

The Head of Planning submitted a List of Current Appeals and Inquiries and elaborated thereon.

RESOLVED: That the report be noted.

7. OTHER REPORTS

(A) DEVELOPMENT CONTROL PERFORMANCE SEPTEMBER 2010

The Head of Planning submitted a report that set out Development Control and Enforcement performance for the first quarter of 2010/11 and elaborated thereon.

RESOLVED: That the report be noted and that future reports include the numbers of applications and appeals expressed in tabular form as well as text.

8. NORTHAMPTONSHIRE COUNTY COUNCIL APPLICATIONS

None.

9. NORTHAMPTON BOROUGH COUNCIL APPLICATIONS

(A) N/2010/0694-TWO NON ILLUMINATED FREE STANDING SIGNS ON LAND AT ABINGTON PARK

The Head of Planning submitted a report in respect of application number N/2010/0694 and elaborated thereon.

The Committee discussed the application.

RESOLVED: That the advertisement consent be granted subject to the conditions set out in the report as the proposed signs would not adversely impact upon the Conservation Area, amenity or public safety.

(B) N/2010/0719- ERECTION OF TWO NON ILLUMINATED FREE STANDING SIGNS (AS AMENDED BY REVISED PLANS RECEIVED ON 31 AUGUST 2010) ON LAND AT CORNER OF VICTORIA PROMENADE AND BEDFORD ROAD

The Head of Planning submitted a report in respect of application N/2010/0719 and in answer to a question commented that the new signs would not obscure views of the sculpture.

The Committee discussed the application.

RESOLVED: That the advertisement consent be granted subject to the conditions set out in the report as the proposed signs would not adversely impact upon the Conservation Area, amenity or public safety.

10. ITEMS FOR DETERMINATION

(A) N/2010/0458- ERECTION OF 31NO RESIDENTIAL UNITS, INCLUDING 1NO

DISABLED PERSONS BUNGALOW AND 4NO APARTMENTS AND ASSOCIATED PARKING AND ACCESS AT NICHOLLS HOUSE, BERN SIDE

The Head of Planning submitted a report in respect of application N/2010/0458 elaborated thereon and referred to the Addendum that set out an amendment to the recommendation, an additional proposed condition and a statement concerning the need for a contribution towards education provision in the light of the viability assessment of the scheme. The Head of Planning noted that the scheme would provide 100% affordable housing and the viability assessment had shown that a requirement to make a contribution towards education would make it unviable. All the occupiers would come from the Council's housing waiting list. As such children of families occupying the scheme would already be in schools and the Education Authority had agreed in these circumstances to waive their usual requirement.

In answer to questions the Head of Planning noted that access to the car parking area would be gated and that a scheme would need to be submitted to and agreed by the Planning Authority before implementation. He noted that the Police had expressed no objections to the scheme design or car parking provision. In terms of the overall car parking arrangements for the scheme he commented that given the access to public transport, cycle paths, pedestrian footways and the scope for some on-street parking that provision was adequate.

The Committee discussed the application.

RESOLVED: That the application be approved subject to the prior finalisation of a Section 106 Agreement to secure:

- The provision of at least 35% of the development to be affordable housing; and
- That access to the open space is secured for all and that it is maintained in perpetuity;

and the conditions set out in the report and Addendum as the proposal would represent the efficient reuse of previously developed land and would provide a satisfactory standard of residential amenity and the proposal would have no significant undue detrimental impact upon the amenities of surrounding residents, it therefore complies with the requirements of PPS1- Delivering Sustainable Development, PPS3- Housing and Policies H6, E20 and E40 of the Northampton Local Plan.

(B) N/2010/0475- REMOVAL OF CONDITION 2 OF PLANNING PERMISSION N/2008/0502 FOR BOAT RESTAURANT AND BAR AND ASSOCIATED ACCESS AT MIDSUMMER MEADOW, BEDFORD ROAD

The Head of Planning submitted a report in respect of application number N/2010/0475, elaborated thereon and in answer to a question stated that it would be possible to secure a bond to implement the End of Life Plan through a legal agreement; in any case a legal agreement would be required for the applicant to gain access to the site across Council owned land.

The Committee discussed the application.

RESOLVED: 1. That Condition 2 of planning permission N/2008/0502 which limits

the development to a temporary period of 5 years be deleted and replaced with a condition securing an end of life plan to remove the vessel and restore the riverbank subject to prior completion of a suitable S106 agreement as set out in 2 below.

2. That the end of life plan would be enacted at the end of the commercial cycle or when the vessel no longer maintains the standards set out for independent assessment by an agreed third party within a S106 legal agreement between the developer/ owner and the Council.
3. That the Head of Planning be authorised to establish the terms of the legal agreement that will ensure the good upkeep of the vessel, thus overcoming the need to control the development by terminating planning permission five years after first operation.

11. ENFORCEMENT MATTERS

None.

12. APPLICATIONS FOR CONSULTATION

(A) N/2010/0301- 80 RESIDENTIAL UNITS WITH ASSOCIATED GARAGES, ROADS, AND SEWERS ON LAND OFF SOUTH MEADOW ROAD

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

The Head of Planning submitted a report in respect of application N/2010/0301 and referred to the Addendum that set out the Highway Authority's comments, comments from Upton Parish Council, a briefing note from Taylor Wimpy, comments from the Borough Solicitor, clarification regarding a group of trees and correspondence from a resident of St Crispins including correspondence that had appeared in the Chronicle and Echo on 24 September 2010. The Head of Planning referred to paragraph 2.3 of the report and elaborated upon the changes that had been made since the Committee previously considered this application on 1 June 2010. In answer to questions the Head of Planning noted that the houses to the north east of the site would overlook open space and would have their own vehicular access; the access to the development would be further south than the existing compound; noted the distances from the edge of the highway to the nearest house walls; and confirmed that the Highways Authority was content with the road layout.

Brian Convery, a resident, stated that some of the comments made by the Applicant's consultants were in his view inaccurate; the medical facilities provided at the Pendred Site were mental health orientated and not general medical; the road network was not adequate and noted existing problems at St Luke's School and the Extra Care Village and that the road usage had been understated, possibly, by 1,000 vehicle movements each day given the effect of the development of the former hospital building and a development of 40 further homes at Princess Marina; This did not seem to have been

considered. He believed that this site had not been originally earmarked for development. Mr Convery queried why the developers were allowed to install an electric sewerage pump: what would happen in the event of a power failure?

Mr Kingston a resident and member of Northampton Residents Association, stated that the consultant to Taylor Woodrow had expressed concerns as to the stability of the land and had asked that the site layout be not radically altered. He referred to land surveys in the 1970's that had led to the Northampton Development Corporation withdrawing the site from sale because of the concerns over the potential for land slip ie sites that had a slope of greater than 7 degrees and faced a river valley (and with the underlying geology of clay over sandstone). He believed that WNDC were in denial over this issue and were only listening to their own consultant's advice. He noted that Northampton Residents Association had passed documentation to the Council earlier in the year about the issue of solifluction.

Councillor P. D. Varnsvery expressed concern that the Highways Authority had made no objections given that they were already aware of the problems of the existing road layout in respect of its narrowness, sharp bends, on street parking and St Luke's school. He noted "solutions" were planned such as yellow lines and some parking bays but in his view would not make a material difference. The problem was a cumulative deficit of infrastructure; this development would be piggybacking on the existing inadequate road network. He believed that the highways issues should be resolved through the original masterplan and not dealt with as if they were a separate matter.

The Head of Planning confirmed that Mr Kingston had passed to the Council documents concerning solifluction and these were being considered by experts on behalf of the Council and by the JPU and WNDC. She commented that the historic documentation referred to by Mr Kingston had not been found. She stated that that nothing so far contradicted the existing ground condition surveys.

The Committee discussed the application.

Councillor Malpas proposed and Councillor Davies seconded "That the Council raise an objection to the application: that notwithstanding the comments of the Highway Authority, the Council is not satisfied that the existing road network of the St Crispins estate or the access arrangements to the site, is sufficient to cope with the increased demand from the proposed development. However, if WNDC are minded to approve the application then the following issues should be taken into account....."

Upon a vote the motion was carried.

RESOLVED: That WNDC be informed that the Council raise an objection to the application, that notwithstanding the comments of the Highway Authority, the Council is not satisfied that the existing road network of the St Crispins estate or the access arrangements to the site, is sufficient to cope with the increased demand from the proposed development. However, if WNDC are minded to approve the application then the following issues should be taken into account:

- Any permission must be subject to a Section 106 agreement to secure 35% affordable housing, with a mix of house types

which is acceptable to the Borough Council Housing Strategy Section.

- Any permission must be subject to a condition setting out a strategy for dealing with unexpected contamination in line with the advice of the Council's Public Protection service.
- Any permission must be subject to conditions requiring the retention and physical protection of any trees which are either protected by way of inclusion within a TPO or are assessed as worthy of retention (Category A, B & C of BS 5837:2005). Trees within Category C of BS 5837:2005 should also be retained where possible, but where these are proposed for removal precise details of trees within this category which are to be removed, together with proposals for their replacement, should be submitted to the Borough Council's Arboricultural Officer for approval prior to the commencement of any work on site.

WNDC's attention is also drawn to the fact that the site access as amended would take part of the land to be transferred to the Borough Council under the existing Section 106 agreement for the main St Crispin's site. A deed of variation to this Section 106 Agreement will therefore be required.

(B) N/2010/0646- RETENTION OF 6 FLOODLIGHT (48M IN HEIGHT) COLUMNS AND GRP SWITCH CABINET AT NORTHAMPTONSHIRE COUNTY CRICKET CLUB, WANTAGE ROAD

The Head of Planning submitted a report in respect of application N/2010/0646 elaborated thereon and referred to the Addendum that set out representations from Councillors B. Hoare and I Markham, further information from the Cricket Club, a further letter from the applicant and representations from residents of Abington Cottages, Wellingborough Road and Wantage Road. The Head of Planning confirmed that the application concerned the siting of the flood light columns only.

Councillor I Markham stated that residents had originally objected to the proposal because of the height of the columns, their impact on the adjacent conservation area, noise, music and light spill into bedrooms. She noted that the lights could be seen from Morrisons on the Kettering Road. She referred to problems of noise and fumes from the generators: there should be conditions concerning hours of use, free parking provided by the cricket club and the generators replaced by the start of next season.

David Lethanthall, a resident, commented that the approval given in 2009 tried to strike a balance between the needs of the cricket club and its impact regionally and those of residents. Although the flood light columns were quite slim the ballast retainers doubled their width from eye level downwards. He made comparisons between the 2009 report and the current one. He noted that the PA system was used for post match interviews rather than just for public information or safety announcements; that the flood lights had been left fully on after the previously agreed time for their being turned down on three occasions and that a generator was being used rather the lights being

connected to the mains.

Paul Greco, a resident, stated that he had not objected to the original application but did object to the new siting of flood light column 4. He displayed photographs showing how the column dominated his property. He was not convinced that the current plans accurately showed the location of it. The flood lights could be seen within his property and no-one had been to see its impact. Mr Greco was unhappy about the noise and fumes from the generator and queried the guarantee that the flood lights would be connected to the mains.

Sally Tagg, Planning Consultant for the applicant, commented that the Committee had previously supported the application in August 2009. During the construction of the scheme the flood light columns had had to be moved for technical reasons hence the current application. She reminded the Committee that hours of use and car parking were not part of the application. She also commented that the new positions of the lighting columns had resulted in reduced light spill in all but one instance and confirmed that the flood lights would be connected to the mains and use of the generator ceased. She noted that music had been used at the ground since 2000 and stated that this application was not materially different to the original one. In answer to a question concerning any discussions that may have taken place with residents effected by the new positioning of flood light column 4, that Musco, the contractors, had measured the distance from properties. In answer to a question about steps taken to meet the concerns of residents Mrs Tagg commented that this application was only to with the resiting of the columns: lightspill had been markedly reduced.

Jerry Brown, on behalf of Musco, contractor for the applicant, commented that Musco were responsible for the installation of the scheme and that the equipment matched the approval given in 2009. The flood light columns had been resited due to foundation problems but this had led to a better situation than that originally envisaged. In answer to a question Mr Brown commented that the columns had not been connected to the mains supply straight away due to timing delays.

The Head of Planning reported that the applicant had entered into the necessary agreements for the columns to be connected to a mains supply in January 2011. He commented that the applicant was able to use television screens within permitted development rights; that Environmental Health were content about the lighting which was below the stipulated levels; that the separation distances were broadly similar to those agreed in 2009 and that the ballast boxes were considered to be acceptable.

The Committee discussed the application.

RESOLVED: 1. That WNDP be informed that the Council raise no objections as the proposed lighting would not lead to a significant impact upon visual or residential amenity of the surrounding area and would provide some benefits in terms of the promotion of high level sport within the Northampton area. Furthermore, the development is of a comparable nature to that considered and approved in 2009. The proposal therefore complies with the requirements of PPS1, PPS5, PPS23, and PPG24 and Policies E19, E20 and E26 of the Northampton Local Plan.

2. WNDC is also requested to consult with Northamptonshire County Council as Highway Authority in order to ensure that there would be no undue detrimental impact upon highway safety as a result of permitting this proposal and to ensure that the scheme complies with PPG13 – Transport.
3. If WNDC is minded to approve this application, it is requested that the following matters are secured by condition.
 - That the use of the lights is limited to a maximum of 15 days per annum and only between the months of April to September inclusive.
 - That the light levels are reduced at the conclusion of play or 22:15 hours (whichever is the earliest) and that a detailed plan identifying the spill levels associated with this lower level of light shall be submitted to and approved in writing by the Local Planning Authority prior to their next use.
 - A scheme requiring the applicant to undertake regular surveying of the light levels in order to ensure that they do not exceed the levels submitted as part of the application.
 - That the lights are not used until they have been connected to a mains electricity supply in order to avoid the continued need to operate a generator, which has and could continue to harm residential amenity. Alternatively, a reasonable timetable for this works to be carried out to be agreed prior to the lights being next used and secured by condition if the first option cannot be secured prior to April 2011.
 - In order to minimise the impacts on surrounding properties, a condition requiring that use of public address systems cease following the conclusion of play for the purposes of commentary and the playing of music in keeping with 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.

The meeting concluded at 20.44 hours