

NORTHAMPTON BOROUGH COUNCIL

PLANNING COMMITTEE

YOUR ATTENDANCE IS REQUESTED AT A MEETING TO BE HELD AT
THE GUILDHALL ON THURSDAY, 30 SEPTEMBER 2010 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) DEVELOPMENT CONTROL PERFORMANCE
SEPTEMBER 2010
Report of Head of Planning
(copy herewith)
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 E.
WILLIAM
S
X 7812
Report of Head of Planning
(copy herewith)
Ward: Abington
- (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 E.
WILLIAMS
X 7812
Report of Head of Planning
(copy herewith)
Ward: St Crispin
10. ITEMS FOR DETERMINATION

An Addendum of further information considered by the Committee is attached.

- (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 B. CLARKE X 8916

Report of Head of Planning
(copy herewith)

Ward: St James

- (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 R. BOYT X 8724

Report of Head of Planning
(copy herewith)

Ward: St Crispin

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 A. HOLDEN X 8466

Report of Head of Planning
(copy herewith)

Ward: West Hunsbury

- (B) N/2010/0646- RETENTION OF 6 FLOODLIGHT (48M IN HEIGHT) COLUMNS AND GRP SWITCH CABINET AT NORTHAMPTONSHIRE COUNTY CRICKET CLUB, WANTAGE ROAD B. CLARKE X 8916

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:-**

<TRAILER_SECTION>
A6444

Agenda Item 2

NORTHAMPTON BOROUGH COUNCIL

PLANNING COMMITTEE

Tuesday, 24 August 2010

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

1. APOLOGIES

Apologies for absence were received from Councillors Church, Hawkins, Lane and Malpas.

2. MINUTES

The minutes of the meeting held on 29 June 2010 were agreed and signed by the Chair.

3. DEPUTATIONS / PUBLIC ADDRESSES

RESOLVED: (1) That Mrs C Tweedale, R. Kilsby and Cllr B. Markham be granted leave to address the Committee in respect of item 10A, application number N/2010/0472.

(2) That Mr Whitlock be granted leave to address the Committee in respect of item 10B, application number N/2010/0611.

4. DECLARATIONS OF INTEREST

Councillor Woods stated that the Applicant for item 10A, application number N/2010/0472 had approached him. He had given the Applicant some factual advice and referred him to his Ward Councillors.

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

None.

8. NORTHAMPTONSHIRE COUNTY COUNCIL APPLICATIONS

None.

9. NORTHAMPTON BOROUGH COUNCIL APPLICATIONS

None.

10. ITEMS FOR DETERMINATION

(A) N/2010/0472 - CHANGE OF USE FROM RETAIL (USE CLASS A1) TO HOT FOOD TAKEAWAY (USE CLASS A5) INCLUDING INSTALLATION OF EXTRACTION FLUE SYSTEM AT 16 BUSHLAND ROAD. (AS AMENDED BY REVISED PLANS RECEIVED 15/07/2010).

The Head of Planning submitted a report in respect of application number N/2010/0472, elaborated thereon and referred to the Addendum that corrected two typographical errors and set out further details from the Highways Authority.

Mrs Tweedale referred to photographs that she had previously submitted showing the parking problems from her house. People parked over driveways. She had disabled parking markings outside her house that were ignored by other drivers. She and her husband had been abused and the Police called to allow them access to and from their property. Mrs Tweedale commented that the bollards on both sides of the road were frequently knocked over. She stated that parking at the junction of Bushland Road and Bush Hill was a problem. She noted that parking problems in the area were already exacerbated by the primary school further down the road. Mrs Tweedale also referred to issues of damage to vehicles, late night noise from the Co-op, deliveries to the Co-op and a recent robbery at that store. She was concerned that sooner or later a pedestrian would be knocked down. In answer to a question Mrs Tweedale stated that she had lived in her present home for ten years, before the Co-op's current hours of operation had been extended.

Cllr B. Markham concurred that parking was a constant issue. He expressed concern at the proposed extraction units and their effect upon the residents of the adjoining flats. He accepted the comments made by Environmental Health set out in the report but believed that in reality cooking smells and noise would be an issue for residents. He also noted the comments from the Highways Authority but did not accept their supposition set out in the Addendum. Councillor Markham queried whether the premises had already been divided into two flats.

Mr Kilsby, the Agent for the Applicant, commented that the proposal submitted was in accordance with the Local Plan and other guidance. He noted that Environmental Health and the Highways Authority had not raised any objections. There had been no problems with parking at the time of the site visit; and he suggested that these were intermittent and were more properly issues of enforcement. He commented that Local Centres were, by definition, for local use; his client had agreed to restricted opening hours. He requested that the Committee approve the application.

The Head of Planning, in response to Cllr B. Markham's query commented that the premises had received planning permission in 2003 for conversion into two flats but this had not been implemented and that the permission was no longer extant.

The Committee discussed the application.

RESOLVED: That the application be approved subject to the conditions set out in

the report and as corrected by the Addendum (Condition 2), as the principle of a takeaway use in a local centre is acceptable and in accordance with Policy R9 of the Northampton Local Plan. By reason of the site's relationship with neighbouring residential properties and the adequacy of the local highway network and subject to controls limiting the hours of the use and collection, treatment and dispersal of cooking smells, the proposed use would not have a detrimental impact on the amenity of nearby and adjoining residents or highway safety in accordance with Policy R9 of the Northampton Local Plan and the aims and objectives of PPG13 and PPG24.

(B) N/2010/0611 - SINGLE STOREY REAR EXTENSION AND FIRST FLOOR EXTENSION ABOVE EXISTING GARAGE TO CREATE 2 SEMI-DETACHED DWELLINGS AT 48 GREENFIELD AVENUE, NORTHAMPTON

The Head of Planning submitted a report in respect of Application No N/2010/0611, elaborated thereon and referred to the Addendum which set out further objections from residents in Greenfield Avenue. He referred to an application refused in 2009 for conversion of the property into four flats and noted that this proposal was better balanced. In answer to questions he commented that the proposed rear single storey extension would be for a kitchen diner and that the Highways Authority had raised no objection to the extension of the vehicle crossover.

Mr Whitlock, a neighbour, commented that he had submitted an objection. He had understood that the application was to be for affordable housing but that this proposal seemed to be for the general housing market. He expressed concern at parking problems that were already an issue and described a situation of reversing out of his drive. He observed that nearby semi detached properties had shared and well defined characteristics that this application did not appear to share. Mr Whitlock expressed concern at possible future expansion into the loft space, which would not require planning permission, and his view would represent an over intensification of development of the site. He asked that if the Committee were to approve the application that stringent conditions be placed on the approval.

The Head of Planning noted that affordable housing did not form part of the application. In respect of the possible conversion of the loft space at a later date allowed under permitted development rights, he noted that given the internal configuration of the first floor layouts shown on the plans and the lack of substantial space gain, that this scenario seemed unlikely.

The Committee discussed the application.

RESOLVED: That the application be approved subject to the conditions set out in the report as the siting, size and design of the proposed development will not adversely affect the character of the area nor adversely affect the amenity of neighbouring properties or highway safety in accordance with Policies E20 and H6 of the Northampton Local Plan and Planning Policy Statement 3 (Housing) and Planning Policy Guidance Note 13 (Transport).

11. ENFORCEMENT MATTERS

Breach of Planning Control at Groove Night Club, 8-10 Gold Street

The Head of Planning reported that the unauthorised enclosure and advertisement banner outside the Groove night club (E/2010/207) had been removed without the necessity for the Enforcement Notices to be served. However, the Committee's resolution made on 1 June 2010 would remain in place should there be a future reoccurrence of the issue.

RESOLVED: That the position be noted.

12. APPLICATIONS FOR CONSULTATION

None.

The meeting concluded at 18.59 hours

Agenda Item 6

Directorate: Planning and Regeneration
Head of Planning: Susan Bridge



List of Appeals and Determinations – 30th September 2010

Written Reps Procedure			
Application	Del/PC	Description	Decision
N/2009/0566 APP/V2825/A/10/2123568	DEL	Change of Use to 4no. bedsits at 1 Humber Close – Retrospective.	AWAITED
N/2009/1063 APP/V2825/H/10/2126377	DEL	Retention of freestanding sign at 21 Main Road.	AWAITED
N/2010/0137 & 0138 APP/V2825/E/10/2128341/NWF	DEL	Erection of high level, first floor glazed link corridor to eastern elevation (Newton Block) at Kingsley Park Middle School building, St Georges Avenue.	AWAITED
N/2010/0171 APP/2825/A/10/2128510/WF	DEL	Erection of two bed detached bungalow and attached garage at 23 Weston Way. (Resubmission of N/2009/1064).	AWAITED
N/2010/0264 APP/V2825/A/10/2133820	DEL	Two storey side extension and installation of dormer to rear at 56 Friars Avenue.	AWAITED
N/2010/0528 APP/V2825/A/10/2134872	DEL	Erection of detached 3 bed dwelling on land adjacent to 1 Central Avenue (revision of planning permission N/2010/0302)	AWAITED
Local Hearing			
N/2009/0974 APP/V2825/E/10/2131445/NWF	DEL	Replacement windows to front elevation at 155 Harborough Road.	AWAITED

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 Mr Gareth Jones, Development Control Manager Telephone 01604 838999 Planning and Regeneration Cliftonville House, Bedford Road, Northampton, NN4 7NR.



NORTHAMPTON
BOROUGH COUNCIL

PLANNING COMMITTEE: 30 September 2010

DIRECTORATE: Planning and Regeneration

HEAD OF PLANNING: Susan Bridge

REPORT TITLE: Development Control and Enforcement Performance (2010-11).

1. RECOMMENDATION

- 1.1 That the contents of the report be noted.

2. CASELOAD OVERVIEW

- 2.1 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 and other consultations received during the first quarter of 2010/11 was 280 compared to 292 for the equivalent period in the year 2008/09. The Section also continues to have a substantial workload of customer enquiries, planning condition discharges, appeals and enforcement cases.

3. PERFORMANCE

- 3.1 This report sets out performance data on national and local indicators for the first quarter of 2010/11 (i.e. 1 April to 30 June 2010) and these are summarised in the table below alongside the figures for the equivalent quarter in 2009/10. The DCLG figures for the period in question not yet available, however, given that overall performance has been maintained well above targets it is expected that NBC would remain within the top quartile as one of the higher performers within the region.

Performance indicator	Code	Target	2009/10 (Q1)	2010/11 (Q1)
% Large Major apps within 13 weeks	NI157(A)	>60%	None determined	None determined
% Small Major apps within 13 weeks	NI157(A)	>60%	100%	100%
% Minor apps within 8 weeks	NI157(B)	>65%	97.8%	88.2%
% Other apps within 8 weeks	NI157(C)	>80%	96.4%	94.0%
% Appeals allowed	BV204	<33%	27.3%	0%
% Delegated apps	PL188	>90%	98.6%	96.2%
Best Value checklist: Quality of service	BV205	>90%	67%	83%

Speed of Determination

- 3.2 Processing of the applications within all three of the DCLG categories (*Major, Minor and Other*) comfortably exceeded the targets.
- 3.3 There were no 'large' *Majors* received during this quarter in either 2010 or 2009. This is due to the WNDG currently being the planning authority for the vast majority of this type of planning application. Although WNDG also deal with the majority of the 'small' *Majors* the Borough Council determined 1, which was determined within the statutory 13 week period. Exactly the same figures were recorded during this quarter in 2009.
- 3.4 During the quarter 51 *Minor* planning applications were determined, with 45 of these determined within the statutory 8 week period. This represents 88.2% compared to the target of 65%. During this quarter in 2009 performance was 97.8%. This change in performance may in part be due to the increased proportion of applications being reported to the Planning Committee rather than being determined under the scheme of delegation.
- 3.5 184 *Other* planning applications, which include householder applications, were determined. 173 of these applications were determined within 8 weeks, representing 94% compared to the target figure of 80%. In 2009 performance during this quarter was slightly higher at 96.4%.

Appeals

- 3.6 During the course of the quarter 4 appeals against decisions made by the Council were determined by the Planning Inspectorate. The Council won all four of these (i.e. 0% were allowed compared to the target of 33% and the figure of 27.3% in 2009). Following a disappointing series of results concentrated in the 2nd and particularly during the 3rd quarters of 2009/10, the appeal results continue to be very much improved with only 2 losses in the last two quarters (ie Q4 of 2009/10 and Q1 of 2010/11). This recent improvement in performance has coincided with changes to internal processes, which were introduced in January 2010 in response to the disappointing results during the preceding two quarters. It also follows the completion of bespoke training on appeals for the Development Control Team in February 2010. It is anticipated that with these measures, combined with the improvements that have been implemented to the wider decision making process, the improvement in appeal performance will be maintained.

Delegated Applications

- 3.7 The scheme of delegation largely influences performance against this indicator. Overall performance for the quarter was 96.2%. A total of 236 applications were determined during the quarter of which 227 were determined under delegated authority, compared to 214 out of 218 during the equivalent period in 2009.

Quality of Service Checklist

- 3.8 The Checklist comprises a number of components such as information on the planning website and access to professional advice / expertise. Upgrades of IT systems have brought improvements to the Checklist score as have measures to secure temporary in-house urban design expertise. Progress made over the last 12 months is reflected in the move from 78% to 83% performance.
- 3.9 Further improvements are still required. These will be secured with the permanent recruitment to the Urban Designer post (starting in October) and upgrading of the Council's development control web-service scheduled for October.

4. ENFORCEMENT

4.1 The Council adopted an enforcement policy and associated priorities for action last year. In summary the four priority areas are as follows:

- **Priority One:** A serious threat to health / safety or permanent damage to the environment. Where a case is categorised as Priority One immediate action will be initiated to address the breach of control.
- **Priority Two:** Building work, which is unlikely to be given planning permission without substantial modification or unauthorised uses causing severe nuisance through noise, smells, congestion etc.
- **Priority Three:** A breach causing problems, which may be resolved by limited modification, or property whose condition adversely affects the amenity of the surrounding neighbourhood.
- **Priority Four:** Breaches of a minor nature raising minimal planning concerns.

4.2 Planning Enforcement statistics for the first quarter of 2010/11 are set out in the tables below. In summary at the start of the year there were 136 cases on hand carried over from the year 2009/10. During the course of the quarter 195 new cases were received and a total of 144 cases investigated and closed, leaving a total of 170 outstanding cases which have been carried over into the following quarter. The 195 new cases received during the year break down into Priority 1 - 4 as 12, 27, 59 and 97 respectively.

Enforcement Investigations	TOTAL
Outstanding cases as at 1.04.10	119
New cases 1.04.10 to 30.06.10	195
Cases closed 1.04.10 to 30.06.10	144
Outstanding cases as at 30.06.10	170

	Priority				TOTAL
	1	2	3	4	
New cases 1.4.10 to 30.6.10	12	27	59	97	195

5. LEGAL IMPLICATIONS

5.1 None.

6. BACKGROUND PAPERS

6.1 DCLG PS1 and PS2 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
DC Manager	Gareth Jones	01/09/2010
Head of Planning	Sue Bridge	02/09/2010



NORTHAMPTON
BOROUGH COUNCIL

PLANNING COMMITTEE: 30 September 2010
DIRECTORATE: Planning and Regeneration
HEAD OF PLANNING: Susan Bridge

APP: N/2010/0694
Erection of two non-illuminated free-standing signs at Abington Park, Northampton

WARD: Abington

APPLICANT: Northampton Borough Council
AGENT: Matt Parsons, Leisure & Culture Dept.

REFERRED BY: Head of Planning
REASON: NBC application

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 **APPROVAL** of advertisement consent subject to conditions below.

2. THE PROPOSAL

2.1 Permission is sought for the erection of two non-illuminated free-standing signs measuring 2.44m wide and 1.22m deep, on 1.22m legs. The frame of the sign is to be decorative in style, with a saddle top featuring the Borough logo, made from black painted aluminium.

3. SITE DESCRIPTION

3.1 The proposed locations for the signs are within Abington Park and within Abington Park Conservation Area:

- Adjacent to the gateway to the Park on the corner of Ardington Road and Wellingborough Road; (the existing wooden bill board is to be removed); and
- Adjacent to the main access to Abington Abbey on Park Avenue South.

4. PLANNING HISTORY

4.1 None relevant.

5. PLANNING POLICY

5.1 National Policies:

PPG19: Outdoor Advertisement Control
Circular 03/2007 – Control of Advertisements
PPS1 – Delivering Sustainable Development
PPS5 – Historic Environment

5.2 Northampton Borough Local Plan E26 – Conservation Areas

6. CONSULTATIONS / REPRESENTATIONS

6.1 **NBC Built Conservation** – no objections.

6.2 **Abington Park Conservation Society** – no response.

6.3 **NBC Arboricultural Officer** - requested that, if the posts for either of the signs are to be positioned under the canopy of any of the trees in the park, these should be hand dug and fixed without the use of cement to prevent damage to tree roots.

7. APPRAISAL

7.1 The Advertisement Regulations require that applications for advertisement consent may only be controlled with regard to two material considerations, namely "amenity" and "public safety". Guidance on these two issues is given in Planning Policy Guidance (PPG) 19: Outdoor Advertisement Control and this is a material consideration in determining applications for advertisement consent. Additional guidance is provided in Circular 03/2007 Control of Advertisements.

7.2 Local Policy E26 requires that advertisements in Conservation Areas enhance or preserve the character and appearance of the Area.

7.3 Regarding *amenity* it is considered that the decorative style of the signs is appropriate to the Park within a Conservation Area, and that the character and appearance of the Area will be preserved. NBC's Arboricultural Officer has requested that, if the posts for either of the signs are to be positioned under the canopy of any of the trees in the park, these should be hand dug and fixed without the use of cement to prevent damage to tree roots.

7.4 Due to their scale and siting, it is not considered that any significant *safety* issues arise from the proposal.

8. CONCLUSION

8.1 As the proposed signs will not adversely impact upon the Conservation Area, amenity or public safety, it is recommended that this application be approved, subject to the following conditions.

9. CONDITIONS

- (1) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
- (2) No advertisement shall be sited or displayed so as to:
 - a. endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - b. obscure or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air;
 - c. hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
- (3) Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
- (4) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
- (5) Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.
- (6) Where either of the signs hereby approved are to be positioned either wholly or partially under the canopy of trees, the posts are to be hand dug and fixed without the use of cement, to avoid damage to the trees roots.

10. LEGAL IMPLICATIONS:

10.1 None

11. BACKGROUND PAPERS

11.1 None

12. SUMMARY AND LINKS TO CORPORATE PLAN

12.1 In reaching the 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.

Position:	Name/Signature:	Date:
Author:	Ellie Williams	31/08/2010
Development Control Manager:	Gareth Jones	02/09/2010



NORTHAMPTON
BOROUGH COUNCIL

PLANNING COMMITTEE: 30 September 2010
DIRECTORATE: Planning and Regeneration
HEAD OF PLANNING: Susan Bridge

APP: N/2010/0719
Erection of two non-illuminated free-standing signs
Land at Becketts Park, Northampton

WARD: St. Crispin

APPLICANT: Northampton Borough Council
AGENT: Matt Parsons, Leisure & Culture Dept.

REFERRED BY: Head of Planning
REASON: NBC application

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 **APPROVAL** of advertisement consent subject to conditions below.

2. THE PROPOSAL

2.1 Permission is sought for the erection of two non-illuminated free-standing signs measuring 2.44m wide and 1.22m deep, on 1.22m legs to give an overall height of 2.44m. The frame of the sign is to be decorative in style, with a saddle top featuring the Borough logo and made from black painted aluminium.

3. SITE DESCRIPTION

3.1 The proposed locations for the signs are within Becketts Park and within St Crispins Conservation Area:

- At the Nunn Mills Road/Bedford entrance; and
- At the Bedford Road/Victoria Promenade entrance.

4. PLANNING HISTORY

4.1 None relevant.

5. PLANNING POLICY

5.1 National Policies:

PPG19: Outdoor Advertisement Control
Circular 03/2007 – Control of Advertisements
PPS1 – Delivering Sustainable Development
PPS5 – Historic Environment

5.2 Northampton Borough Local Plan

E26 – Conservation Areas

6. CONSULTATIONS/REPRESENTATIONS

6.1 **NCC Highways Authority** – no objections, however requested that the signs be set 2m back from the highway at Victoria Promenade, and 0.5m away from the cycle way at Nunn Mills Road, for reasons of highway/cyclist safety.

6.2 **Town Centre Manager** – no objections.

6.3 **NBC Arboricultural Officer** – requested that, if the posts for either of the signs are to be positioned under the canopy of any of the trees in the park, these should be hand dug and fixed without the use of cement to prevent damage to tree roots.

7. APPRAISAL

7.1 The Advertisement Regulations require that applications for advertisement consent may only be controlled with regard to two material considerations, namely "amenity" and "public safety". Guidance on these two issues is given in Planning Policy Guidance (PPG) 19: Outdoor Advertisement Control and this is a material consideration in determining applications for advertisement consent. Additional guidance is provided in Circular 03/2007 Control of Advertisements.

7.2 Local Policy E26 requires that advertisements in Conservation Areas enhance or preserve the character and appearance of the Area.

7.2 Regarding *amenity* it is considered that the decorative style of the signs is appropriate to the Park which is adjacent to a Conservation Area, and that the character and appearance of the Area will be preserved. NBC Arboricultural Officer has requested that, if the posts for either of the signs are to be positioned under the canopy of any of the trees in the park, these should be hand dug and fixed without the use of cement to prevent damage to tree roots.

7.3 Regarding *public safety* NCC Highways has been consulted on this application, and their requirements have been met (by amended plans). The signs will be set back from the highway / cycle way, and it

is considered that they will not have any adverse impact on public or highway safety.

8. CONCLUSION

- 8.1 As the proposed signs will not adversely impact upon the Conservation Area, amenity or public safety, it is recommended that this application be approved, subject to the following conditions.

9. CONDITIONS

- (1) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
- (2) No advertisement shall be sited or displayed so as to:
 - a. endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - b. obscure or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air;
 - c. hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
- (3) Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
- (4) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
- (5) Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.
- (6) Where either of the signs hereby approved are to be positioned either wholly or partially under the canopy of trees, the posts are to be hand dug and fixed without the use of cement, to avoid damage to the trees roots.

10. LEGAL IMPLICATIONS:

- 10.1 None.

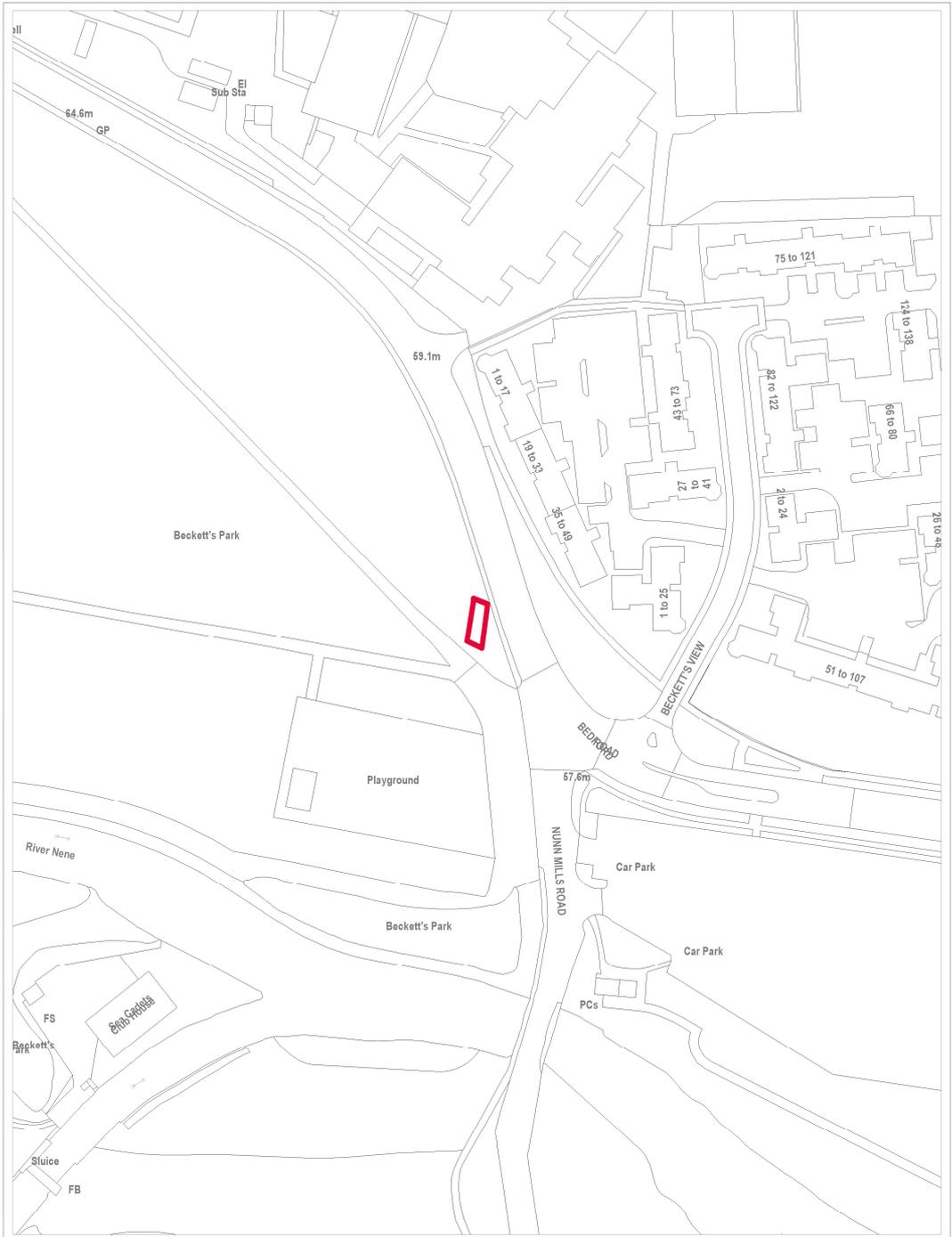
11. BACKGROUND PAPERS

- 11.1 None.

12. SUMMARY AND LINKS TO CORPORATE PLAN

12.1 In reaching the 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.

Position:	Name/Signature:	Date:
Author:	Ellie Williams	31/08/2010
Development Control Manager:	Gareth Jones	02/09/2010



Name: Becketts Park
 Date: 16th September 2010
 Scale: 1:1250
 Dept: Planning
 Project: Location Plan

Title
Becketts Park Signage
 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

Addendum to Agenda Items
Planning Committee – 30th September 2010



Addendum to Agenda Items Tuesday 30th September 2010

N/2010/0694

Two non-illuminated free-standing signs on land at Abington Park.

N/2010/0719

Erection of two non-illuminated free-standing signs (as amended by revised plans received on 31 August 2010) on land at the corner of Victoria Promenade and Bedford Road.

N/2010/0458

Erection of 31 no. residential units, including 1 no. disabled persons bungalow and 4 no apartments and associated parking and access at Nicholls House, Bern Side.

Following the submission of a financial appraisal, including an estimate of the contribution to the development from Social Housing Grant there is **change to the recommendation**. Paragraph 1.1 of the Committee Report should now read:

1.1 That the Council resolve to grant planning permission in principle subject to:

- The prior finalisation of a Section 106 Agreement to secure:
 - The provision of 100% of the development to be for affordable housing
 - That access to the open space is secured for all and that it is maintained in perpetuity.

Following discussions with East Midlands Housing Association, additional information has been provided on the funding of the scheme to provide a development of 100% Affordable Housing. In order to achieve this, a considerable subsidy is to be provided via Social Housing Grant (SHG). In addition, EMHA has confirmed that all the occupiers will be from this Council's Housing waiting list and are therefore already residents of Northampton. Given this, together with the level of public subsidy that the scheme has attracted, it is clear that an obligation for the development to contribute a significant amount to the education system would jeopardise the viability of the scheme. Accordingly it is considered that in recognition of this exceptional circumstance, the County Council should be advised that payment to education provision is not appropriate. However, it is appropriate, given this, that EMHA enters into an obligation to ensure that 100% of the accommodation is affordable within the definition of the Borough's SPD.

An additional condition is recommended:

Unless otherwise agreed in writing by the Local Planning Authority, the development hereby permitted shall be constructed to Code for Sustainable Homes Level 3. Confirmation that the development achieved Code 3 shall be submitted to the Local Planning Authority on completion of the development. Prior to the construction a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing the method and means of reporting for monitoring the effects of the Code for Sustainable Homes Level 3 works on the development for a time period to be agreed.

Reason: In the interests of promoting sustainable development in accordance with PPS1.

Amendment to Paragraph 7.4 of the Committee Report in that the development would be constructed to Code for Sustainable Homes Level 3 as opposed to Level 4 as stated in the report.

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.

N/2010/0301

80 residential units with associated garages, roads and sewers on land off South Meadow Road (WNDC Consultation).

Consultation Response From County Highways to WNDC (copied to NBC) -

Further to paragraph 7.24 of the Committee Report, the Highway Authority has advised that it has no objections subject to conditions / s106 requiring the following –

- A new mini-roundabout at the junction of Berrywood Road and Berrywood Drive.
- Bridleways to be upgraded to provide a clear 3m width with a hard bound surface.
- Full details of site access from South Meadow Road.
- Full details of internal highway layout.
- Details of construction management (dust and noise mitigation etc).
- Section 106 Heads of Terms to include a financial contribution of £100,000 to enhance bus services.

Consultation Response from Upton Parish Council to WNDC (copied to NBC) –

Raises concerns re. medical centre, bridleways, footpaths, bus services, parking, cycling, traffic increase and access via St Cripins estate.

Addendum to Agenda Items
Planning Committee – 30th September 2010
“Member Briefing Note” submitted on behalf of Taylor Wimpey -

Provides an update on work across the St Crispin's site –

- Work on the provision of the new playing pitches has commenced. It is anticipated that this work will be completed by the end of November.
- Currently exploring the possibility of providing a link between St Crispins Drive and Berrywood Road to ease congestion within the site
- Working with the council to introduce a school drop-off area of 7 car parking spaces.
- Taylor Wimpey has made a significant investment in the site of over £14m including spending in excess of £7.7m in S106 funding. This has facilitated the current development of a new Community Centre, local shops and health provision on the derelict farm building.
- Current proposal of 80 units that will further enhance the provision of services in the area by contributing £1.6m to fund of local services.
- In addition to this, the scheme will also provide 28 new affordable homes.
- In respect of the former hospital building, Taylor Wimpey has sold the main hospital block to WN Developments - a specialist refurbishment company who is better placed to undertake the type of restoration required on the building.

Correspondence from the Borough Council Solicitors

Clarifies that the site access as amended would still take part of the land to transferred to the Borough Council under the existing Section 106 agreement for the main St Crispin's site. A deed of variation to the Section 106 agreement will be required.

It is recommended that this is communicated to WNDC in the Council's formal response.

Clarification regarding trees on the site

The proposal would result in the loss of a group of trees which have been judged worthy of retention, which is contrary to the advice given by the Council's Arboricultural Officer. However, these are within category C and are therefore defined as having low quality and value. It is considered therefore that the loss of these trees can be offset by replacement planting.

Correspondence from a resident of the St Crispin's Development

A resident of the St Crispin's site has requested that a letter published in the Chronicle and Echo on 24th September 2010 be circulated to members of the Planning Committee; it is appended to the Addendum.

N/2010/0646

Retention of 6 floodlight (48m in height) columns and a GRP switch cabinet at Northamptonshire County Cricket Club, Wantage Road. (WNDC Consultation).

Representations from Cllr B. Hoare and Cllr I. Markham objecting to the application on the grounds that the scheme has created a visual intrusion within the Abington area. On account of a full assessment not being submitted within the original application and therefore this matter should be considered. The conditions placed upon the approval decision in 2009 were ineffective these conditions should be revisited. Experience of the lights has demonstrated that the level of light spill is higher than previous indications. This has had a detrimental impact upon residential amenity.

Additional information has been submitted by Northamptonshire County Cricket Club making the following observations:

- The results of a survey carried out in August 2010 regarding light levels demonstrate that the vertical light plane figures are lower than the measurements provided within the current application and that submitted in 2009.
- In addition, the applicant has confirmed that the works to connect the lights to the main electricity system would commence in January 2011.
- The Public Address system is the same one that was utilised when games were being played using temporary lighting.
- The use of a large television screen during matches does not require planning permission on account of its temporary nature.
- The relocation of the lighting columns does not impact upon the visual impact of the scheme.
- The Twenty-Twenty matches generate the largest crowd, with an average attendance of 4000, however, the maximum capacity of the ground is 4847 and therefore, it is likely that the lights would significantly increase crowd levels.

A further letter has been received from the applicant comments on consultation responses received. A summary of this is:

- The application should be considered in terms of whether the revised locations have an increased impact on the local area to that considered in 2009.
- The lighting survey demonstrates that the change in locations of lighting columns does not impact upon light spill levels and visual impact is consistent with that considered in 2009.
- The construction of the lights has not altered the operation of the public address system and conditions now regulate its use.
- The Cricket Club has complied with the conditions of the original approval in terms of light and public address system use.

Addendum to Agenda Items
Planning Committee – 30th September 2010

- The temporary generator will not be required following the completion of the work to connect the lights to the main system.

A letter from the representatives of the residents of 1 Abington Cottages; 429, 431 and 435 Wellingborough Road and 58, 59, 61 and 65 Wantage Road has been submitted commenting on the following matters:

- The current application arises from the failure to implement a previously approved scheme and the application should be seen within the context
- It is considered that greater weight should be given to actual impacts of the lights, which could only be reasonably assessed by viewing the lights from neighbouring properties during periods of use.
- It is contended that the lights do have an adverse impact upon the character and appearance of the Abington Park Conservation Area.
- It is considered that too great an emphasis has been placed on the benefits to the Cricket Club, the town and the local economy and that a greater weight should be placed upon the impacts on residents on account of the permanent nature of the proposal. Furthermore, reviews carried out by the England and Wales Cricket Board may reduce the number of home games played in Twenty-Twenty competitions.
- The continued use of the generator on an indefinite basis would adversely impact upon residential amenity and therefore the option of securing a timetable for the removal of the generator should not be pursued.
- Further comments are made regarding the suggested wording of conditions.

FAO NBC Planning Committee – 30th September 2010

A letter published in Northampton Chronicle & Echo Sept 24th 2010, gives an experienced and professional opinion concerning the lack of stability of slopes in the area of Upton Lodge, Norwood Farm and St Crispin.

Land slip needs to be considered

OPEN Letter to South Northamptonshire District Council:

I understand that South Northampton District Council planning committee and the WDNC commissioned a slope survey on the Norwood Farm, Duston site for 750 houses as a result of demands to do so from Roger Kingston of Northampton Residents' Association, before planning permission was given to establish if hill slopes were steeper than seven degrees or approaching that slope.

The reason for doing this normally would be to establish if a full and very expensive geotechnical survey was needed to discover if relic shear planes and soliflucted soils were present as a result of glacial and pre glacial land slip during the Ice Age.

Because if land slipped in the past it could again now if built on or altered in any small way including changes in ground water levels due to site drainage.

I further understand that hill slopes steeper than seven degrees were established, but the geotechnical survey that is required was not commissioned.

The old NDC and NBC planners considered the problem so great that land above the seven degree was removed from the land bank and special and costly safety design measures

used on land approaching that degree of steepness, enforced at the planning stage by the building control department of which I was a manager.

If the SNDC and WNDC have not commissioned such a geotechnical survey, I think it is the equivalent of Whistling Dixie with the safety of people, homes and possibly lives. I have made all councils in Northamptonshire and WNDC aware of the problem with hill slopes and slip, but strangely they have never acknowledged receipt of my letters or sought further information that I have concerning this geological problem. I wonder why?

Ignorance of the problem will be no defence if such landslip occurs as the problem is well documented by others and myself.

I can only hope the local authority in control of the work will insist the house builder provides such a 12-month soil investigation before work commences on site, and makes provision in house density and foundation and groundwork design to keep dwellings safe and comply with the national building regulations which requires the possibility of landslip to be investigated and properly considered. Though to be honest this is like shutting the gate after the horse has bolted.

**J Wright (retired chartered surveyor,
corporate building engineer and
building control consultant)
Port Road, Duston, Northampton.**

A statement of concern from St Crispin Berrywood Residents Association



PLANNING COMMITTEE: 30 September 2010
DIRECTORATE: Planning and Regeneration
HEAD OF PLANNING: Susan Bridge

N/2010/0458: Nicholls House Site, Bern Side, Northampton
Erection of 31no. residential units including
1no. disabled persons bungalow, 4no.
apartments and associated parking and
access

WARD: St James

APPLICANT: Ms A. Knapp – East Midlands Housing
Association

AGENT: Mr K. Reynolds – Reynolds Associates

REFERRED BY: Head of Planning
REASON: Major development

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 That the Council resolve to grant planning permission in principle
subject to:

- The prior finalisation of a Section 106 Agreement to secure:
 - The provision of at least 35% of the development to be for affordable housing
 - That access to the open space is secured for all and that it is maintained in perpetuity.
 - A payment for the provision of increased primary education capacity within the vicinity of the application site.

- The appended conditions and for the following reason:

The proposal would represent the efficient reuse of previously developed land and would provide a satisfactory standard of

residential amenity. As 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.

2. THE PROPOSAL

2.1 This is a full application to establish 31 dwellings, which comprises:

- 12 two bedroom houses,
- 1 two bedroom bungalow for people with disabilities,
- 12 three bedroom houses,
- 2 four bedroom houses
- 4 two bedroom flats.

The applicant has advised that the entirety of the development would be given over to affordable accommodation, of which nine units would be for shared ownership tenure, with the remainder having a social rented tenure.

2.2 The application also includes the provision of 33 car parking spaces. 30 of the spaces are arranged in a private car park enclosed by the proposed built form which wraps around to the north, west and south. These spaces would be accessed via a roadway off Thornhill to the north. The remaining 3 spaces are located adjacent to the front elevations of the dwellings for mobility access.

2.3 The proposal also includes the provision of 244m² of public open space located along the southern boundary adjacent to The Springs, a pedestrian route that links Ashbrow Road and Coronation Court. Each unit would have access to secure cycle provision and refuse/recycling facilities.

3. SITE DESCRIPTION

3.1 The application site was previously occupied by a residential care home, however, since its demolition it has been vacant. It is also adjacent to a small local centre to the south east of the site. The surrounding area is residential in character, containing a mixture of houses and flats and is identified as a primary residential area within the Local Plan. A feature of these existing surrounding buildings is the use of render and cladding to embellish prominent elevations. Within the wider area, there are a number of areas of public open space and a further local centre at the junction of Towcester Road and Rothersthorpe Road.

4. PLANNING HISTORY

4.1 07/0052/FULWNN – 54 No. 2 bedroom flats (19 affordable and 35 private) in 4 blocks of 2, 2 and a half and 3 storey height, with

associated bin and cycle storage (mainly integral) with parking and amenity space – WNDC Application, undetermined and finally disposed of.

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 unless material planning considerations indicate otherwise. The current Development Plan comprises of the saved policies of the Northamptonshire County Structure Plan and Northampton Local Plan 1997.

5.2 National Policies:

PPS1 – Delivering Sustainable Development
PPS3 – Housing
PPG13 – Transport
PPS23 – Planning and Pollution Control
PPG24 – Planning and Noise
PPS25 – Development and Flood Risk
Circular 05/05: Planning Obligations

5.3 Northampton Borough Local Plan

E19 – Impact on amenities
E20 – New Development
E40 – Planning and crime
H6 – Residential Development
H14 – Open Space
H32 – Affordable Housing

5.4 Statutory Instruments

Northamptonshire County Planning Obligations and Local Education Authority School Provision SPG 2004/6
Northamptonshire County Parking Standards SPG 2003
Affordable Housing SPG
Planning out Crime in Northamptonshire SPG 2004

6. CONSULTATIONS / REPRESENTATIONS

6.1 Housing Strategy (NBC) – Support the application as it would contribute to meeting the requirements of the Strategic Housing Market Assessment. The number of units, their types and tenure patterns are acceptable.

6.2 Public Protection (NBC) – No objections in principle, but would request conditions detailing a remediation strategy and requiring the developer to report any unsuspected contamination and the means for its management. A condition requiring the submission of details regarding the refuse storage is required.

- 6.3 **Arboricultural Officer (NBC)** – The only significant tree is outside of the application site and it is unlikely that the proposed development would impact upon it. A number of new plantings are proposed and the submission of a landscaping scheme is recommended.
- 6.4 **Development Management (NCC)** – Due to the scale of the development and the requirements of the 2010 Planning Obligations and Framework Guidance 2010, financial contributions to fund primary school education, libraries and fire and rescue provision. Due to the nature of the development, no financial contributions would be required on the part of the disabled person's bungalow.
- 6.5 **Highways (NCC)** – A condition requiring details of the reinstatement of dropped curbs and the new accesses to be submitted is required. As the parking provision is below the maximum 1.5 spaces per dwelling stated in the SPG on Parking, on street car parking would be undesirable. Although the footway system is good and the local roads are usable, there is a lack of formalised cycle routes and therefore a financial contribution is required. There are too many dwellings being served off of a private footpath to the south of the site and this should be amended.
- 6.6 **Environment Agency** – No objections, but would request conditions detailing the means of discharging sewerage and the reporting of unsuspected contamination.
- 6.7 **Anglian Water** – No objections, but request that various informatives regarding the water supply network and the sewerage system, surface water system and wastewater treatment.
- 6.8 **Northamptonshire Police Crime Prevention Advisor** – No objections. However, details of the gates and boundary treatment should be secured via condition.
- 6.9 Revised plans have been submitted and at the time of preparing this report, subject to a consultation process. No responses have been received at the time of writing this report, however, if any further representations are made, they will be reported to the Planning Committee by means of the Addendum.

7. APPRAISAL

Principle of the Development

- 7.1 Due to the allocation of the site within the Local Plan as being a primary residential area and given its status as previously developed land, it is considered that the principle of developing this site for residential purposes is acceptable and complies with the aims of PPS3.
- 7.2 The density of the proposal is relatively high (at approximately 60

dwellings per hectare). As the development reflects the pattern of existing development within the surrounding area through arranging the dwellings in short terraces the character of the area would not be unduly impacted upon. Suitable car parking provision has been made and reasonable private garden spaces of some 9-11m in depth for each house / bungalow have also been provided. A shared amenity space measuring 8m by 11m has been provided for the four apartments. Therefore, it is considered that the proposed density is acceptable on account of a satisfactory level of residential amenity being secured and a positive impact upon the area's character.

- 7.3 The proposed development would see the erection of 31 affordable homes, albeit only 35% would be secured through a legal agreement in accordance with adopted policy. The tenure split would be 21 dwellings for social rented accommodation and 10 dwellings for newbuild homebuy schemes. The development would therefore make a contribution to reducing the deficit of this type of accommodation as identified within the Strategic Housing Market Assessment.

Design and Appearance

- 7.4 The proposed dwellings are of a traditional style and scale that would harmonise with their surroundings. In particular, the proposal has included the provision of selected rendered elevations, which would assist in adding interest to the streetscene and reflect the treatment of other elevations within the vicinity. It is stated within the application submissions that the proposed development would be built to Code for Sustainable Homes Level 4 and assists in providing a development compliant with PPS1.
- 7.5 The site of the proposed bungalow is opposite a row of similar bungalows, which face onto The Springs immediately to the south of the site. As such this building helps create a relationship between existing and proposed developments. The design of the bungalow features a higher roof pitch than the adjacent, existing bungalows, however, this deviation allows for a more cohesive relationship to be formed with the proposed thereby forming an appropriate transition between the development and the bungalows to the south.
- 7.6 The general layout and scale of the proposed development reflects the prevailing character of the area in terms of the provision of two storey dwellings arranged in short, linear terraces fronting on to the existing network of roads and footways and the provision of a linear area of open space between the dwellings and the public highways.
- 7.7 The development is arranged in a 'horseshoe' formation with the dwellings facing Thornhill to the north, Ashbrow Road to the west and The Springs (a pedestrian route) to the south. This built form would wrap around the proposed parking courtyard located to the centre of the development and accessed via the access point situated to the north east of the site from Thornhill.

- 7.8 Due to the 'horseshoe' layout, there would be sufficient light, outlook and privacy to ensure a satisfactory standard of residential amenity for the future residents within the development. In addition, by reason of the separation distances between the proposed dwellings, combined with the surrounding road layout the amenities of the surrounding properties would not be unduly impacted upon. As such, the proposal complies with the requirements of the saved Northampton Local Plan Policy E20 in this regard.
- 7.9 In order to secure a satisfactory standard of development and to ensure that the proposed scheme complies with the requirements of Policy E40 of the Local Plan, with regards to the security of the development, a condition is proposed that would ensure that details of the boundary treatments and access gates are submitted to and approved by the Local Planning Authority. The proposed development would also enhance the level of surveillance to The Springs. The Northamptonshire Police Crime Prevention Design Advisor has raised no objections to the proposal subject to these matters being controlled by conditions. A condition requiring details of the refuse storage to be submitted is necessary in order to ensure that the scheme is compliant with PPS23 Pollution Control and to maintain an organised method of keeping bins off of the street.

Highways

- 7.10 The development includes the provision of 33 parking spaces, which means that the proposal complies with the requirements of the Supplementary Planning Guidance on parking. In addition, the site is in close proximity to a small local centre and areas of public open space. In addition, two bus stops are located adjacent to the application site, which would facilitate the promotion of sustainable forms of transport. The proposed parking areas include sufficient visibility splays to prevent there being an adverse impact upon highway safety.
- 7.11 Northamptonshire County Council Highways, has requested a break in the footpath in front of the southern terrace to reduce the number of dwellings being served by a single footpath. However, there is no formal planning policy basis to pursue this request. In any event, it is likely that if no continuous path was provided, residents would walk over the grassed area (in essence taking the most direct route), resulting in damage to this area and a detrimental impact upon visual amenity.
- 7.12 County Highways has also requested a financial contribution towards the improvement of cycle routes within the area. Clarification has been sought from the County Council as to the precise project that this contribution would fund. Following this request, it has been confirmed that this would partially fund a cycleway running from the junction of Thornhill and Ashbrow Road and the junction of Thornhill

and Ring Way to north, which is a distance of approximately 250m.

- 7.13 Following the revisions to the Section 106 procedure introduced earlier this year, it is no longer possible to pool contributions towards an infrastructure improvement secured by S106. Notwithstanding this, there are no other apparent potential development sites in the vicinity of the route with a reasonable chance of being developed within the near future that might potentially provide the deficit in funding. In any event, it is considered that there is an insufficient policy basis to make such a request on account of the close proximity of the site to existing pedestrian routes of good quality and bus services. For these reasons, the site has sufficient access to sustainable transport methods and a financial contribution would fail the relevant S106 tests.

Open Space

- 7.14 As set out within Paragraph 2.1 of this report, the proposed development contains 244m² of linear open space, which is predominantly located to the south of the development site. This accords with the standards as set down within the Council's 2009 Open Space, Sports and Recreation Needs Assessment and Audit for on site provision of open space. In order to secure its availability, it is recommended that an obligation be added to any legal agreement requiring that the open space is secured for public access and it is maintained in perpetuity. The applicant has indicated that these obligations would be acceptable.

- 7.15 In terms of open space within the wider area, there is the provision of a number of areas of amenity green space that included play facilities, including one area adjacent to the application site and another within 65m of the site. In terms of the assessment carried out within the 2009 Open Space, Sports and Recreation Needs Assessment and Audit these existing areas are of a sufficient quality. Given the level of accessibility of these levels of open space to the scale of the development and the on-site provision, it is considered that, in this instance there is no planning policy basis to support further obligations.

Other Section 106 Requests

- 7.16 The revised key tests in determining the justification for planning obligations are laid out in Circular 05/05: Planning Obligations as amended by the Community Infrastructure Regulations 2010, which states that planning obligations must be:
- a) Necessary to make the development acceptable in planning terms;
 - b) Directly related to the development; and
 - c) Fairly and reasonably related in scale and kind to the development.

- 7.17 Representations received from Northamptonshire County Council identify the need to provide primary school education within the vicinity. This is particularly relevant given the proportion of family accommodation that is to be provided within the development and a projected lack in capacity within the area's primary schools with the next five years. For these reasons, the County has requested the payment of £72,400 to be secured via a Section 106 Agreement to upgrade local school facilities to address additional educational needs arising as a result of the development. This information has been put to the applicant, who has raised concerns that this payment would render the scheme unviable in part due to the development being 100% affordable. The developer is willing to enter into a legal agreement guaranteeing that the development in its entirety would be used for affordable housing. An appraisal regarding the viability of the scheme has been submitted and at the time of preparing this report is being evaluated. Any updates on this matter will be reported to the Planning Committee by means of the Addendum.
- 7.18 The County Council has also requested financial contributions towards funding of library and fire services. However, given the scale and type of the development, the fact that it is not clear how such contributions would not be directly related to the proposed development and as described above, such capital costs can no longer be pooled and secured by a Section 106 Agreement, it considered that any request for a financial contribution to these matters could not be reasonably sustained.

Other Environmental Considerations

- 7.19 The application is accompanied by a contamination survey and whilst this report is satisfactory, it concludes that there may be the need for further risk assessments or remedial works. Given this context, it is considered that conditions requiring the submission of a remediation strategy and reporting of any unexpected contamination with a means for its remediation is necessary to ensure that the proposal accords with the requirements of PPS23 Pollution Control.
- 7.20 The Environment Agency has no objections to the principle of the development. It recommends that a condition be attached to any approval requiring a scheme to be submitted detailing the provision of mains foul drainage. This is to reduce the risk of flooding and pollution as a result of inappropriate systems being installed and would enable the proposal to comply with the PPS23 Pollution Control and PPS25 Flooding.

8. CONCLUSION

- 8.1 The proposed development would represent the reuse of a previously developed piece of land and would be an appropriate form of development given the context of its environs. A suitable design has

been proposed and there would be no undue negative impacts on the occupiers of surrounding residents. The proposal is therefore acceptable subject to suitable conditions and obligations to be secured by a Section 106 Agreement.

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. Full details of the method of the treatment of the external boundaries of the site together with individual plot boundaries shall be submitted to and approved in writing by the Local Planning Authority, implemented prior to the occupation of the buildings hereby permitted and retained thereafter.

Reason: To ensure that the boundaries of the site are properly treated so as to secure a satisfactory standard of development in accordance with Policy E20 of the Northampton Local Plan.

4. Full details of all access gates, including the mechanisms for their opening and closure shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and retained thereafter.

Reason: To ensure that the boundaries of the site are properly treated so as to secure a satisfactory standard of development in accordance with Policy E40 of the Northampton Local Plan.

5. 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 first occupation of the buildings 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.

6. 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.

7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner, and which shall be maintained for a period of five years; such maintenance to include the replacement in the current or nearest planting season whichever is the sooner or shrubs that may die are removed or become seriously damaged or diseased with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

8. 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.

9. 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.

10. 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 8 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition 9, 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

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.

11. Prior to the commencement of any development, a scheme for the provision and implementation of foul water drainage shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and completed fully in accordance with the approved details and the approved implementation programme and maintained thereafter.

Reason: To secure satisfactory drainage of the site in accordance with the advice contained in PPS23 Planning and Pollution Control and PPS25 Development and Flood Risk.

10. LEGAL IMPLICATIONS:

10.1 None.

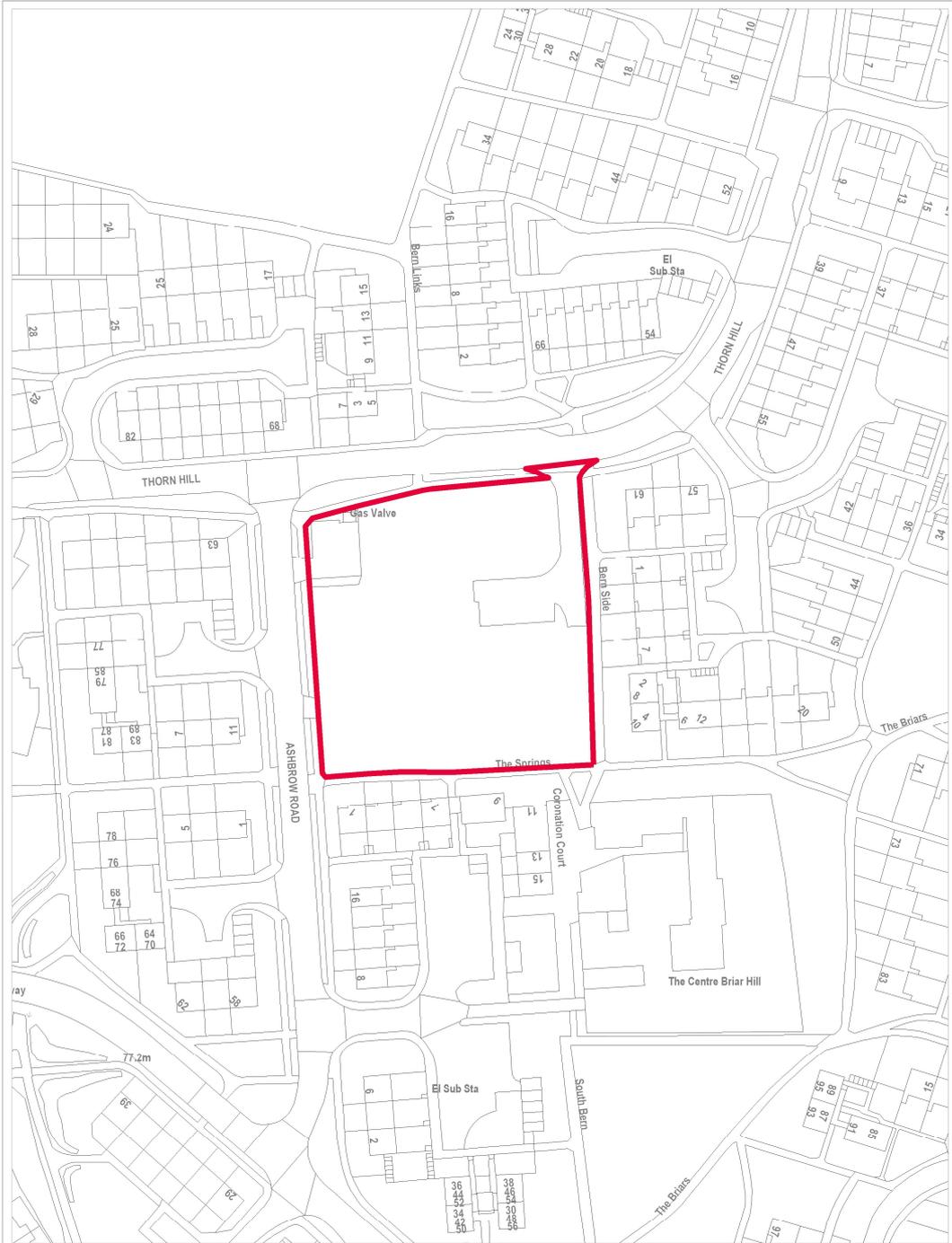
11. BACKGROUND PAPERS

11.1 West Northamptonshire Strategic Housing Market Assessment (2009), West Northamptonshire Joint Planning Unit; and Open Space, Sport and Recreational Needs Assessment and Audit (2009), Northampton Borough Council

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:	Ben Clarke	10/09/2010
Development Control Manager:	Gareth Jones	13/09/2010



Name: **Planning**
 Date: **16th September 2010**
 Scale: **1:1250**
 Dept: **Planning**
 Project: **Location Plan**

Title

Nicholls House, Barn Side

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PLANNING COMMITTEE: 30 September 2010
DIRECTORATE: Planning and Regeneration
HEAD OF PLANNING: Susan Bridge

N/2010/0475 **Removal of condition 2 of planning permission N/2008/0502 for boat / restaurant & bar and associated access. Midsummer Meadow, Bedford Road**

WARD: **St Crispins**

APPLICANT: **Mr Patel**
AGENT: **Ron Sheffield - Architect**

REFERRED BY: **Head of Planning**
REASON: **Borough Council land**

DEPARTURE: **No**

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

- 1.1 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 outlined below.
- 1.2 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.
- 1.3 Delegated authority is sought from the Committee to the Head of Planning 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.

2. THE PROPOSAL

2.1 The initial proposal by the applicant involves the removal of Condition 2 of planning permission reference N/2008/0502 determined by committee on 6th April 2008.

2.2 Condition 2 states:

The use hereby permitted shall be discontinued and the land restored to its former condition (including full removal of the vessel and mooring) on or before 5 years from first installation of the vessel hereby approved.

2.3 The reason for this condition is:

To enable the Local Planning Authority to assess the effect of the development during the said period in accordance with Policy E20 of the Northampton Local Plan.

3. SITE DESCRIPTION

3.1 Midsummer Meadows are the flood meadows of the River Nene as it passes east out of the centre of Northampton. Whilst the areas to the north of the proposed mooring site closest to Bedford Road are managed as public open space, the land between the Nene and the dead arm to the south of the main course of the river are wilder and semi-natural with significant ecological value.

3.2 The restaurant would be moored on the north bank of the dead arm close to an informal Council owned car park accessed directly from Bedford Road. The site is south of the old substation on Bedford Road and not far from the Council's Cliftonville House offices.

3.3 A new footbridge, replacing a previous unsafe bridge, linking the extensive footpaths on the north side of the river with the natural areas on Midsummer Meadows, has recently been installed directly east of the proposed mooring.

4. PLANNING HISTORY

4.1 N/2007/0569 – Boat restaurant and bar and associated access at Midsummer Meadow (closer to town centre on the main course of the River Nene) – Withdrawn

4.2 N/2008/0502 - Boat restaurant and bar and associated access at Midsummer Meadow. Approved at Committee 6th April 2010.

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 unless material planning considerations indicate otherwise. The current Development Plan comprises of the saved policies of the Northamptonshire County Structure Plan and Northampton Local Plan 1997.

5.2 National Policies:

PPS1 – Delivering Sustainable Development
PPS4 - Planning for Sustainable Economic Growth
PPS9 - Biodiversity and Geological Conservation
PPG13 – Transport
PPS23 - Planning and Pollution Control
PPS25 – Development and Flood Risk

5.3 Northampton Borough Local Plan

E1 – Landscape and open space
E2 – Riverside landscape
E17 – Nature conservation
E18 – Sites of acknowledged nature conservation value
E20 – New Development
E40 – Crime
L1 – Existing recreational facilities
L16 – River Valley Policy Area
L17 – Use of river and canal
L29 – River valley policy area: provision of new facilities
T12 – Development requiring servicing
T22 – Provision for people with a disability

5.4 Supplementary Planning Guidance

Planning out Crime in Northamptonshire SPG 2004

6. CONSULTATIONS/REPRESENTATIONS

6.1 **NBC Public Protection** – No objections.

6.2 **Town Centre Manager** - objects on the basis that removal of the condition will lessen the ability of the Council to control the condition of the vessel and protect the surrounding environment.

6.3 **Northants Police** – no formal objection.

6.4 **NCC Highways** – no observations.

6.5 **Northants Wildlife Trust** – no objections (comments on future management and relationship with the Local Nature Reserve)

6.6 **Environment Agency** – object to the removal of the condition, but happy to see an end of life plan in place alternatively.

7. APPRAISAL

- 7.1 The previous committee report of April 2010 set out the recommendation for including Condition 2 in paragraph 7.9:

Boats are distinct from permanent buildings in that they can significantly degrade over relatively short periods of time. End of life plans for the vessel have been raised by the Environment Agency and may be an issue for the Borough Council as adjoining landowner. In short, it is considered that for a number of reasons, including preserving the long term appearance of the river, it is pragmatic to review the boat restaurant and its physical appearance five years after first commencing operations. Therefore, a condition giving temporary consent for 5 years is recommended for this use.

- 7.2 These concerns are maintained. It is still considered that there are substantial reasons why the vessel is likely over time to deteriorate and have an adverse impact on the appearance and environment of the locality if left uncontrolled.
- 7.3 The Environment Agency and NBC Town Centre Manager have both responded to this application with concern and objections that the 5 year control of this vessel is important in terms of the river environment and town centre regeneration. These comments should be given significant weight, in particular the objections of the Environment Agency given their experience in managing the river environment and knowledge of how such vessels can degrade.
- 7.4 The applicant states that they have struggled to secure finance for a business that is restricted by such a short life cycle as five years. This problem is understandable and a certain amount of empathy can be offered. Given the positive benefits that this business can bring to the town, as previously explored during the April committee consideration, the case officer has sought to find a long term solution that will maintain the appearance and environment of the Nene valley, whilst not restricting the development to a shortened period of consent.
- 7.5 A meeting has been held with the applicant's planning consultant and a way forward agreed.
- 7.6 Firstly, the existing condition should be replaced with an end of life plan condition that will ensure that the vessel is removed and the river restored should the business conclude.
- 7.7 Secondly, a legal agreement is proposed that will set out a series of standards by which the condition of the vessel can be judged. For example, the condition and sea worthiness of the hull must be inspected by an independent qualified marine surveyor to ensure the proper upkeep of the vessel on a regular basis. These standards are still in negotiation and delegated authority is sought from the Planning

Committee so that officers can first negotiate, then agree standards by which the condition of the vessel can be measured.

- 7.8 If the vessel is independently judged to have unduly degraded, then measures would be recommended to remedy this. If these are not completed in an agreed timeframe, then the end of life plan outlined above would kick in, the vessel would be removed and river restored.

8. CONCLUSION

- 8.1 It is considered that replacement of Condition 2 with an end of life plan condition is reasonable subject to a S106 agreement ensuring control is maintained.
- 8.2 The proposal is considered suitable for members' approval providing delegated authority for the Head of Planning to instruct the Borough Solicitor re a legal agreement that will secure the long-term review and maintenance of the vessel, ensuring the Nene valley environment and landscape is protected. Any unresolved degradation or abandonment of the vessel and its mooring will result in the end of life plan coming into effect and the river being restored to its natural state.

9. CONDITIONS

- 9.1 Replacement Condition 2:

Before the commencement of development a scheme shall be submitted to and approved by the Local Planning Authority which specifies an end of life plan for the vessel and its mooring. The end of life plan shall be enacted in accordance with the approved details on removal of the vessel from the watercourse unless otherwise prior agreed in writing with the Local Planning Authority.

10. LEGAL IMPLICATIONS:

- 10.1 None.

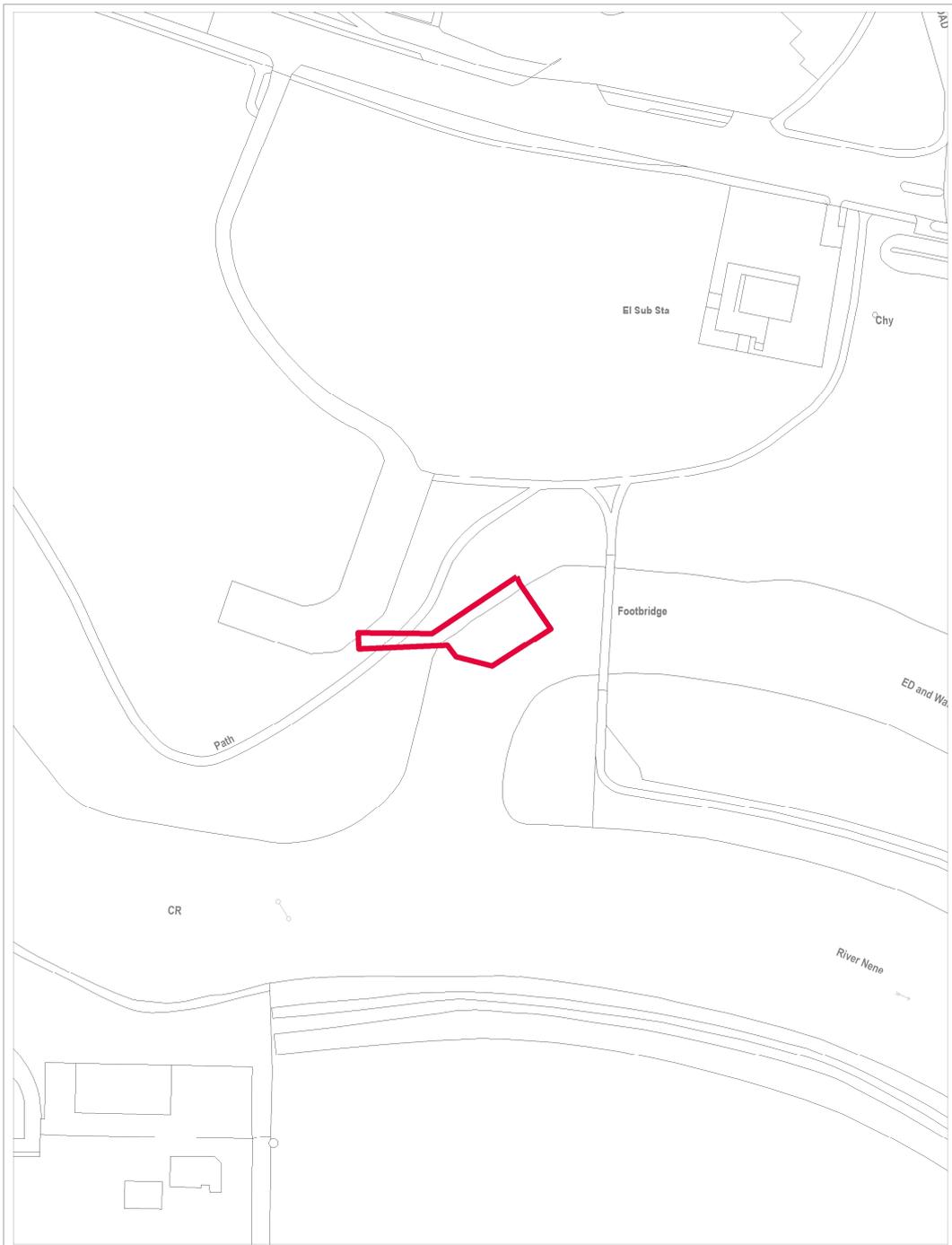
11. BACKGROUND PAPERS

- 11.1 None.

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:	Richard Boyt	14/09/2010
Development Control Manager Agreed:	Gareth Jones	15/09/2010



Name: COMMITTEE APRIL 6TH
 Date: 22nd March 2010
 Scale: 1:1250
 Dept: Planning
 Project: Location Plan

Title
Midsummer Meadow - Bedford Road

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PLANNING COMMITTEE: 30 September 2010
DIRECTORATE: Planning and Regeneration
HEAD OF PLANNING: Susan Bridge

N/2010/0301: 80 residential units with associated garages, roads and sewers.
Land off South Meadow Road, Northampton,

WARD: West Hunsbury

APPLICANT: Taylor Wimpey East Midlands Ltd
AGENT: None

REFERRED BY: Head of Planning
REASON: Major Development

DEPARTURE: Yes

APPLICATION FOR CONSULTATION BY WNDC:

1. RECOMMENDATION

1.1 No objections subject to the following issues being taken into account -

- WNDC must be satisfied in consultation with the Highway Authority that the road network of the existing St Crispins estate is sufficient to cope with the increased demand from the proposed development.
- 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).

2. THE PROPOSAL

- 2.1 This is a full application for the erection of 80 residential units on a greenfield site adjacent to the St Crispin's development. The site forms part of the Upton Lodge site for which the WNDC Committee resolved to grant outline planning permission (ref S/2006/1654/W) in November 2008, subject to a legal agreement.
- 2.2 The Borough Council Planning Committee considered the consultation re the Upton Lodge application at its meeting on 2nd April 2008, when it resolved to raise significant objections to the application in that significant issues remained outstanding and unresolved, which would have a marked impact on the success of the new community if not appropriately addressed at the outline stage.
- 2.3 Members will recall that the current application was considered by the Planning Committee on June 1st 2010, when the Committee resolved to make a holding objection to WNDC, subject to the resolution of the following issues –
- The loss of mature trees / hedgerow adjacent to the established bridleway in the South East corner of the site would adversely affect the setting of this bridleway to the detriment of its users. Retention of this area may represent an opportunity to off set the loss of open space referred to above.
 - The proposed layout would result in a poor residential environment in part of the development; specifically the view at the end of one of the main access points to the site is dominated by boundary treatment to the detriment of the streetscene. The design of the housing layout in relation to the existing bridleways is also poor, resulting in these becoming back alleys with the potential to encourage crime and anti-social behaviour as well as diminishing the quality of their setting for legitimate users.
 - It is not acceptable for the flat proposed within the development to form part of the provision of affordable housing, as this is not representative of the overall mix of housing.
 - WNDC must be confident of the stability of the land before granting planning permission.
 - WNDC must be satisfied in consultation with the Highway Authority that the road network of the existing St Crispins estate is sufficient to cope with the increased demand from the proposed development.
 - The additional information requested by the Council's Arboricultural officer to be obtained and submitted for his further comments, which must be taken into account, prior to any decision.

- Any permission must be subject to a Section 106 agreement to secure 35% affordable housing.
- A Condition dealing with unexpected contamination must be attached to any permission in line with the advice of the Council's Public Protection service.
- Notwithstanding the above, the Committee expressed grave concerns about the access arrangements to the proposed development through the greater St Crispins development and have strong reservations about this site coming forward for development outwith the Upton Lodge / Norwood Farm development which is subject to a comprehensive masterplan.

2.4 Following the last Committee meeting, amended plans have been submitted to WDC and the Borough Council has been formally consulted on these.

2.5 These plans make the following amendments –

- The site access is moved to the north to avoid the area of open space adjacent to the eastern boundary of the site, and now passes adjacent to neighbouring houses on North Meadow Road to the north.
- In the southeastern corner of the site some of the existing trees and vegetation adjacent to the bridleway is shown as being retained.
- The mix of house types has been amended by removing the flat over garage (FOG) and one 3 bedroom house and replacing these with two four bedroom houses, both of which would be affordable.
- The proposed roads have been amended to remove the right angled “kink” which would have caused the side wall of a garden to appear over-prominently in the streetscene.
- The “white land” in the eastern part of the site, is no longer indicated as being for “Future Residential Development”, the road passing through this land has been deleted and the road serving adjacent houses has now been altered to a shared private drive.

3. SITE DESCRIPTION

3.1 The site comprises an area of agricultural land which slopes gently north to south down the Nene Valley. It measures some 5 ha. There is a group of trees located in the southeast corner. The eastern boundary and part of the northern boundary abut the outer western fringes of the existing St Crispin's development. To the south and west is open countryside. The western boundary runs along the Borough boundary with South Northants District. The site is designated in the Northampton Local Plan as forming part of an area of Greenspace (Policy E6), part of

a Locally Important Landscape Area (E9) and within a Skyline Conservation Policy Area (E7).

4. PLANNING HISTORY

- 4.1 S/2006/1654/W - Outline application for development of housing (up to 1,784 dwellings), community and education facilities including a new primary school (3.8ha), employment (22,000m² floorspace), park & ride facility (1,000 car spaces) and part of a country park (7.7ha). Resolution to grant permission subject to a section 106 agreement 25/11/08 (WNDC Decision).

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 unless material planning considerations indicate otherwise. The current Development Plan comprises of the saved policies of the Northamptonshire County Structure Plan and Northampton Local Plan 1997.

5.2 National Policies:

PPS1 – Delivering Sustainable Development

PPS3 – Housing

PPG14 – Development on Unstable Land

5.4 Northampton Borough Local Plan

E1 – Landscape and open space

E6 – Greenspace

E7 – Skyline development

E20 – New development (design)

E40 – Crime and vandalism

H1 – Sites for major new residential development

H4 – Sites for major new residential development

H7 – Other housing development: outside primarily residential area

H8 – Other housing development: list of sites

H14 – Residential development: open space and children's play facilities

H32 – Affordable housing

5.5 Supplementary Planning Guidance

Northamptonshire County Parking Standards SPG 2003

Affordable Housing SPG

Planning out Crime in Northamptonshire SPG 2004

6. CONSULTATIONS/REPRESENTATIONS

- 6.1 **Access Officer** – Queries the absence of a disability access statement in support of the application.

WNDC's response is that "The prerequisite for a Disability Statement is not part of our Local Validation Requirements and one has not been submitted with this application."

6.2 **Arboricultural Officer** (comments following revision of access) – asserts the need to take into account, retain and physically protect 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).

6.3 **Public Protection** (Environmental Health) - Officers from this section have no objection to the principle of the proposal. The site investigation report submitted with the application is considered to be satisfactory. The report indicates that, on the basis of the samples taken, no remediation work is required at the site. However it is possible that there may be areas of contamination on the site that have not been located by the site investigation. It is therefore recommended that any approval be subject to the condition below.

- **Reporting of Unexpected Contamination:** 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 current good practice, and where remediation is necessary a remediation scheme must be prepared in accordance with current good practice, 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.

6.4 **Housing Strategy** – The application now fits in with the requirements for affordable housing, and therefore I can now offer my support. Providing that the distribution of the affordable is consistent with plan GW080-01 Rev F and the affordable unit types are also consistent with that revision and specifically the breakdown below, unless otherwise agreed with this office.

AFFORDABLE HOUSE TYPE SCHEDULE

CODE/Ft ²	TYPE	Person's	TOTAL
H681	2 BED HOUSE	3	- 15
H883	3 BED HOUSE	5	- 7
H883V	3 BED HOUSE	5	- 4
H1245	4 BED HOUSE	6	- 1
H1099	4 BED HOUSE	6	- 1
			- 28

7. APPRAISAL

- 7.1 The main issues to consider in respect of this application are as follows – policy considerations, Impact on ecology / trees, impact on adjoining land and occupiers, the layout and design of the site and the suitability of the site for construction (including solifluction issues).

Policy Considerations.

- 7.2 The site is designated in the Local Plan as Greenspace (Policy E6), A Locally Important Landscape Area (E9) and an Area of Skyline Conservation Policy (E7).
- 7.3 Policy E6 states that “in Greenspace areas planning permission will only be granted where the proposed development would not unacceptably prejudice the function of the areas as listed and identified in appendix 2.” This site is defined in Appendix 2 as being a site which “defines the extent and protects the setting of built up areas” The Plan goes on to explain the function of such sites as follows “These are sites on the edge of the built up area where retention of open space is proposed in order to maintain both the character and setting of existing villages and resist the outward expansion of the built up area.”
- 7.4 Policy E1 states “planning permission will not be granted for development which by reason of its siting, design and layout is likely to be detrimental to the character and structure of the landscape.
- 7.5 This is backed by Policy E9 which states that “when considering, in the context of policy E1, the impact of proposed development upon the landscape, special importance will be attached to its effect upon the character.... of the locally important landscape areas”
- 7.6 Appendix 28 of the Local Plan gives greater detail as to each of the Locally Important Landscape Areas. In this case the area referred to is the St Crispins Hospital Grounds, which are considered an important part of the views to the South and West of the Town.
- 7.7 However, the site is included within the area of the outline planning application for the site known as Upton Lodge (ref S/2006/1654/W). This has been considered by WDC which have resolved to grant outline planning permission, subject to a Section 106 agreement.
- 7.8 In light of this, although the use of this site for development is contrary to policy of the Local Plan it is considered that the principle of its development is established.
- 7.9 In addition, in respect of Policy E6 it is considered that the reasoning for maintaining the land as defining the extent of the urban areas has now been overtaken by the resolution to grant outline planning permission for an area including both this site and land to the west, which would mean that this site would no longer represent the edge of the town. A new

edge to the town and separation between Northampton and Harpole would be created by the country park proposed within the Upton Lodge proposal, to the west of this site.

- 7.10 As regards Policy E9 (the impact on the important landscape areas), the proposed dwellings are two or three storeys in height and are on the slope of the valley below and to the west of the key visual assets of the St Crispin's site, particularly the clock tower. Therefore, distant views of these important features would not be disrupted.

Impact on Trees

- 7.11 The Arboricultural Officer has indicated the scheme is now acceptable subject to all trees which are worthy of retention being retained.
- 7.12 The originally submitted plans showed the removal of an area of trees and other vegetation in the southeast corner of the site. This formed part of the holding objection made by the Borough Council in June as this loss was not considered acceptable. Amendments have been made to the scheme for the retention of some vegetation in this area. In conjunction with the fact that the access road would no longer cross the adjacent open space, as discussed below, the impact of the development on the bridleway is considered to have been adequately reduced and is now considered acceptable.

Impact on adjoining land and occupiers

- 7.13 Given the separation of the site from adjoining areas of land previously developed for residential use by areas of existing and proposed open space, it is not considered that any adverse impact on adjoining occupiers would result from the layout of the estate.
- 7.14 Access to the development was initially proposed to be by means of a new access road crossing what is currently an area of public open space. Whilst the impact on adjacent residents was considered, on balance, to be acceptable, amendments have now been made to the scheme which relocate this vehicular access, thereby maintaining the integrity of the public open space.
- 7.15 The vehicular access is now proposed to be at the northern end of the site, thereby reducing what was previously proposed as an area of open space within the site. Whilst this would increase the impact on adjoining residents within North Meadow Road, immediately to the north, it is considered that the separation of 12m between the nearest house within this neighbouring development and the proposed road would not result in any unacceptable impact.

Suitability of the site's ground conditions for construction.

7.16 Objections received by WNDC have raised concerns as to the stability of the land and its suitability for building, citing problems in the early 1980s at sites within East Hunsbury due to land slippage (Solifluction).

7.17 This issue is referred to in the Geo-Environmental Assessment submitted with the application. This concludes as follows –

“Based on the results, it is considered that the three slopes ... may be regarded as stable.

“It is recommended that further advice must be sought if there is any further excavation/cuffing on the proposed slope especially at the toe of the slopes or whether additional loading is to be placed on the slopes/crest or whether any further steepening of the slopes is planned.

“It must be noted the above recommendations are given based on the current site layout and levels detailed in the drawing shown in Figure 12. Even a small change (≈0.5m) in levels may have a significant effect on slope stability, and a further assessment may therefore be required.”

7.18 Following objections made to WNDC on the grounds of land instability, further comments were received by WNDC from the developer on this issue, which conclude that “The ground conditions on the TW site are considered to be significantly different to those encountered in the vicinity of the Upton Lodge area in that soliflucted materials have not been identified. Also the site is located above the ‘negligible instability risk’ area as identified by Halcrow. In the absence of soliflucted materials, shallower slope gradients and lower groundwater conditions, it is considered that the slope instability concerns raised by DAG are not applicable to the TW site.”

7.19 On this basis it is considered that the issue of land slippage has been adequately dealt with. However, given the apparently low tolerance for any variation it is recommended that WNDC is advised to bear this in mind when considering any variations to the scheme.

Layout and design of the site.

7.20 The proposal includes 16 x 3 bed, 29 x 4 bed and 7 x 5 bed market houses, 10 x 2 bed, 6 x 3 bed and 2 x 4 bed social rented houses, and 5 x 2 bed and 4 x 3 bed intermediate affordable houses. This differs from the mix of units previously proposed, following on from comments from the Council's Housing Strategy service, in that a single flat and a three bed house have been removed from the scheme, to be replaced two four bedroom houses. The proposed mix and layout of units is now considered acceptable.

7.21 The houses proposed are broadly similar in design to houses previously approved and constructed within the St Crispin's site to the north and

east. The house types proposed comprise a mix of two, two and a half, and three storey detached, semi detached and short rows of terraced units. The layout and massing proposed would preserve the important long distance views of the clock towers, as discussed above.

- 7.22 The layout and urban design of the proposed development is also considered generally acceptable, with spaces between buildings and garden areas being of adequate size.
- 7.23 Some concerns in this regard were nonetheless raised in the Borough Council's holding response to the previously proposed scheme. The amendments now received do address these issues as a result in part to the amended access. Overall, the layout and streetscene is now considered to be acceptable.
- 7.24 Whilst the access to the site has been adjusted, this would still result in all traffic passing through the existing St Crispin's development. A revised Transport Statement and Travel Plan was submitted in September 2010 and at the time of writing this report had only been with the Highway Authority for a few days, meaning that no response had been received. Furthermore, WNDK indicate that it has not yet had confirmation from the Highway Authority that access through the existing St Crispin Development is acceptable. The Highway Authority response on these points will be reported to Committee by means of the Addendum.
- 7.25 WNDK must therefore be satisfied, in consultation with the Highway Authority, that the road network of the existing estate is sufficient to cope with the increased demand arising from the proposed development.

8. CONCLUSION

- 8.1 It is considered that whilst the proposed development is acceptable in principle, the issues set out in this report and as summarised at paragraph 1.1 must be fully considered and addressed before the application is determined and that the issues which were raised in the holding objection previously made to WNDK have not, at the time of writing this, been fully resolved.
- 8.2 In particular a significant question remains over the ability of the road network within the St Crispins development, as it will be on completion, to handle the additional 80 units proposed and unless this has been resolved at the time of the Committee meeting it is recommended that a further holding objection is made.

9. FURTHER INFORMATION

- 9.1 As a separate matter to the above application, discussions have taken place between the Borough Council officers and representatives of Taylor Wimpey, the developers of the St Crispin Site and the applicants in this case.

9.2 Taylor Wimpey have indicated that they are working towards the resolution of outstanding issues and the completion of the wider site. Specifically they have made a commitment to alleviating issues of traffic congestion adjacent to the school site, by providing a new parking / drop-off bay for 8 cars close to St Luke's primary school. They also indicate that work is ongoing to secure adoption of the main access roads, which has been delayed due to defects in the sewers. Additionally, discussions are progressing regarding the delivery of the additional access to the wider St Crispins site between Berrywood Road and Kent Road.

10. BACKGROUND PAPERS

10.1 Application file N/2010/0310.

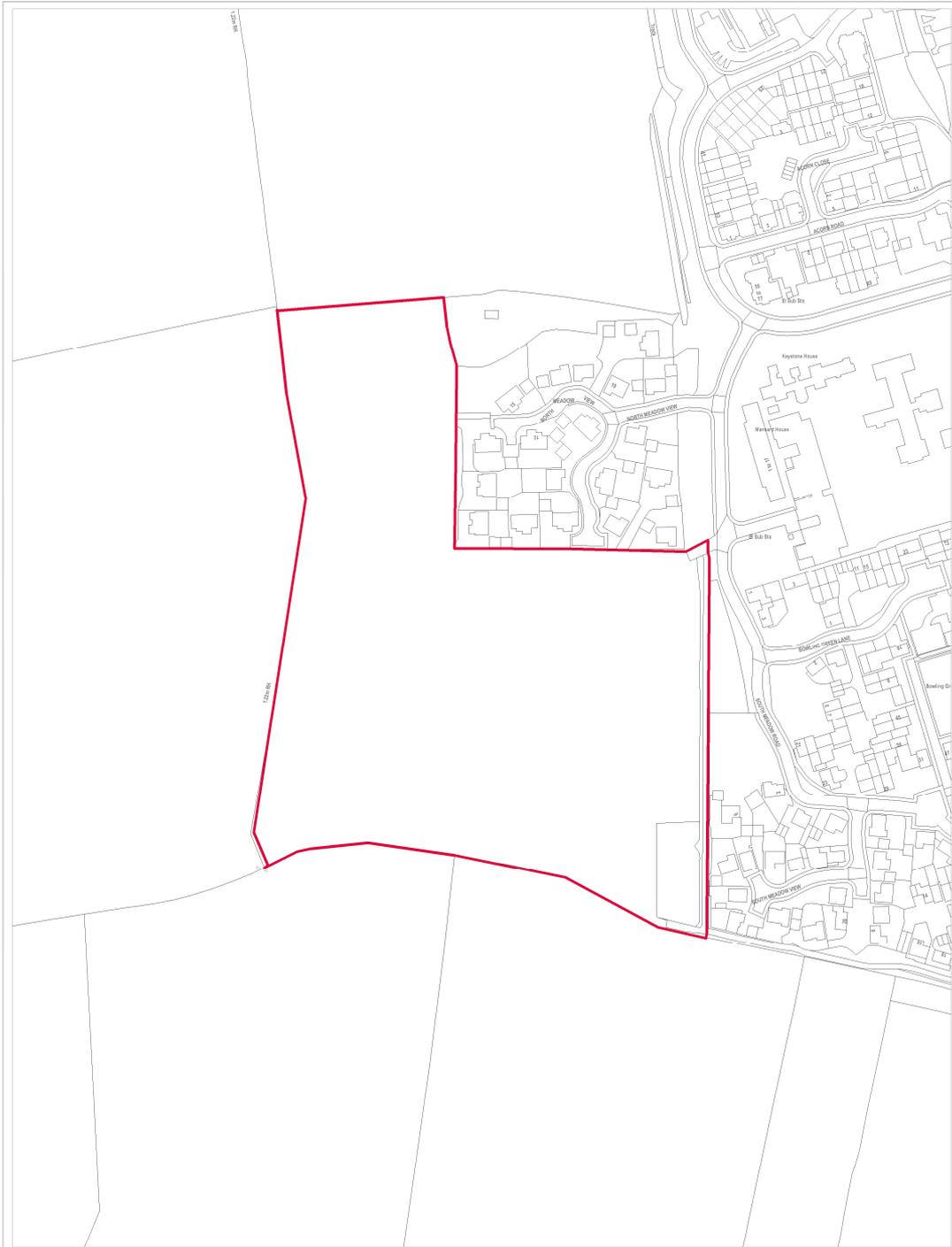
11. LEGAL IMPLICATIONS

11.1 None.

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	13/09/2010
Development Control Manager Agreed:	Gareth Jones	16/09/2010



Name: **Planning**
Date: **20th May 2010**
Scale: **1:1250**
Dept: **Planning**
Project: **Location Plan**

Title

Land off South Meadow Road

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NORTHAMPTON
BOROUGH COUNCIL

PLANNING COMMITTEE: 30th September 2010
DIRECTORATE: Planning and Regeneration
HEAD OF PLANNING: Susan Bridge

N/2010/0646: Retention of six floodlights (48m in height) columns and a GRP Switch Cabinet
Northamptonshire County Cricket Ground,
Abington Avenue, Northampton

WARD: Abington

APPLICANT: Mr J. Brown – Musco Sports Lighting
AGENT: Mrs S. Tagg – Foxley Tagg Planning Ltd

REFERRED BY: Head of Planning
REASON: Application previously considered by
Planning Committee

DEPARTURE: No

APPLICATION FOR CONSULTATION BY WNDC:

1. RECOMMENDATION

1.1 That the Council raise NO OBJECTIONS for the following reason:

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.

1.2 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.

1.3 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.

2. THE PROPOSAL

- 2.1 The application follows the approval of an earlier planning permission (WNDC reference: 09/0061/FULWNN) for similar lighting and other works within the ground. However, the lighting columns were not installed in the approved location. The current planning application seeks permission for the retention of the columns in their current location.
- 2.2 This application seeks retrospective planning permission for the retention of six floodlight columns with a height of 48m topped by a grid of lights known as an 'array'. Four columns located at the northern and southern ends of the pitch, which have a maximum column width of 1080mm. The lighting array for these columns has a width of 4.95m and a height of 4.42m. The remaining two columns, which are located closest to the centre of the pitch, have a maximum column width of 1040mm. The lighting array for these columns is 5.64m in width and 6.63m in height.
- 2.3 The supporting information for the application states that the lights are needed in order to take advantage of the growth in popularity of

Twenty-Twenty cricket. In order to take advantage of the relatively short game duration (approximately three hours) and the television demand for this type of cricket, evening matches have had an increased role within the cricket season. Prior to the installation of the current lights that are the subject of this application, temporary floodlighting was used under permitted development rights (to a maximum of 28 days per calendar year). As a result of this, the Local Planning Authority had no control over lighting levels, hours of use or noise levels.

- 2.4 In terms of the relative positions of the lights as proposed compared to as approved in 2009, the light located in the north eastern corner of the site is now sited approximately 7m further north than previously approved; the light on the eastern side of the pitch is resited approximately 4m further south; the light to the south east of the pitch is moved approximately 8m in a north easterly direction; the installation situated to the south west of the pitch is resited approximately 9m in a south westerly direction; the light to the west of the ground is moved approximately 6m in a northern direction and the light located to the north west of the pitch is moved approximately 12m in a north easterly direction. The applicant has highlighted a number of site constraints and operational issues, which prevented the lights being located in their approved location.
- 2.5 Each lighting column would also have a number of ballast boxes positioned some 2.5m above ground level to help counteract the effect of wind of the structures.

3. SITE DESCRIPTION

- 3.1 The application site has been in use as a sports ground / venue by Northamptonshire County Cricket Club since 1885. In addition to cricket, the venue has 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 has held other matches of a high profile.
- 3.2 The wider area is identified within the 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 the 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.

- 3.3 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 are 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

- 4.1 210/50 – 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
09/0061/FULWNN – Erection of two Commentary Boxes, Camera Gantry, extension to Pavilion and installation of six floodlights (48m in height) – Approved

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 unless material planning considerations indicate otherwise. The current Development Plan comprises of the saved policies of the Northamptonshire County Structure Plan and Northampton Local Plan 1997.

5.2 Local Plan Policy:

E1 – Impact on character and structure of landscape
E9 – Locally important landscaped areas
E19 – Implementing development
E20 – New development

E26 – Development within Conservation Areas

5.3 **National Policies:**

PPS1 – Delivering Sustainable Development;

PPS5 – Planning for the Historic Environment

PPG13 – Transport

PPG17 – Planning for Open Space, Sports and Recreation

PPS23 – Planning and Pollution Control

PPG24 – Planning and Noise

6. **CONSULTATIONS/REPRESENTATIONS**

- 6.1 **Public Protection (NBC)** – The proposed lights comply with the Condition set down on the 2009 permission and therefore although the lights have not been located in the locations as originally agreed, it would appear that the stipulation of the original condition is being met. Condition 3 of the original 2009 permission should be amended to provide further clarification as to the location in which light levels are to be measured. *Condition 3 concerned reducing light levels to 100 lux upon the completion of play.*

The long term of the use of the generator would amount to a loss of residential amenity on account on increased levels of noise, odours and fumes. Furthermore, other methods of powering the lights exist without these negative impacts upon residential amenity, such as mains power. It is therefore recommended that any approval be subject to a condition requiring that lights are connected to a mains source prior to their further use.

By providing floodlights, the hours of operation of the ground have been extended. As a result of this residential amenity appears to have been affected and therefore additional controls should be placed on the playing of music and use of the public address system, which could be achieved through a survey of the existing facilities. It is recommended that the large television screen is subject to controls over use in order to encourage crowd dispersal at the end of matches.

- 6.2 **Conservation (NBC)** – Due to the scale of the floodlights they are visible from numerous locations within the conservation area. However, the cricket ground has existed in this location since the end of the 19th century, it should be able to contribute to the wider historic environment. It is considered that the floodlights contribute to the way in which this part of the town is understood by locals, and visitors alike. Therefore whilst the lights are visible, they do not detrimentally impact upon the character of the conservation area.

With regards to Abington Cottages it is considered that their value in heritage terms is more related to historic character. Historic character cannot easily be eroded or damaged unless the actual features of the building are destroyed or concealed. The contribution that the cottages make to the wider historic landscape or the

conservation area is reduced due to their location to the rear of the early 20th century terraced housing that now surrounds them. As such the understanding of the area is bound up with the pace of change. Therefore the introduction of the floodlights should be considered these terms, whereby features are introduced which enable new or enhanced uses to take place. In conclusion the amended locations of the floodlights and the columns has not lead to a significantly increased level of visual impact that would warrant an objection on conservation grounds.

6.3 As Northampton Borough Council is a consultee on this application, it has not carried out any third party consultations as this role falls to WNDC as the determining authority. However, objections have been received by Northampton Borough Council from the occupiers of **251 and 251a Abington Avenue; 1 Abington Cottages; 17 and 112 Ashburnham Road, 175 Birchfield Road East; 2, 36 and 47 Collingwood Road; 5 Lime Avenue; 114 Lutterworth Road; 3 Park Avenue; 89 Roe Road; 63 Wantage Road; 431, 453 and 508 Wellingborough Road; 11 and 22 Woodland Avenue**; letters from the residents of unknown properties in **Abington Avenue, Ashburnham Road and Wantage Road** and two unaddressed letters. Comments can be summarised as:

- The retention of the lights in their current positions would adversely impact upon the amenity of the adjacent properties and the surrounding area; particularly as the diameter of the poles is larger than originally stated and have ballast boxes attached.
- The visual impact of the lights is unacceptable.
- There is excessive light spillage
- The impact of the lights has been increased, as they are now closer to the boundaries of some properties.
- By being situated further away from buildings, the lights are now more visually dominant.
- The removal of lights installed by the football club were an improvement to the area's character.
- The time of cricket being played under floodlights are closely associated with increased levels of noise, such as from music being played
- There is a lack of evidence that the visual and physical impacts have been considered and that an assessment has been made regarding alternatives to the positioning and nature of the proposed floodlighting
- Other grounds do not require permanent lighting systems or have a different system to that proposed
- The proposal would lead to an adverse impact upon the character and setting of the nearby listed buildings and the Abington Park Conservation Area.
- The proposal has an adverse impact upon the skyline
- The proposal would create an adverse impact on the surrounding properties due to light spillage.
- The late finishes associated with floodlit cricket creates noise

and disturbance at unsocial hours.

- A generator is being used to power the lights, which creates a negative impact upon residential amenity due to noise and fumes
- The positioning of the generator is unsuitable due to the proximity to residential properties and gardens
- The stature of Northampton has not been increased as a result of permitting the floodlights, there has been no quantification of business improvements and match attendance has decrease.
- Conditions have not been complied with, particularly the light levels not being reduced after the cessation of play and/or 22:15.
- Disturbance is created from those leaving the ground.
- The proposal and the evening use of the ground associated with it would lead to increased demand for car parking within the vicinity, which is already in short supply leading to a decrease in highway safety.
- Cars being parked in the streets have often blocked private alleyways
- A television screen has also been installed at the ground, which creates disturbance.
- Litter is left in the streets following flood lit games
- Fireworks have been set off at the ground after 11pm (N.B. Correspondence has been received from Northamptonshire County Cricket Club stating that on the date in question that these fireworks were set off, no cricket was being played).
- Due to the ground being used on a limited basis, the impacts from the lights are disproportionate to the level of use
- The accuracy of the submitted plans is questioned.
- Concerns are raised regarding the impacts on property values
- Other events at the ground have generated excessive noise and disturbance

An objection submitted on behalf of **1 Abington Cottages; 58, 59, 61 and 65 Wantage Road and 429, 431 and 433 Wellingborough Road**. A summary of the comments is as follows:

- The application should be given a full and proper scrutiny
- Whilst the sporting and economic implications of the proposal are recognised, these do not outweigh the negative impacts of the proposal.
- The submitted Design and Access Statement does not include a full visual impact assessment nor does it include a comparison of the position of the lighting columns approved in 2009 and those included within the current application.
- There are a number of other lighting solutions, which would have a smaller impact upon amenities.
- The ballast boxes are particularly intrusive given that they are located at 'eye level'.
- The visual impact of the lights is disproportionate to the level of use
- The use of temporary lights would be less intrusive as

although light levels would be higher, the structures would be only in place for a maximum of 28 days per annum.

- The lights are of a considerably high intensity
- An independent lighting appraisal should be carried out assessing current light levels and this should be the subject of regular surveying.
- If the application were to be approved, it be subject to a legal agreement preventing the lights from being operated until such times as the generator has been removed and a connection to the mains electricity supply has been established.
- English Heritage should be consulted on the application
- The proposal fails to comply with the requirements of Policy E9 of the Northampton Local Plan with regards to the impact upon the special character and appearance of the Abington Park.
- The former lights installed at the football ground do not set a precedent for approving this application.
- From past experience, there are doubts that the Cricket Club would comply with any conditions imposed.

6.4 Letters from the residents of **110 Lutterworth Road**, an unknown property in **Abington Park Crescent**, and one unaddressed letter have been received in favour of the application. Comments are summarised as follows:

- The floodlights do not dominate the skyline
- It is still possible to control the light levels
- The ground attracts visitors, which has a positive impact upon the town.
- If Northamptonshire County Cricket Club cannot sustain themselves financially, there is the possibility that the club would be lost
- A lack of finance may curtail funding of 'grass routes' cricket
- In the only game when play has been delayed (8th June), the match finished at 22:15 and lights immediately turned down
- Fireworks have not been set off on dates with cricket matches.

7. APPRAISAL

Principle of the Development

7.1 Northampton Borough Council's Planning Committee at its meeting held in August 2009 considered the principle of installing floodlights within the County Cricket Ground and deemed it acceptable. The proposal was subsequently granted planning permission by the WNDP in October 2009. As the proposed floodlights are very similar to those previously considered and approved, the principle of the proposal has been established.

7.2 It should also be borne in mind that there remains in excess of two years in which the 2009 planning permission (09/0061/FULWNN) can be lawfully implemented.

- 7.3 The impacts of the proposal need to be balanced against the wider benefits offered by the scheme to the town in terms of the promotion of sport and cricket. 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 first class cricket matches, which are popular with members of the public. Given the aspirations for Northampton to develop into a city, the continued development of a cricket club, which participates at the national level, supports this ambition. The playing of such cricket matches, combined with other sports played within Northampton can help develop the town's (and future city) distinct identity

Impacts upon residential amenity

- 7.4 In terms of the visual impact of the lights on the neighbouring properties, the columns are located between 19m and 55m from the nearest house / building. The general separation distances for the majority of the lights are consistent with that of the scheme approved in 2009 although the buildings to which the separation distance is measured differ. The exceptions to this are the columns located in the north western corner which is now approximately 39m away from the nearest building (as opposed to 29m in the 2009 application) and the light located by the south western corner of the pitch which is now approximately 20m away from the nearest building (as opposed to 26m in the 2009 application).
- 7.5 For these reasons, it is considered that there is no greater overall impact on neighbour amenity than that of the approved 2009 scheme. Moreover the current proposal has been assessed by the Council's environmental health service and subject to appropriate controls, which can be secured by condition, no objections have been raised. Therefore, it is considered that there would be no undue detrimental impact on residential amenity from the resiting of the lights in accordance with Policy E20 of the Local Plan.
- 7.6 By reason of the lights being of the same specification to those previously permitted in 2009, the levels of light spill would not be significantly different to that previously deemed acceptable and the subject of a live planning permission. As a result of this it is considered that the proposal would not impact on residential amenity to a substantially greater degree than that previously considered. In order to ensure that residential amenity levels are maintained, WNDC is requested to ensure that any approval be subject to a condition requiring that the lights be subject to a regular surveying process with the results being reported to the Local Planning Authority in order to ensure the impacts of the lights are monitored and continue to accord with the permitted terms of use.
- 7.7 In order to manage the impacts of the lights, WNDC is requested to ensure that suitable planning conditions are placed on any approval requiring that the lights cannot be used outside of the cricketing season (which runs from April to September). In addition, controls

over the hours when the lights may be operated are warranted in order to minimise the impacts on residential amenity. The applicant has suggested that the lights operate until 10.15 pm (at the latest) at their full level at which time light levels would be reduced before being switched off at 11.00 pm in order to provide lighting for spectators leaving the ground. In the event that the match finishes before 22:15, the lights should be dimmed at the close of play. WNDC is therefore requested to ensure that a condition is placed on any approval to secure these measures.

- 7.8 During 2010, the lights have been powered by a generator that is bought onto the site when required to power the lights. It is removed after each match. This contradicts the information submitted with the original application, which stated that the lights would be powered through mains electricity. The current application states that the reason for the use of the generator is due to the works that need to be carried out in terms of upgrading the power supply system, which have been delayed as they may prejudice the further renovation of the Wantage Road End pavilion. The developer contends that the use of the generator falls outside of planning control.
- 7.9 Officers accept that the generator does not constitute 'development' (i.e. because it is bought onto the site temporarily and then removed) and as such does not require planning permission in its own right. Nonetheless, it is considered that the means of power represents a material consideration in the determination of this application as without the availability of power the lighting could not be used. Therefore it is reasonable and necessary to consider the impacts of the generator. Due to the proximity of the site to residential accommodation and private gardens, it is likely that the prolonged use of the generator would give rise to a detrimental impact on residential amenity as a result of increased noise and odour levels. Therefore, having regard to the advice of the Council's Environmental Health service, in order to ensure compliance with the requirements of PPS23 – Planning and Pollution Control and PPG24 – Planning and Noise, it is requested that if WNDC is minded to approve this application, it be subject to a condition preventing the lights from being used until an electricity supply has been established or a reasonable and enforceable timetable for the works to be carried out has been agreed.
- 7.10 The use of the lights would increase the level of activity at the ground during times when cricket has traditionally not been played. Twenty-Twenty cricket is also associated with the playing of music over public address systems. The limited use of the lights in terms of number of days that they could be operated and the restricted length of cricket season (April to September) reduces the impacts of the proposal in terms of noise and this can be limited / controlled by condition as set out previously.
- 7.11 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 should be attached to any approval by WNDC. Such a condition would be 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.

Impact upon the surrounding area

- 7.12 The lighting columns have ballast boxes attached approximately 2.4m above ground level, which were not illustrated on the plans submitted and approved in 2009. However, given their limited size (between 2.4m and 3.4m in height) and small projection it is considered that the impacts of these boxes are not significant within the context of the lighting columns and do not unduly impact upon visual amenity as required by Policy E20 of the Local Plan.
- 7.13 The application site is adjacent to the western boundary of the Abington Park Conservation Area. The historical significance of the area is derived from the relationship of a public park dating from the turn of the 20th century, incorporating remnants of earlier 18th century parklands and the residential dwellings from the Victorian and Edwardian eras that surround the park. Furthermore, PPS5 states that whilst an area may have a high degree of historical significance, it does not follow that each site within the area would have the same significance. The lights / columns are visible from a number of points within the Conservation Area, however, these views are broken and limited by the general topography of the area combined with the presence of trees and a variety of buildings such that there is no detrimental impact on this heritage asset. Therefore the overall impact upon the character and appearance of the Conservation Area is neutral and compliant with the requirements of PPS5 – Planning for the Historic Environment and Policy E26.
- 7.14 Local Plan Policy E9 identifies Abington Park as being a *locally important landscape area* with the important landscape features being defined as the formal landscaping of the park combined with its undulating character and significant mature trees. The lighting columns although visible, would not erode this distinctive character due to the separation distance of some 90m and the intervening built form (Wellingborough Road and the residential properties to the south of the ground) and therefore Policy E9 has not been breached.
- 7.15 In addition, it should be recognised that the lights are extremely similar to that considered with the 2009 proposal. Therefore although there are some deviations within the positioning of the lights, the overall visual impacts when viewed from the Conservation Area is comparable to that previous deemed acceptable and therefore objections on these grounds would be unreasonable.
- 7.16 Abington Cottages (Grade II Listed Buildings) are located to the east of the site and date from the 19th century, when they were

constructed as almshouses. The historical significance of these buildings is derived from the former use of the buildings, combined with their appearance and internal layout. However, the contribution of these buildings to the character of the wider area is limited due to the development of the land in the intervening period resulting in a lack of visibility of these buildings from public areas. Notwithstanding this, the buildings are distinctive in nature and whilst it is recognised that the lights are visible from these properties, the lighting columns would not impact upon these points of historical significance and when combined with the separation distances involved it is considered that there would not be a significant impact upon these heritage assets.

- 7.17 It is also noteworthy that Abington Cottages were listed in 1976 at a time when there were football floodlights at the cricket ground as the ground was shared with Northampton Town Football Club. It is reasonable to assume that at the time of listing, the presence of the floodlights did not affect the setting of the Cottages to the point that listed building status would not have been justified.

GRP Cabinet

- 7.18 A cabinet constructed from glass reinforced plastic (GRP) is proposed to be located adjacent to the southern boundary of the site. The purpose of the cabinet is to provide a safe location for the equipment necessary to connect the lights to a power source. This structure has a height of 2.08m and therefore would not be viewed from outside of the ground resulting in a neutral impact upon visual amenity. Its restricted size also ensures that there would be no undue detrimental impact upon residential amenity. Therefore this element of the proposal is compliant with Policy E20 of the Northampton Local Plan.

Transport considerations

- 7.19 Whilst this application does not seek consent to extend the capacity of the Cricket Ground, it is likely that the provision of enhanced facilities would increase the attractiveness of the ground to visitors. Furthermore, based upon the 2010 fixtures, the use of floodlights has been limited to the games with the greatest number of attendees (Twenty-Twenty and Pro 40 competitions). As a result of this proposal, it is likely that larger numbers of people would be visiting the ground during times not traditionally associated with the playing of cricket. It is noted that the applicant has submitted a Transport Assessment, which draws the conclusion that the lighting would not give rise to an unacceptable impact upon highway safety. However, in order to ensure compliance with PPG13 – Transport, it is recommended that WNDC is requested to consult with Northamptonshire County Council as Highway Authority and ensure that all matters arising from this process are addressed prior to the determination of this application.

Other considerations:

- 7.20 Representations received have commented on the differing lighting solutions used elsewhere and whilst it is acknowledged that a range of differing types of lighting columns are available, some of which are retractable, the current application must be determined on what is proposed on its individual planning merits. For the reasons set out previously it is considered that lights in their current form are acceptable. Representations have also commented upon the use of a large television screen during play. However, it should be recognised that the use of this screen does not form part of this application and by reason of its temporary nature does not constitute development and as such planning permission is not required for the screen.

8. CONCLUSION

- 8.1 Whilst it is recognised that the proposal would have an impact on the surrounding area and residential properties, it is considered that when balanced against the benefits of the proposal, the limited use of the floodlights and their inherent similarities to those lights that gained planning permission in 2009 the proposal is acceptable and any reasons for objection could not be readily sustained.

9. LEGAL IMPLICATIONS:

- 9.1 None.

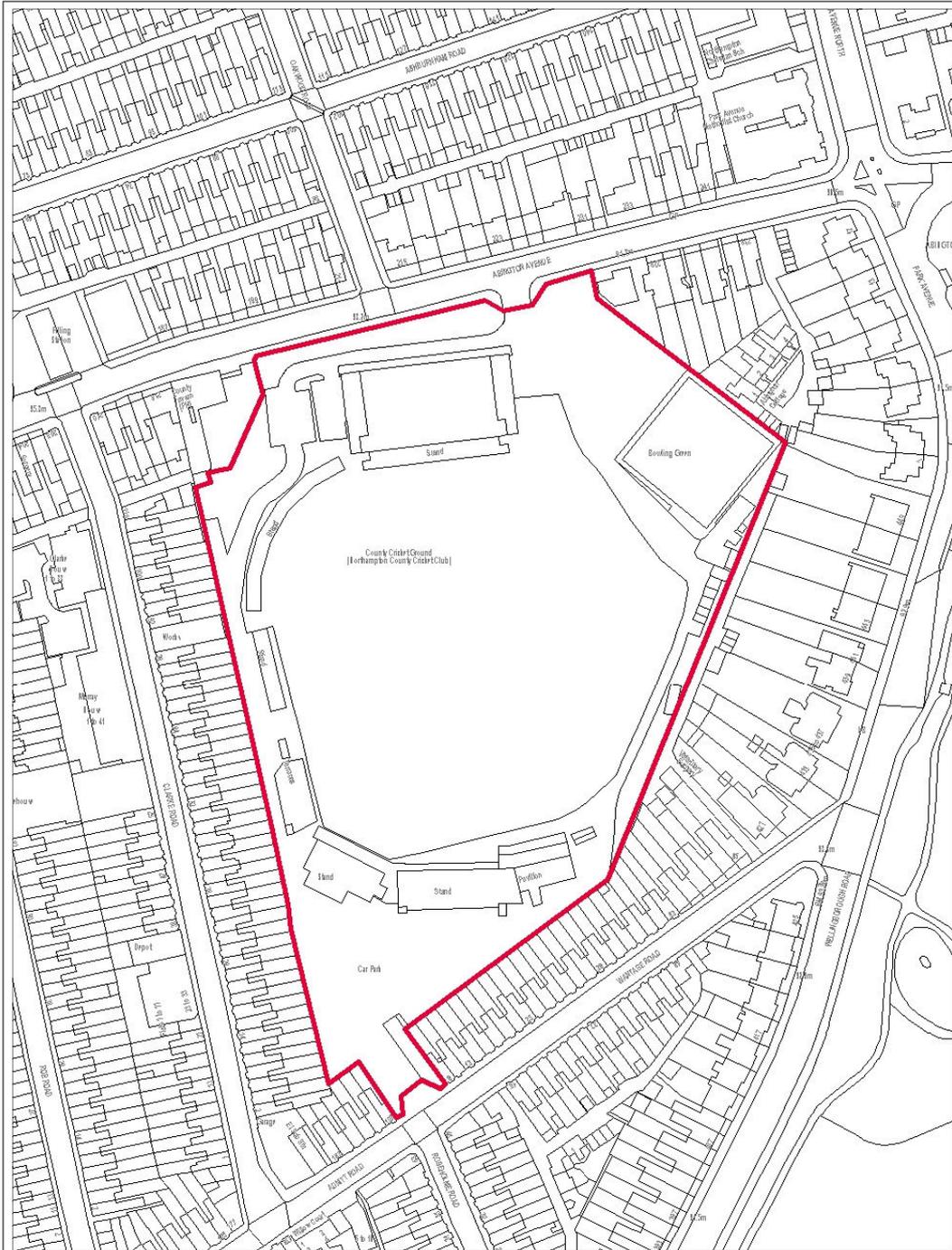
10. BACKGROUND PAPERS

- 10.1 N/2009/0481 and Item 12a from the Planning Committee meeting held on the 26th August 2009.

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	09/09/2010
Development Control Manager:	Gareth Jones	16/09/2010



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

Title
County Cricket Club

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