

NORTHAMPTON BOROUGH COUNCIL

PLANNING COMMITTEE

YOUR ATTENDANCE IS REQUESTED AT A MEETING TO BE HELD AT
THE GUILDHALL ON TUESDAY, 19 OCTOBER 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
None.
8. NORTHAMPTONSHIRE COUNTY COUNCIL APPLICATIONS
None.
9. NORTHAMPTON BOROUGH COUNCIL APPLICATIONS
None.
10. ITEMS FOR DETERMINATION
An Addendum of further information considered by the Committee is attached.

(A) N/2010/0693- CHANGE OF USE FROM USE CLASS A1 TO HOT FOOD TAKEAWAY (USE CLASS A5) AT 355 WELLINGBOROUGH ROAD B.
CLARKE
X 8916
Report of Head of Planning
(copy herewith)

Ward: Abington
- (B) N/2010/0718- TWO STOREY REAR/ SIDE EXTENSION TO EXISTING DWELLING HOUSE AND DIVISION OF PROPERTY INTO 4NO 1 BED APARTMENTS AT 2 THORNTON ROAD. G. WYATT
X 8912
Report of Head of Planning
(copy herewith)

Ward: Kingsthorpe

11. ENFORCEMENT MATTERS

(A) E/2010/0435- UNTIDY LAND AT 36 LASHAM COURT

Report of Head of Planning
(copy herewith)

T.
ROBERTS
X 7842

Ward: Billing

(B) E/2010/0126- UNAUTHORISED SUB- DIVISION OF
DWELLING HOUSE AT 22 HESTER STREET

Report of Head of Planning
(copy herewith)

J.
WILLOUG
HBY
X 7847

Ward: Castle

12. APPLICATIONS FOR CONSULTATION

(A) N/2009/0636- ERECTION OF CULTURAL AND
RECREATION CENTRE TO INCLUDE HINDU TEMPLE,
MULTI PURPOSE HALL, SPORTS FACILITIES, VISITOR
CENTRE AND EXHIBITION SPACE, TEACHING
FACILITIES INCLUDING LIBRARY, CRECHE, PRIEST'S
HOUSE AND SIX SHELTERED FLATS FOR OVER 55'S
EXTERNALLY, ACCESS, PARKING, ALL WEATHER
SPORTS PITCH AND LANDSCAPING, INCLUDING
PERIMETER SECURITY FENCING AT LINGS WAY

R. BOYT
X 8742

Report of Head of Planning
(copy herewith)

Ward: Lumbertubs

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>
A6445

Agenda Item 2

NORTHAMPTON BOROUGH COUNCIL

PLANNING COMMITTEE

Thursday, 30 September 2010

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

1. APOLOGIES

Apologies for absence were received from Councillors Lane and Matthews.

2. MINUTES

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

3. DEPUTATIONS / PUBLIC ADDRESSES

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

4. DECLARATIONS OF INTEREST

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

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

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

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

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

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

CONSIDERED

None.

6. LIST OF CURRENT APPEALS AND INQUIRIES

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

RESOLVED: That the report be noted.

7. OTHER REPORTS

(A) DEVELOPMENT CONTROL PERFORMANCE SEPTEMBER 2010

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

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

8. NORTHAMPTONSHIRE COUNTY COUNCIL APPLICATIONS

None.

9. NORTHAMPTON BOROUGH COUNCIL APPLICATIONS

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

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

The Committee discussed the application.

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

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

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

The Committee discussed the application.

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

10. ITEMS FOR DETERMINATION

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

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

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

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

The Committee discussed the application.

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

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

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

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

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

The Committee discussed the application.

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

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

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

11. ENFORCEMENT MATTERS

None.

12. APPLICATIONS FOR CONSULTATION

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

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

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

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

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

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

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

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

The Committee discussed the application.

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

Upon a vote the motion was carried.

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

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

which is acceptable to the Borough Council Housing Strategy Section.

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

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

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

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

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

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

connected to the mains.

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

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

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

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

The Committee discussed the application.

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

2. WNDC is also requested to consult with Northamptonshire County Council as Highway Authority in order to ensure that there would be no undue detrimental impact upon highway safety as a result of permitting this proposal and to ensure that the scheme complies with PPG13 – Transport.
3. If WNDC is minded to approve this application, it is requested that the following matters are secured by condition.
 - That the use of the lights is limited to a maximum of 15 days per annum and only between the months of April to September inclusive.
 - That the light levels are reduced at the conclusion of play or 22:15 hours (whichever is the earliest) and that a detailed plan identifying the spill levels associated with this lower level of light shall be submitted to and approved in writing by the Local Planning Authority prior to their next use.
 - A scheme requiring the applicant to undertake regular surveying of the light levels in order to ensure that they do not exceed the levels submitted as part of the application.
 - That the lights are not used until they have been connected to a mains electricity supply in order to avoid the continued need to operate a generator, which has and could continue to harm residential amenity. Alternatively, a reasonable timetable for this works to be carried out to be agreed prior to the lights being next used and secured by condition if the first option cannot be secured prior to April 2011.
 - In order to minimise the impacts on surrounding properties, a condition requiring that use of public address systems cease following the conclusion of play for the purposes of commentary and the playing of music in keeping with the requirements of PPG17 and PPG24, which state that negative impacts on residents from such equipment should be minimised in order to protect residential amenity.

The meeting concluded at 20.44 hours

Agenda Item 6

Directorate: Planning and Regeneration
Head of Planning: **Susan Bridge**



NORTHAMPTON
BOROUGH COUNCIL
Planning Committee

List of Appeals and Determinations – 19th October 2010

Written Reps Procedure			
Application	Del/PC	Description	Decision
N/2009/0426 APP/V2825/D/10/2137442	DEL	Single storey front extension - resubmission of Planning Permission N/2006/0252.	AWAITED
N/2009/0469 APP/V2825/D/10/2135855	DEL	Erection of two storey detached dwelling.	AWAITED
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.	DISMISSED
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.	WITHDRAWN
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.

Addendum to Agenda Items Tuesday 19th October 2010

N/2010/0693

Change of Use from use class A1 to hot food take away (use class A5).
355 Wellingborough Road

Further representations have been received from Northampton Borough Council's **Public Protection** (Environmental Health) advising that by reason of the likely noises and disturbance that the proposal is likely to generate, combined with the presence of other late night uses within the vicinity the opening hours as proposed by the applicant are unacceptable. It is recommended that if this application is approved it be subject to a condition that would require the takeaway to close at 10pm.

Representations have also been received from the occupiers of numbers **4 and 27 Manfield Road**. Comments can be summarised as:

- The proposal would create disturbance to the detriment of residential amenity, particularly when combined with the impacts of other late night uses within the vicinity.
- The proposal would encourage people to congregate within Manfield Road to the detriment of residential amenity.
- There would be an increase in traffic within Manfield Road, which already experiences traffic travelling to Abington Avenue via Purser Road.
- An early closing time would be more appropriate given the character of the area.

In light of these representations and to ensure a satisfactory impact upon residential amenity, a **revised wording of Condition 2 is proposed:**

The premises shall be open only between the hours of 10am and 10pm from Mondays to Saturdays and 2pm and 10pm on Sundays, Bank and Public Holidays.

Reason: In the interests of the amenities of the occupiers of nearby properties in accordance with Policy R9 of the Northampton Local Plan.

N/2010/0718

Two storey rear/side extension to existing dwelling house and division of property into 4no. 1 bed apartments.
2 Thornton Road

No update

E/2010/0435

Untidy condition of land
36 Lasham Court

No update

E/2010/0126

Unauthorised sub-division of dwelling house
22 Hester Street

No update

N/2009/0636

Erection of cultural and recreation centre to include Hindu Temple, Multi-purpose hall, sports facilities, visitor centre and exhibition space, teaching spaces including library, crèche, priest's house and six sheltered flats for over 55's. Externally, access, parking, all weather sports pitch and landscaping, including perimeter security fencing (WNDC Consultation).

Lings Way

No update



PLANNING COMMITTEE: 19th October 2010
DIRECTORATE: Planning and Regeneration
HEAD OF PLANNING: Susan Bridge

N/2010/0693: Change of use from retail (Class A1) to Hot Food Takeaway (Class A5) at 355 Wellingborough Road, Northampton

WARD: Abington

APPLICANT: Mr. S. Kang
AGENT: Mr. I. Stone

REFERRED BY: Cllr. B. Hoare
REASON: Concerned regarding the impact on residential amenity, the cumulative impacts on late night uses and the impact on highway safety

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 **APPROVAL** subject to conditions and for the following reason:

The principle of a takeaway use in a recognised 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 aims and objectives of PPG13 and PPG24.

2. THE PROPOSAL

2.1 This application seeks permission to change the use of the premises

from a retail unit, which falls under Class A1 of the Town and Country Planning (Use Classes) Order 1987 (as amended) to a hot food takeaway (Use Class A5).

3. SITE DESCRIPTION

3.1 The application site is located within the Wellingborough Road Centre comprising a number of commercial uses. The wider area features long established residential accommodation. The ground floor of the building was originally used as a shop; however, earlier in 2010 planning permission was granted to change the use of the shop to a Class A2 use. Although this permission has not yet been implemented, it remains extant. The upper floors of the building have been separated from the ground floor and are used as office units.

4. PLANNING HISTORY

4.1 N/2010/0021 – Change of use of ground floor only from Retail (Class A1) to Professional and Financial Services (A2) – Approved
N/2010/0460 – Change of Use from Use Class A1 to hot food take away (Class A5) – Refused

4.2 The most recent application was refused under delegated powers for the following reason:

The proposal fails to adequately attenuate the noise and cooking odours associated with the proposed use, which would adversely impact upon the amenity of the surrounding properties. The proposal therefore fails to comply with the requirements of PPS23 - Planning and Noise and PPG24 - Planning and Pollution Control

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
PPS13 – Transport
PPS23 – Planning and Pollution Control
PPG24 – Planning and Noise

5.3 Northampton Borough Local Plan

E19 – Impact on amenities
E20 – New Development

- 5.4 **Supplementary Planning Guidance**
Northamptonshire County Parking Standards SPG 2003
Planning out Crime in Northamptonshire SPG 2004

6. CONSULTATIONS / REPRESENTATIONS

- 6.1 **Cllr B. Hoare and Cllr I. Markham** – objecting to the application on the grounds that the proposal may adversely impact upon residential amenity by reason of cooking odours being discharged in close proximity to residential properties; the likely disturbance caused by the proposed opening hours and the likely adverse impact on highway safety as a result of inconsiderate parking.
- 6.2 **Public Protection (NBC)** – No objections, as the revised details regarding the extraction system allay any concerns regarding the impacts on residential amenity.
- 6.3 **Highway Authority (NCC)** – No observations
- 6.4 **355 Wellingborough Road (upper floor occupier)** – The proposal would change the character of the area and amenity would be adversely impacted upon as a result of cooking noises and odours. The proposal would also adversely affect highway safety and littering could increase.

7. APPRAISAL

Principle of the Development

- 7.1 National and Local Planning Policies emphasise the importance of maintaining a healthy mix of town centre uses in recognised centres with a predominance of shops. Given the large number of retail units within this part of Wellingborough Road, it is considered that the proposal would not detrimentally impact upon the viability and vitality of this Centre. It must also be recognised that planning permission was granted earlier in 2010 for a non-retail use with this property and that the refusal reason of application N/2010/0460 related to the concerns regarding the attenuation of cooking odours and noises.

Highways

- 7.2 It is recognised that takeaways can give rise to inappropriate car parking. In this instance it is considered that due to the availability of on street car parking within Wellingborough Road and in close proximity to the application site, the proposal would not give rise to an unacceptable impact upon highway safety. In addition, no objections have been received from Northamptonshire County Council as Highway Authority.

Impacts on amenity

- 7.3 It is considered that the proposed hours of usage would not give rise to an unacceptable impact upon residential amenity, by reason of the prevailing character of the area. In particular, the majority of residential properties are located at the rear of the application site, whilst the application premises are accessed from Wellingborough Road. As a result of this, the main focus of activity associated with the proposed use would be on Wellingborough Road, which when combined with other comparable uses on this road in addition to its busy nature, it is considered that there would be no significant detrimental impact on residential amenity arising from noise and activity. A further consideration is that the existing retail unit does not have any restrictions over opening times and therefore could be operate for comparable hours to that included within this application.
- 7.4 The revised extraction system has been considered by the Borough Council's Public Protection (Environmental Health) section. They have concluded that the proposal would not give rise to an undue detrimental impact upon amenities due to the attenuation of cooking odours and noises by the proposed extraction flue. As a result of this, the scheme does comply with the requirements of PPG24 – Planning and Noise and PPS23 – Planning and Pollution Control. This flue, although of large proportions, would be screened from public view and as such would not adversely impact upon the visual amenity of the wider area. In terms of its visual impacts on the office units on the upper floors, it is recognised that there are some windows overlooking the flue arrangement; however, as these are rooflights the level of outlook is limited. For these reasons, the visual impact of the flue on these offices is not sufficient to warrant refusal of this application.
- 7.5 It is recognised that concerns have been raised regarding the potential for increased littering. It is considered that this matter is sufficient to warrant refusal of the application given the limited scale of the proposed development. In any event, it should be recognised that there is the provision of a litter bin adjacent to the main entrance of the building.

8. CONCLUSION

- 8.1 It is considered that the proposed use would not unduly impact upon the viability and vitality of the Wellingborough Road Centre or detrimentally impact upon general amenity levels.

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. The premises shall be open only between the hours of 10am and 11pm from Mondays to Fridays and 10am and 12am on Saturdays and 2pm and 11pm on Sundays, Bank and Public Holidays.

Reason: In the interests of the amenities of the occupiers of nearby properties in accordance with Policy R9 of the Northampton Local Plan.

3. 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, implemented prior to the premises being used for the permitted purpose and retained thereafter.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with PPS1.

4. Unless otherwise agreed in writing by the Local Planning Authority, the proposed development shall be carried out in accordance with the submitted flue technical specification as received on the 19th September 2010, which shall be implemented prior to the commencement of the use hereby permitted and retained thereafter.

Reason: In the interests of residential amenity and in accordance with PPS23 – Planning and Pollution Control.

10. LEGAL IMPLICATIONS:

10.1 None

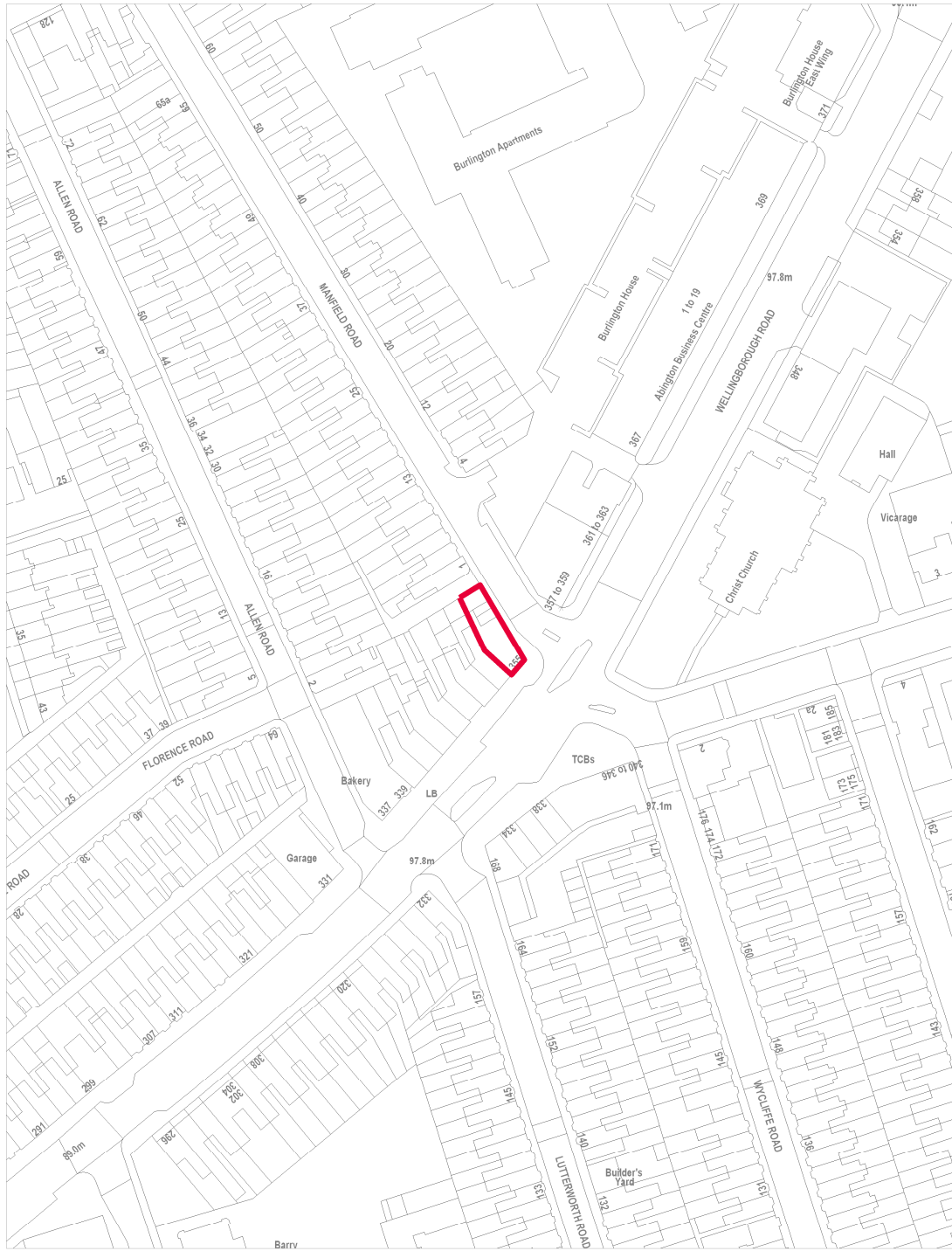
11. BACKGROUND PAPERS

11.1 N/2010/0460

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	4/10/10
Development Control Manager:	Gareth Jones	4/10/10



Name: SW
 Date: 7th October 2010
 Scale: 1:1250
 Dept: Planning
 Project: Site Location Plan

Title
355 Wellingborough Road

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PLANNING COMMITTEE: 19th October 2010
DIRECTORATE: Planning and Regeneration
HEAD OF PLANNING: Susan Bridge

N/2010/0718: Two storey rear/side extension to existing dwelling house and division of property into 4no. 1 bed apartments at 2 Thornton Road, Northampton

WARD: Kingsthorpe

APPLICANT: Mr Daljit Poone
AGENT: Mr Paul Toone

REFERRED BY: Cllr. S Beardsworth
REASON: The change a use from a family home, increase of occupancy, and parking problems that may be incurred.

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 **APPROVAL** subject to conditions and for the following reason:

The extensions, by reason of their design, scale and siting, are in keeping with the character and appearance of the original building and that of the locality and would not detrimentally affect neighbour amenity. Due to the limited scale of use proposed and adequacy of transport facilities the proposed use would not detrimentally affect the amenity of local residents or highway safety. The proposal is therefore in accordance with Policies H6, H21 and E20 of the Northampton Local Plan and the aims and objectives of PPG3, PPG24 and PPS13.

2. THE PROPOSAL

2.1 It is proposed to convert and extend an existing detached two storey 3-bed house dwelling to four 1-bed flats. The proposed two storey

side extension is 9 metres deep at first floor and 4.7 metres wide. A single storey extension projecting 2 metres beyond the existing rear elevation is proposed across the whole rear elevation as extended.

3. SITE DESCRIPTION

3.1 Existing two storey detached dwelling with garage to the rear situated on the junction of Thornton Road and Studland Road. The site is located within a primarily residential area as identified in the Local Plan. The land to the west is comprised of a mix of residential uses strongly characterised by two storey semi detached houses and short rows of terraces. To the west on both sides of Thornton Road there are a mix of commercial uses including the Netto supermarket. A little further north is a business area accessed via Studland Road.

4. PLANNING HISTORY

4.1 None relevant to the current proposal.

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

PPS13 – Transport

PPG24 – Planning and Noise

5.3 Northampton Borough Local Plan

E20 – New Development

H6 – Residential Development

H21 – Conversion to flats

5.4 Supplementary Planning Guidance

Northamptonshire County Parking Standards SPG 2003

6. CONSULTATIONS / REPRESENTATIONS

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

6.2 **6 Branksome Avenue** – objection - results in overlooking and car parking issues.

- 6.3 **5 Branksome Avenue** – objection – already parking problems in the vicinity of the site.
- 6.4 **2 Branksome Avenue** – objection – will reduce light, cause car parking problems and increase noise and disturbance
- 6.5 **4 Thornton Road** – objection - will affect character of the locality will increase noise and disturbance increase traffic and parking problems. Also express concerns regarding the impact of the proposed construction works and the resultant intensification of the use of the property on two of their children who have special needs.
- 6.6 **1 Branksome Avenue** – objection - there are already parking problems in the vicinity of the site which will be exacerbated. Does not provide adequate garden and communal areas.
- 6.7 **10 Branksome Avenue** – objection - will cause parking and disturbance problems
- 6.8 **1 Thornton Road** – objection - will create parking problems

7. APPRAISAL

Principle of the Development

- 7.1 In accordance with PPS3 and Local Plan Policy H6, as the site is located within a primarily residential area as identified in the development plan it is considered that a more intensive residential use of the property is acceptable in principle as long as it is not detrimental to the character of the locality, residential amenity or highway safety.

Character of the locality.

- 7.2 Policy H21 of the Local Plan states that planning permission will not be granted for the conversion of a house into flats where it is considered that the introduction of or increase in the number of conversions would prejudice the character / amenity of the area. Although some of the dwellings in the vicinity of the site are rented, most of the buildings on this estate are still single family households and the strong prevailing character remains that of houses which have not been subdivided. Therefore there is nothing to suggest that the proposed use would detrimentally affect the character of the area in accordance with Local Plan Policy H21.
- 7.3 The design and appearance of the existing building differs somewhat from that of the rest of the residential estate and is located on its eastern periphery. The design and scale of the proposed extensions are sympathetic to the host building and would not be visually harmful to the character of the wider streetscene in accordance with Local Plan Policy H6 and E20.

Residential Amenity

- 7.4 The proposed two storey extension would be sited adjacent to Studland Road to the east and as such does not have a detrimental effect on any nearby dwelling. Although the two storey extension is large, its design and appearance compliment the existing building. Due to its limited scale the single storey rear extension, which would protrude by only 2 metres with a maximum of height of 3.5 metres and is sited 1.5 metres from the boundary, would have no significant impact on the two nearest properties (4 Thornton Road and 2 Branksome Avenue). The Council's environmental health service (Public Protection) has raised no objection to the proposal. For these reasons the proposal accords with Local Plan Policies H6 and E20.

Highway safety and parking

- 7.5 The proposal provides only 2 on-site car parking spaces for the residents of the proposed four flats. Although on-street parking is at a premium on nearby residential streets, especially in the evening, there is sufficient parking capacity in the adjoining Studland Road. The site is also located in within walking distance of a wide range of local services and close to bus routes which run along Kingsthorpe Road. The Highway Authority has raised no objection to the proposal. For these reasons therefore the proposal accords with Policy H6 of the Local Plan and PPG13.

8. CONCLUSION

- 8.1 The extensions, by reason of its design, scale and siting are in keeping with the character and appearance of the original building and that of the locality and would not detrimentally affect neighbour amenity. Due to the limited scale of use proposed and adequacy of transport facilities it would not detrimentally affect the amenity of local residents or highway safety. The proposal is therefore considered to be in accordance with the relevant local and national policies and guidance.

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. The external walls and roof of the extension shall be constructed with materials of the same type, texture and colour as the external walls and roof of the existing building.

Reason: In the interests of visual amenity to ensure that the extension harmonises with the existing building in accordance with Policy H20 of the Northampton Local Plan.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no additional windows shall be installed in the south western side elevation of the single storey rear extension without the prior written consent of the Local Planning Authority.

Reason: To safeguard the privacy of adjoining properties in accordance with Policy E20 of the Northampton Local Plan.

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

10. LEGAL IMPLICATIONS:

10.1 None.

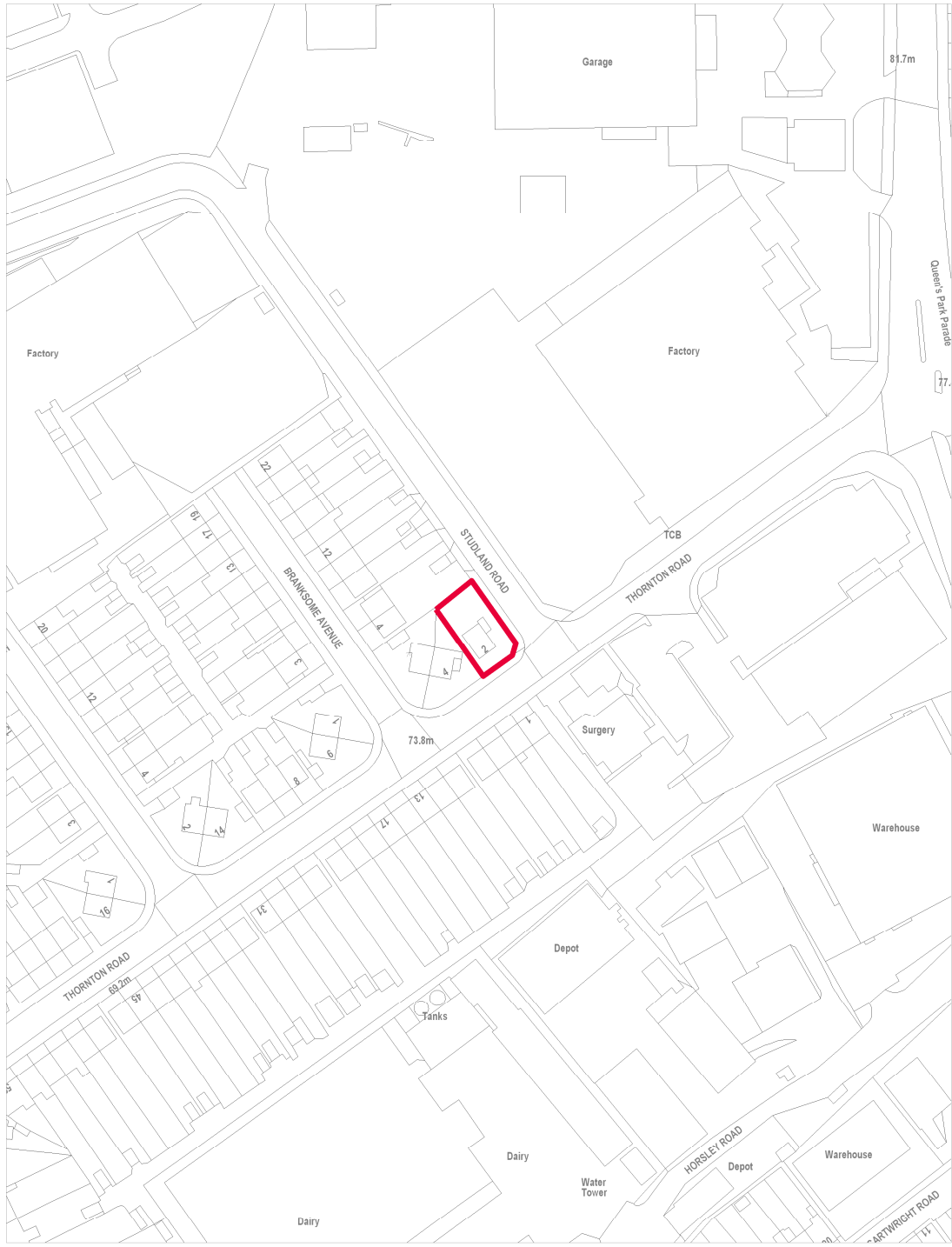
11. BACKGROUND PAPERS

11.1 N/2010/0718.

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:	Geoff Wyatt	6/10/10
Development Control Manager:	Gareth Jones	6/10/10



Name: SW
 Date: 7th October 2010
 Scale: 1:1250
 Dept: Planning
 Project: Site Location Plan

Title
2 Thornton Road

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PLANNING COMMITTEE: 19 October 2010
DIRECTORATE: Planning and Regeneration
HEAD OF PLANNING: Susan Bridge

Enforcement Matter: Remediation of the condition of land at
36 Lasham Court – E/2010/0435

WARD: Billing

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

DEPARTURE: N/A

ENFORCEMENT MATTER:

1. RECOMMENDATION

1.1 That the Borough Solicitor be authorised to issue a notice pursuant to Section 215 of the Town and Country Planning Act 1990 (as amended), requiring steps to be taken to remedy the condition of the land with a compliance period of 28 days and in the event of non compliance to take any other necessary, appropriate and proportionate enforcement action pursuant to the provision within the Act in order to bring about the proper planning control of the land.

2. THE BREACH OF PLANNING CONTROL

2.1 The garden area of the property is being used for the storage of waste material, which is clearly visible to the surrounding neighbours. It is considered that the condition of the land adversely affects the amenity of land.

3. SITE DESCRIPTION

- 3.1 The site is in a densely populated housing estate constructed in the early 1970's and comprises an end of terrace house with a garden to the front and rear.

4. PLANNING HISTORY

- 4.1 On 26 July 2010 the Council were in receipt of complaints regarding the untidy condition of the land.
- 4.2 Following a site visit it was established that building rubble, bricks, wood, gas canisters, household waste and dilapidated fencing had been deposited on the site.
- 4.3 On 2 August 2010 a letter was hand delivered to the property requesting that the site is cleared within 28 days
- 4.4 A further letter was sent on 15 September 2010.
- 4.5 A further site visit was carried out on 26 September 2010 and it was noted that although some remedial work had taken place, there was still a considerable amount of waste material at the site. The owner appears unwilling to fully remedy the condition of the land.

5. PLANNING POLICY

- 5.1 **National Policy:** PPG 18 Enforcing Planning Control
- 5.2 **Local Plan Policy:** As this matter does not relate to unlawful development but rather to the condition of land, no policies are relevant.

6. CONSULTATIONS/REPRESENTATIONS

- 6.1 Due to the nature of the case no consultation has been undertaken. Complaints about the condition of the land have been received from local residents via the Council's Housing Officer.

7. APPRAISAL

- 7.1 The use of the land for storing of waste material is wholly unacceptable and visually detrimental to the amenity of the area.
- 7.2 The owner of the site has failed to remove the waste material as per the requests in the letters sent to him and hand delivered to the property. As set out in section 4 above, the land owner has been given adequate time and opportunity to fully resolve the matter. Although some progress has been made, Officers now consider it appropriate to secure authorisation to serve a formal notice to finally resolve the matter.

7.3 Pursuant to the provisions of Sections 215 to 219 of the Town and Country Planning Act 1990 (as amended) a Local Planning Authority can issue a formal notice requiring the tidying of land which adversely affects the amenity of the area and in default of that notice may prosecute the owner of the land and/or carry out the works and recharge the owner costs thereof.

8. CONCLUSION

8.1 The condition of the land is causing a detrimental effect on the visual amenity of the area and planning enforcement action by the Council would bring about the clearance of the land and remedy the breach of planning control.

9. HUMAN RIGHTS IMPLICATIONS

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

10. LEGAL IMPLICATIONS:

10.1 Usual costs will be met from within the existing budget. In the event of the requirements of the Notice not being complied with, and the owner being unwilling to meet the costs of the Council carrying out the works in default the Council would seek to secure a charge against the property.

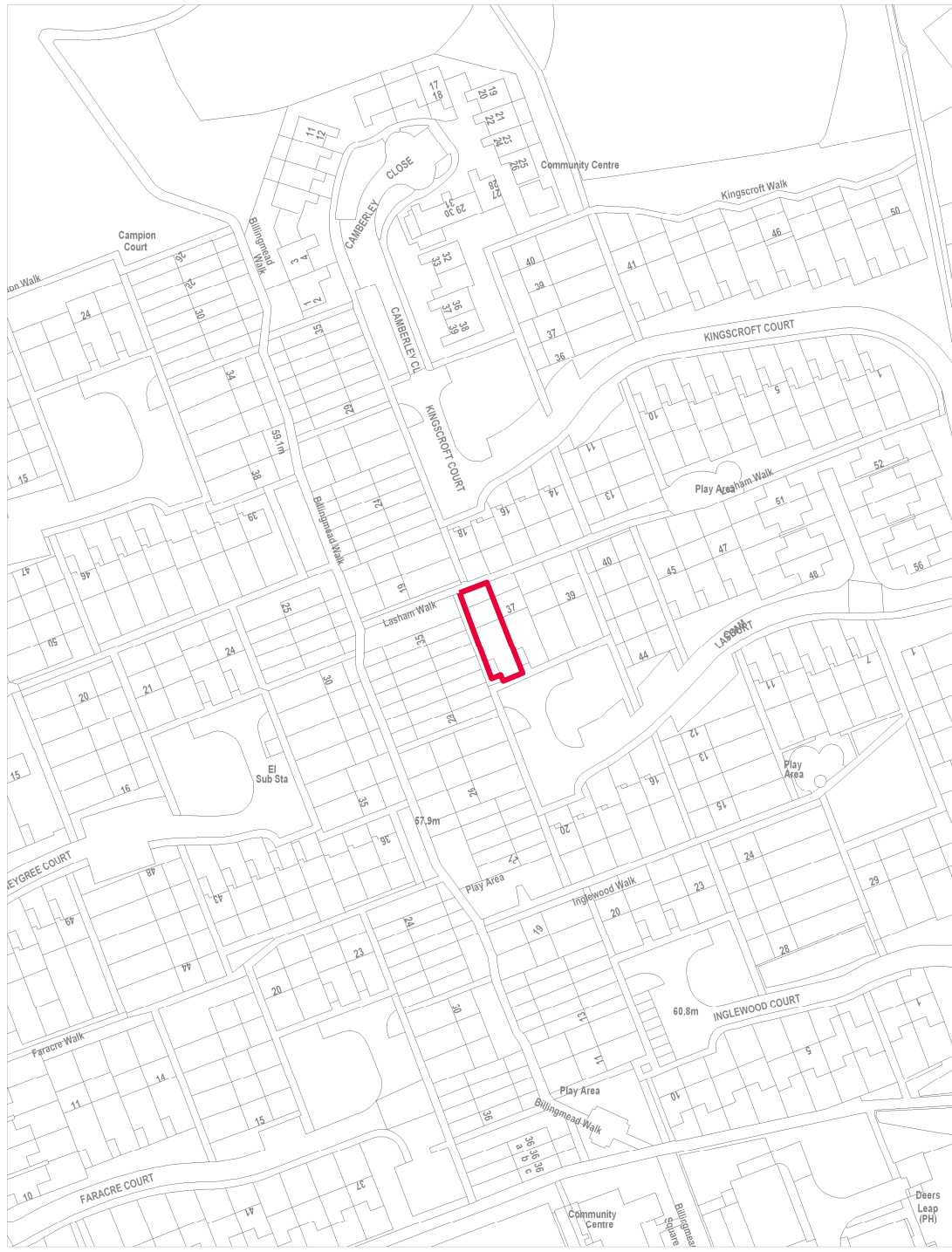
11. BACKGROUND PAPERS

11.1 E/2010/0435

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:	Tamara Roberts	28 September 2010
Development Control Manager:	Gareth Jones	28 September 2010



Name: SW
 Date: 5th October 2010
 Scale: 1:1250
 Dept: Planning
 Project: Site Location Plan

Title
36 Lasham Court

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PLANNING COMMITTEE: 19 October 2010
DIRECTORATE: Planning and Regeneration
HEAD OF PLANNING: Susan Bridge

Enforcement Matter: Unauthorised subdivision of dwellinghouse to a dwellinghouse with a self contained basement flat at 22 Hester Street - E/2010/0126

WARD: Castle

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

DEPARTURE: N/A

ENFORCEMENT MATTER: E/2010/0126

1. RECOMMENDATION

- 1.1 That the Borough Solicitor be authorised to issue an enforcement notice in respect of the unauthorised change of use of 22 Hester Street to a dwellinghouse and a self contained flat requiring the cessation of the unauthorised use of the basement as a flat with a compliance period of 2 months.

2. THE BREACH OF PLANNING CONTROL

- 2.1 Without planning permission a material change of use from use as a dwellinghouse to a dwellinghouse and a self-contacted basement flat has taken place.

3. SITE DESCRIPTION

- 3.1** The property is a mid terraced Victorian property, situated approximately 1 mile north from the Town Centre and is an area of predominantly residential premises as identified within the Northampton Local Plan.

4. PLANNING HISTORY

- 4.1** On 22 February 2010 the Council received a complaint regarding the unauthorised change of use of 22 Hester Street from a dwellinghouse to a dwellinghouse and a self-contained basement flat without the benefit of planning permission.
- 4.2** On 23 February 2010 Council Planning Enforcement Officers visited the property and met with the owner. The visit confirmed that an unauthorised change of use had taken place. The owner advised the officers that it was his intention to submit a retrospective planning application to regularise the breach of planning control.
- 4.3** However, despite numerous letters and correspondence with the owner, to date the Council has not received a planning application.
- 4.4** Despite the Council's efforts to resolve the matter, the owner appears to be unwilling to resolve the breach of planning control.

5.1 PLANNING POLICY

5.1 National Policy:

PPS1 - Delivering Sustainable Development

PPS3 – Housing

PPG 18 Enforcing Planning Control

5.2 Local Plan Policy:

H21 – Conversion to flats

H24 - Conversion to flats

6.1 CONSULTATIONS/REPRESENTATIONS

- 6.1** N/A

7. APPRAISAL

- 7.1 The unauthorised change of use of the property to a dwellinghouse and self-contained basement flat has created an over concentration of similar uses in the immediate locality and is therefore detrimental to the character and amenity of the area, contrary to Policy H21 of The Northampton Local Plan.
- 7.2.1 The basement flat is accessed via a steep set of steps and has very limited amount of natural daylight to the habitable areas. This is particularly noticeable in the rear lounge area where the only source of natural daylight is through the obscure glazing to the flat's front door, therefore fails to comply with Policy H24 of the Northampton Local Plan.
- 7.2.2 It is considered that the unauthorised change of use of the dwellinghouse to a dwellinghouse and self contained basement flat has resulted in a very cramped form of development and over intensive use of both the site and building which is unacceptable and contrary to national and local planning policy. The recommendation is consistent with the Council's adopted Planning Enforcement Policy in attempting to remedy the breach of planning control.

8. CONCLUSION

- 8.1 The unauthorised change of use is considered unacceptable due to a loss of amenity to both the people living in the basement flat and nearby residents and is contrary to Policy H21 of the Northampton Local Plan. Therefore the Council should seek to rectify the breach of planning control by way of an enforcement notice requiring the unauthorised use of the basement flat to cease.

9. HUMAN RIGHTS IMPLICATIONS

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

10. LEGAL IMPLICATIONS:

- 10.1 Usual costs will be met from within the existing budget

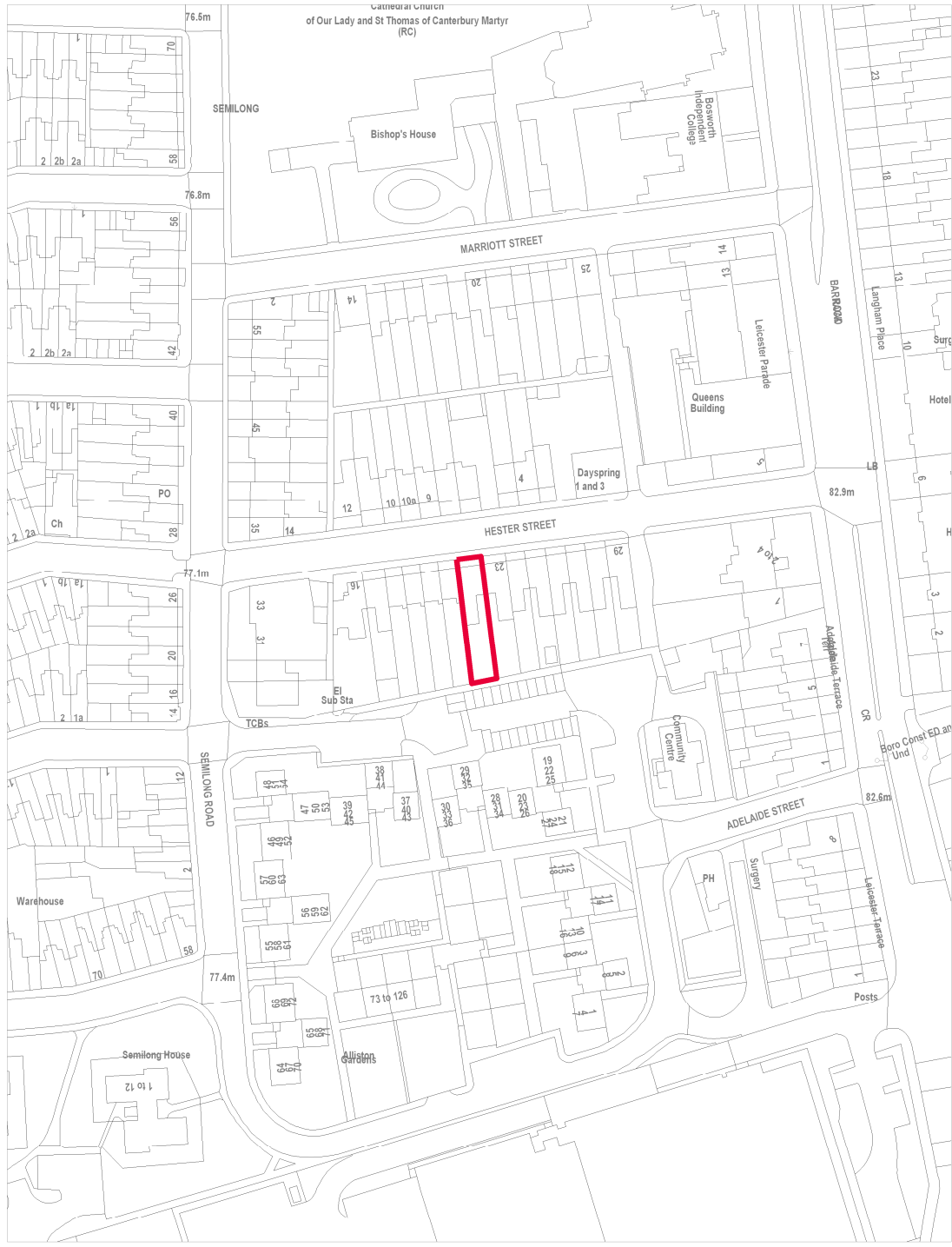
11. BACKGROUND PAPERS

11.1 E/2010/0126

12. Summary and Links to Corporate Plan

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

Position:	Name/Signature:	Date:
Author:	James Willoughby	27 September 2010
Development Control Manager:	Gareth Jones	27 September 2010



Name: SW
 Date: 5th October 2010
 Scale: 1:1250
 Dept: Planning
 Project: Site Location Plan

Title
22 Hester Street

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PLANNING COMMITTEE: 19 October 2010
DIRECTORATE: Planning and Regeneration
HEAD OF PLANNING: Susan Bridge

N/2009/0636: Erection of cultural and recreation centre to include Hindu Temple, Multi-purpose hall, sports facilities, visitor centre and exhibition space, teaching spaces including library, creche, priest's house and six sheltered flats for over 55's. Externally, access, parking, all weather sports pitch and landscaping, including perimeter security fencing at land at Lings Way, Northampton.

WARD: Lumbertubs

APPLICANT: Indian Hindu Welfare Organisation
AGENT: Robert Begley - PHP

REASON: NBC Land ownership

DEPARTURE: No

APPLICATION FOR CONSULTATION BY WNDC:

1. RECOMMENDATION

- 1.1 **No objection** to the proposals subject to a suitable legal agreement that secures community access to the sport facilities and allotments / gardens proposed to the satisfaction of NBC.

WNDC must seek methods of landscaping and layout that mitigate the visual impact of large parking areas to the front of the building and the security fencing proposed.

2. THE PROPOSAL

- 2.1 The full application for a cultural and recreation centre was submitted to WNDC in July 2009 and registered at NBC in August 2009. It is a major application on NBC owned land and constitutes the following components:
- Main assembly and leisure hall

- 6 sheltered housing units for the over-55s
- A priest's dwelling
- Multi-use games area (MUGA)
- Gift shop
- Gym
- Crèche
- Café
- Visitor centre
- Education and conference rooms
- Temple and temple courtyard
- Associated ancillary floorspace (e.g. Atriums, toilets, kitchens, etc)
- 190 car parking spaces and 6 coach spaces.

- 2.2 The 2009 layout totalled 5,732 square metres of internal floorspace. After discussions with various parties through NBC and WNDC, a revised scheme was submitted in July 2010 with a reduced internal floorspace of 4,597 square metres.
- 2.3 The revised (and original) design is a dramatic and distinctive contemporary building borrowing a range of influences from the close continent, the far continents, postmodern architecture and the 'new town' vernacular in the locality of the site.
- 2.4 The main building is a series of spaces and uses interlinked creating an overall footprint measuring 90 metres wide and 70 metres deep. The general average height of the main structure varies around the 10 to 11 metre level, with the sikhara (temple spires) reaching 17 to 18 metres at their highest. The general design is contemporary with flat roofs providing the opportunity for green roofs.
- 2.5 Open space and vegetation that is left outside of the main building and off the car parking areas amounts to 4,400 square metres of meadow, 1,900 square metres of 'roof meadow' (green roof), 2,300 square metres of gardens / allotments and hedgerow planting.
- 2.6 The proposals would be reached via a new access to Lings Way positioned roughly half way along this road frontage that is presently marked by a grass bank preventing unauthorised vehicular access.
- 2.7 In terms of the changes made in the revised submission over the 2009 design, the scheme has reduced in footprint and floorspace, been located further away from the Local Nature Reserve, provided on-site cultivation areas (allotments), altered boundary treatments particularly close to the Nature Reserve aspect and provided a footpath to the nearest bus stop on Lings Way. The general theme of the design has remained largely unchanged.
- 2.8 The revised application is accompanied by a Transport Assessment and Travel Plan, an ecology and biodiversity survey, a design and

access statement supplement and importantly a statement of community use of the proposed facilities.

3. SITE DESCRIPTION

- 3.1 The application site is a triangular plot with approximately 170 metres of frontage on Lings Way running north to south. The land is 150 metres at its deepest and 40 metres deep (west to east) at the southern end of site nearest the current car park.
- 3.2 The land is Borough Council owned and used to be a sports pitch. It was bunded with inert materials around 10 years ago to prevent unauthorised access along the Lings Way frontage. It is now a meadow, loosely maintained and mainly used by dog walkers, as it remains entirely open to pedestrian access.
- 3.3 Lings Wood Nature Reserve is directly to the east of the site where Northamptonshire Wildlife Trust has its main office.
- 3.4 In terms of other neighbouring land there are mature trees in woodland to the north of the site and there is the existing public car park with access to Lings Way to the south. To the west is Lings Way itself, a busy arterial route that separates the site from the Lodge Farm community hub and nearby housing that generally faces away from the site.

4. PLANNING HISTORY

- 4.1 No relevant planning history.

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
PPS9 – Biodiversity and geological conservation
PPG13 - Transport

5.3 Northampton Borough Local Plan

L1 – Existing Recreational Facilities
E20 – New Development
E19 – Implementing Development
H7 - Housing Development Outside Primarily Residential Areas

E18 – Sites of acknowledged nature conservation value
E40 - Crime

- 5.4 **Supplementary Planning Guidance**
Northamptonshire County Parking Standards SPG 2003
Planning out Crime in Northamptonshire SPG 2004

6. CONSULTATIONS / REPRESENTATIONS

- 6.1 **NBC Public Protection** – Noise scheme and noise sensitivity assessment required by conditions. Desktop study of contamination required before commencement of development. A light scheme and refuse storage plan are also required and could both be applied by condition.
- 6.2 **NBC Housing** – Housing for the over-55s should be as per an agreement in the lease already set out by NBC Asset Management Team.
- 6.3 **NBC Tree Officer** – A number of comments through the progression of the scheme resulting in a requirement for tree protection to be controlled throughout any development.
- 6.4 **NBC Asset Team** – Factually indicate their involvement in the long lease and building agreement they have with the IWHO.
- 6.5 **NBC Access Officer** – no objections

7. APPRAISAL

- 7.1 It is first important to outline the exact context and content of the development being proposed in order to understand the planning consideration that should be made.
- 7.2 The proposals are for a recreation, education and worship centre with some components of residential use. Community access to the proposed development is proposed albeit that it would not be free of charge with unfettered public access. The facility is directed at the Hindu community first, with an inherent wider community benefit supporting it as described later in the report.

Principal of development and existing land use

- 7.3 The primary planning consideration arising from the proposal is the loss of the existing leisure space that is clearly of natural and social benefit to the local area.
- 7.4 Policy L1 of the Northampton Local Plan states that permission will not be granted where there is the loss of public or private indoor or outdoor recreational facilities for which there is a need, unless suitable

replacements are provided, or the loss of open space of value, unless the development secures the majority of the site as a facility for sport and recreation.

- 7.5 It is considered that the current site primarily falls into the category of 'open space of value' and partly is an outdoor recreation facility as well. In short, the Policy advises that any development of such land should include compensation of the open space lost and re-provision of recreational facilities. The eastern districts of Northampton are well-served by this type of amenity green space that exists on the site at present and its loss in that regard is not considered unduly adverse.
- 7.6 The NBC Open Space Audit of 2009 indicates various current and projected public open space deficiencies in the eastern Northampton. During pre-determination planning discussions with the applicant, it has been made clear to the applicant by the case officer that this development should take steps to provide some of these facilities and spaces where possible in compensation for building on and occupying the existing meadow.
- 7.7 As a result of these discussions, the development now provides a wider buffer to the Lings Wood Nature Reserve including a relocation of the building and a drawing back of the fencing, sport facilities on the MUGA and in the sports hall that would be made available to the local and wider community at suitable times and costs to be secured and controlled through a section 106 agreement. Similarly, cultivated garden areas (allotments) are now included in an area on the southern part of the site and to be made available to members of the public within the same agreement, the details of which have yet to be negotiated.
- 7.8 The proposed overall scheme, whilst of social significance and of wider benefit to the greater Northampton community, will nonetheless need to be secured from crime and anti-social behaviour and as a consequence the public would not be able to access and circulate around the entire site at will. It is considered that a legal agreement can be achieved to secure the community use of the facilities in a controlled way and this in effect, will overcome the projected loss of the open space as protected by saved Policy L1 of the Local Plan.
- 7.9 In summary, the loss of the current publicly accessible meadow is compensated by the provision of more formal sport facilities, allotments and natural areas, all of which are desirable open space and would offer recreation benefits to the wider public.
- 7.10 The drafting of the terms of a legal agreement by which the community would be able to access to the allotments and recreation facilities has yet to commence in detail. It is recommended that in this regard, the Council should not object to the principal of development providing it is an active party in further negotiations with WNDC and the developer

regarding the contents of a community access strategy to be secured by legal agreement.

Design

- 7.11 The proposed building is a contemporary form of flat roofs punctuated by the temple spires. The design and access statements refer to a range of influences, but the finished proposal has a unique and modern feel that is considered of appropriate form for such a relatively isolated position.
- 7.12 Part of the designer's rationale is that the building is set back close to the backdrop of woodland at a scale that is slightly lower than the surrounding mature trees. This is laudable and it is agreed that the relationship allows the building to merge into its setting, however this does result in the large amount of car parking being positioned between the building and Lings Way. The building will be mainly viewed from Lings Way, therefore, most views of what is a very distinctive and interesting structure will be framed or blocked by a large number of parked cars. This is unfortunate, but it is not considered that this constitutes a reason in itself for an objection to the design.
- 7.13 The proposal will create a landmark structure giving a sense of place and identity that is presently lacking. Removal of the bunding along Lings Way will open up the site and reduce the negative sense of enclosure along this stretch of road. Surrounding the site with a 2.4 metre security fence will detract from the overall appearance and it is advised that WNDC continue to look at solutions to minimise this visual impact.
- 7.14 The layout of the site does little to enhance local pedestrian routes except for the single improved path to the nearby bus stop. However, again there is a balance to be struck in finding the right amount of improvements without compromising security, the proposed footpath solution is considered suitable in this instance.
- 7.15 As a whole, the building's appearance is considered contextual with a strong sense of identity but nonetheless has some shortcomings. These shortcomings, such as the frontage parking, should be highlighted to WNDC, but no overall objections raised.

NBC Consultation Responses

- 7.16 A range of internal consultees at NBC have provided comment and no significant objections have been raised that have not already been addressed or cannot be controlled by planning conditions applied by WNDC. All the comments have already been forwarded to WNDC for its consideration.

Other Matters

- 7.17 It is my understanding that a holding objection from Highways Agency is still in place, but details in the Transport Assessment and Travel Plan have been submitted by the applicant with the aim of overcoming this. This is a matter for WNDC as determining authority to resolve with the two parties and NBC as consultee need not be involved.
- 7.18 Similarly, there were objections from Natural England that have recently been retracted. It is not considered that there are any further ecological matters that need addressing that have not already been discussed between parties.
- 7.19 The six over-55s dwellings proposed do add an element of security to the scheme and are considered commensurate and ancillary to the overall use. Further dwellings on this land, which is protected under saved Policy L1 of the Local Plan, would be unlikely to preserve the public amenity that the land provides. Indeed additional residential development would take open space away and produce their own pressures for amenity space by introducing more residents. The priest house is again clearly ancillary to the function of the temple and considered to be appropriate in scale and kind.

8. CONCLUSION

- 8.1 The proposals are primarily for a recreation and religious development that will go some way to serve community sustainability. It is acknowledged that this is a community hub that will not serve everyone's needs, but more a specialist centre serving a wider community. It is considered that by entering an agreement allowing community access the centre will go some way to it being more closely integrated with all sections of the local community.
- 8.2 The loss of Policy L1 leisure space is unfortunate, but in reality the land is degraded and not of special importance. Replacing the leisure space with publicly available recreation space is suitable compensation and Members are advised not to object to the proposals providing WNDC involve NBC in reaching a robust agreement with the IWHO that enables integrated community access / use of the proposed development.
- 8.3 In short, subject to appropriate controls the allotments and sport facilities would provide an excellent resource to local people greater than the current land resource thereby Policy L1 of the Local Plan is overcome and complied with.
- 8.4 On other matters, WNDC should be advised to seek methods of landscaping and layout that mitigate the visual impact of large parking areas to the front of the building and the security fencing proposed.

9. LEGAL IMPLICATIONS:

9.1 None.

10. BACKGROUND PAPERS

10.1 N/2009/0636

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:	Richard Boyt	6/10/2010
Development Control Manager Agreed:	Gareth Jones	6/10/2010



Name: SW
 Date: 7th October 2010
 Scale: 1:2500
 Dept: Planning
 Project: Site Location Plan

Title
Lings Way

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