

NORTHAMPTON BOROUGH COUNCIL

PLANNING COMMITTEE

Tuesday, 8 February 2011

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

1. APOLOGIES

Apologies for absence were received from Councillor Malpas.

2. MINUTES

The minutes of the meeting held on 11 January 2011 were agreed and signed by the Chair.

3. DEPUTATIONS / PUBLIC ADDRESSES

RESOLVED: (1) That Philip Smith be granted leave to address the Committee in respect of item 10A- N/2009/0762.

(2) That Catherine Ventham be granted leave to address the Committee in respect of item 10B- N/2010/0470.

(3) That Councillor Matthews be granted leave to address the Committee in respect of item 12A- N/2010/1064.

4. DECLARATIONS OF INTEREST

Councillor Matthews declared a Personal and Prejudicial interest in Item 12A-N/2010/1064 as having submitted a letter of objection to the proposal.

Councillor Church declared a Personal and Prejudicial interest in Item 12A-N/2010/1064 as a Board Member of WNDC and member of WNDC's Northampton Planning Committee.

Councillor Woods declared a Personal and Prejudicial interest in Item 12A-N/2010/1064 as a Board Member of WNDC and substitute member of WNDC's Northampton Planning Committee.

Councillor Meredith declared a Personal and Prejudicial interest in Item 12A-N/2010/1064 as a substitute member of WNDC's Northampton Planning Committee.

Councillor Church declared a Personal and Prejudicial interest in Item 9A-N/2010/0904 as being the Portfolio Holder for Planning and Regeneration and having been closely involved with the Market Square Project.

Councillor Hawkins declared a Personal Interest in all the development control items on the agenda as a member of the Council for British Archaeology.

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 reported that since publication of the agenda the Council had received notice that the appeal in respect of N/2010/0528 had been allowed by an Inspector. Furthermore, notice had been received of Public Enquiries to be held for an appeal against the refusal of a grant of a Certificate of Lawfulness at Nene Valley Retail Park and objections to a Footpath Diversion Order at the former British Timken Site: the latter Public Enquiry to be held on 12 July.

RESOLVED: That the report be noted.

7. OTHER REPORTS

(A) DEVELOPMENT CONTROL PERFORMANCE; QUARTERS 1,2 AND 3 (2010-11)

The Head of Planning submitted a report that set out Development Control and Enforcement performance for the first three quarters of 2010-11 and elaborated thereon. In answer to a question the Head of Planning commented that the rise in enforcement cases had been partly due to a period of sickness and partly due to the volume and complexity of them. Future reports would include a breakdown of enforcement cases by priority.

RESOLVED: That the report be noted and that the Planning Officers be congratulated upon the performance achieved.

8. NORTHAMPTONSHIRE COUNTY COUNCIL APPLICATIONS

None.

9. NORTHAMPTON BOROUGH COUNCIL APPLICATIONS

(A) N/2010/0904- 9 BANNERS TO REPLACE EXISTING (REVISED SCHEME FOR N/2009/0499)- OPEN MARKET, MARKET SQUARE

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

The Head of Planning submitted a report in respect of application number N/2010/0904 elaborated thereon, and referred to the Addendum that set out an amended reason for approving the application should the Committee be minded to do so. In answer to a question, the Head of Planning stated that English Heritage had not been consulted on this application and had not asked to be so.

The Committee discussed the application.

RESOLVED: That the application be approved subject to conditions (including limiting the permission to a period of 9 months) as by reason of their siting and design, the proposed banners would not have a significant impact on amenity or public safety and would preserve the character and appearance of the All Saints Conservation Area, would comply with Policy E26 of the Northampton Local Plan and advice in PPS 5 and PPG19.

10. ITEMS FOR DETERMINATION

(A) N/2009/0762- RESIDENTIAL DEVELOPMENT INCLUDING THE DEMOLITION OF 55 BERRY LANE, OUTLINE APPLICATION- LAND TO REAR OF 51-65 BERRY LANE WOOTTON

The Head of Planning submitted a report in respect of application number N/2009/0762 and elaborated thereon. In answer to questions the Head of Planning commented that should bats be found at 55 Berry Lane specialist advice and help would be sought in respect of their removal to a suitable alternative habitat, proposed condition 4 related to this; Environmental Health had had made no comments on this application; that although the density requirements of PPS3 had been rescinded Councils were still required to consider the “efficient and effective” use of land; and the County Archaeology Service had not expressed an interest in the application site either previously or currently.

Philip Smith, the Agent on behalf of the Applicant, supported the Head of Planning’s report. He noted that the application was similar to the application submitted in 2007, the main difference being the acquisition of a further strip of land. The site was not publically accessible, it was unused and separated from other areas of green space. Many of the issues had been resolved in the context of the previous application; flood mitigation had been agreed with the Environment Agency and noise, pollution and environmental impact studies all undertaken. Highways had approved the access to the site there being no viable alternative.

The Committee discussed the application.

RESOLVED: That the application be approved in principle subject to the following:

(1) Environmental Health being reconsulted upon the application and, if necessary, the Head of Planning be delegated authority to add any further appropriate conditions.

(2) Prior finalisation of a S106 agreement to secure:-

- The provision of a minimum of 35% affordable housing within the site.

- 10% of the total units on the site to be mobility units.
- A contribution towards education provision.
- A payment for the necessary administrative, legal and works costs for the changes to the Traffic Regulation Order adjacent to the site.
- A management plan, including management responsibilities and maintenance schedules, for the public open space and all external and shared/common areas of the development.

(3) The planning conditions set out in the report;

As the proposed development would have no undue detrimental impact on the amenities of neighbouring occupiers as adequate separation can be provided to prevent any overlooking and overshadowing and would be in keeping with the character and appearance of the area due to the density of development proposed. The proposal complies with Policy E6 in that the development would not unacceptably prejudice the function of the wider area of green space in providing green space around the built up area of Northampton. The proposal would also help in meeting the requirement of housing provision as identified in the Regional Spatial Strategy and in line with the growth agenda for West Northamptonshire. The development would therefore be in line with the Policies H6, H17, H32, E20, E40 of the Northampton Local Plan and the advice contained in PPS1 (Delivering Sustainable Development), PPS3 (Housing) and PPG13 (Transport) and PPS 25 (Development and Flood Risk).

(B) N/2010/0470- ERECTION OF 8 APARTMENTS AND 21 HOUSES AND ASSOCIATED ROADS, CAR PARKING, OPEN SPACE AND LANDSCAPING AND ENABLING ANCILLARY WORKS- LAND AT WOOTTON TRADING ESTATE OFF NEWPORT PAGNELL ROAD

The Head of Planning submitted a report in respect of application number N/2010/0470 elaborated thereon, and referred to the Addendum that set out an additional condition in respect of plots 22 to 25. In answer to a question, the Head of Planning noted that any archaeological interest was conditioned.

Catherine Ventham, Agent for the Applicant, Orbit Homes, commented that the development would provide 100% social housing and would therefore have a beneficial effect upon the Council's housing waiting list and would provide local people with local homes. The scheme would be funded by DCLG. In answer to a question Catherine Ventham stated that the legal agreement had not yet been completed but she believed that Orbit Homes would not have an objection in principle to the Council having nomination rights beyond the initial allocation of homes.

The Head of Planning noted that the general principles of development, had been established through a previous planning application which had a similar layout and relationship with neighbours.

The Committee discussed the application.

RESOLVED: That the application be approved in principle subject to:

- (1) The prior finalisation of a Section 106 Agreement to secure:
 - The provision of 100% affordable housing
 - The long term maintenance of on site open space
 - The long term maintenance of the access roads and their availability for general use
- (2) The planning conditions set out in the report;

As the proposal would represent the efficient use of land and due to its siting, layout and design 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, PPS23- Pollution Control, PPG13 - Transport, PPG24 - Noise and Policies E20, E40 and H6 of the Northampton Local Plan.

11. ENFORCEMENT MATTERS

None.

12. APPLICATIONS FOR CONSULTATION

(A) N/2010/1064- ERECTION OF 176 DWELLINGS, ROADS AND SEWERS AND ASSOCIATED OPEN SPACE- LAND OFF BANBURY LANE, PINEHAM

Councillors Church, Meredith and Woods left the meeting in accordance with their earlier declarations of interest.

The Head of Planning submitted in respect of application number N/2010/1064 elaborated thereon, and referred to the Addendum which noted that air quality and updated noise reports had now been received and set out WNDC's informal response to the Committee's proposed decision. In answer to a question the Head of Planning commented that as the proposal was for a full planning permission the design features of the scheme had been agreed by negotiation between the applicant and WNDC Planning Officers.

Councillor Matthews as Ward Councillor commented that the scheme had raised many concerns with residents. There was poor provision for young people; facilities for older children were needed. The proposed play area was bounded by Wootton Brook with a sharp fall to it. The Brook was already prone to flooding and if all the planning permissions in the vicinity were enacted then the flooding characteristics of the Brook could be changed. He noted that development of plots 100 and 150 at Swan Valley had been overturned on appeal. He also commented that the road layout did not allow for a bus terminus and as the development was for affordable housing better bus services were required.

Councillor Matthews left the meeting in accordance with his earlier declaration of

interest.

The Head of Planning reminded the Committee that some planning powers would revert to the Council from WNDC as from 6 April 2011, although the details had yet to be confirmed by DCLG. It was possible that the Committee would determine the application and therefore members needed to be aware that any following discussion of the application did not fetter their ability to determine it in the future.

RESOLVED: That although the Council supports the principle of the residential development of the site, there remained a number of outstanding issues. Therefore the Council raise a holding objection until the following matters are resolved/ secured:

- Conditions relating to contamination are applied.
- Concerns relating to air quality and noise are fully resolved.
- Concerns relating to tree protection are resolved.
- 10% of all dwelling units are to be constructed to NBC's mobility standard. 35% of all dwellings to be affordable with 70% committed for social rented housing and 30% for Low Cost Home Ownership.
- The future maintenance of open space must be agreed with NBC and secured by legal agreement.
- Opportunities to improve bus, cycle and pedestrian links are fully investigated and secured as appropriate.

The meeting concluded at 20.05 hours.