



NORTHAMPTON
BOROUGH COUNCIL

PLANNING AGENDA

Tuesday, 9 April 2013

The Jeffrey Room, St. Giles Square, Northampton,
NN1 1DE.

6:00 pm

Members of the Committee

Councillor: Penny Flavell (Chair), Councillor Matthew Golby (Deputy Chair)

Councillors: Geraldine Davies, Mike Hallam, Stephen Hibbert, Jamie Lane, Matthew Lynch, Lee Mason, Dennis Meredith, Brian Oldham, David Palethorpe and Mohammad Aziz Rahman

Chief Executive David Kennedy

If you have any enquiries about this agenda please contact
democraticservices@northampton.gov.uk or 01604 837722

PLANNING COMMITTEE

AGENDA

Meetings of the Planning Committee will take place at 6.00pm on 7 May, 11 June, 1 July, 30 July, 3 September, 1 October, 29 October, 26 November and 17 December 2013, 14 January, 11 February, 4 March, 8 April, 6 May, 10 June, 1 July and 29 July 2014.

The Council permits public speaking at the Planning Committee as outlined below:

Who Can Speak At Planning Committee Meetings?

- Up to 2 people who wish to object and up to 2 people who wish to support an individual planning applications or any other matter on the public agenda.
- Any Ward Councillors who are not members of the Planning Committee. If both Ward Councillors sit on the Planning Committee, they may nominate a substitute Councillor to speak on their behalf.
- A representative of a Parish Council.

How Do I Arrange To Speak?

- Anyone wishing to speak (not including Ward Councillors who must let the Chair know before the start of the meeting) must have registered with the Council's Democratic Services section not later than midday on the day of the Committee.
NB: the Council operate a 'first come, first serve' policy and people not registered to speak will not be heard. If someone who has registered to speak does not attend the meeting their place may be relocated at the discretion of the Chair.

Methods of Registration:

- By telephone: 01604 837722
- In writing to: Northampton Borough Council, The Guildhall, St. Giles Square, Northampton , NN1 1DE, Democratic Services (Planning Committee)
- By email to: democraticservices@northampton.gov.uk (if no acknowledgement is received please telephone)

When Do I Speak At The Meeting

- A Planning Officer may update the written committee report then those registered to speak will be invited to speak.
- Please note that the planning officer can summarise issues after all the speakers have been heard and before the matter is debated by the Planning Committee Members and a vote taken.

How Long Can I Speak For?

- All speakers are allowed to speak for a maximum of three minutes.

Other Important Notes

- Speakers are only allowed to make statements – they may not ask questions or enter into dialogue with Councillors, Officers or other speakers.
- Consideration of an application will not be delayed simply because someone who is registered to speak is not in attendance at the time the application is considered
- Confine your points to Planning issues: Don't refer to non-planning issues such as private property rights, moral issues, loss of views or effects on property values, which are not a material consideration on which the decision will be based.
- You are not allowed to circulate new information, plans, photographs etc that has not first been seen and agreed by the Planning Officers
- Extensive late representations, substantial changes, alterations to proposals etc. will not be automatically accepted, due to time constraints on Councillors and Officers to fully consider such changes during the Planning Committee Meeting.

NORTHAMPTON BOROUGH COUNCIL

PLANNING COMMITTEE

Your attendance is requested at a meeting to be held:
in The Jeffrey Room, St. Giles Square, Northampton, NN1 1DE.

on Tuesday, 9 April 2013

at 6:00 pm.

D Kennedy
Chief Executive

AGENDA

1. **APOLOGIES**
2. **MINUTES**
3. **DEPUTATIONS / PUBLIC ADDRESSES**
4. **DECLARATIONS OF INTEREST/PREDETERMINATION**
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)

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/2012/1281- SINGLE STOREY FRONT PORCH EXTENSION, FIRST FLOOR BALCONY/TERRACE TO REAR, AND DETACHED DOUBLE GARAGE (AS AMENDED BY REVISED PLANS RECEIVED ON 14 FEBRUARY AND 19 MARCH 2013) AT 5 BELFRY LANE, COLLINGTREE PARK, NORTHAMPTON**

Report of Head of Planning
(copy herewith)

Ward: East Hunsbury

**(B) N/2013/0161- APPLICATION TO EXTEND TIME LIMIT FOR
IMPLEMENTATION OF PLANNING PERMISSION N/2008/0502 FOR
PROPOSED BOAT RESTAURANT, BAR AND ASSOCIATED ACCESS AT
LAND AT MIDSUMMER MEADOW**

Report of Head of Planning
(copy herewith)

Ward: St Crispin

11. ENFORCEMENT MATTERS

None

12. ITEMS FOR CONSULTATION

None

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.”

Agenda Item 2

NORTHAMPTON BOROUGH COUNCIL

PLANNING COMMITTEE

Tuesday, 5 March 2013

PRESENT: Councillor Flavell (Chair); Councillor Golby (Deputy Chair);
Councillors Aziz, Hibbert, Lynch, Mason, Oldham and Palethorpe

1. APOLOGIES

Apologies for absence were received from Councillors Davies, Hallam and Lane.

2. MINUTES

The minutes of the meeting held on 12 February 2013 were agreed and signed by the Chair.

3. DEPUTATIONS / PUBLIC ADDRESSES

RESOLVED: That Mr Hofford be granted leave to address the Committee in respect of Item 7a Recommended Final Disposal of Applications N/2007/1161, N/2007/1344, N/2008/1036, N/2008/1256 and N/2009/0187.

That Councillor Markham and Messrs J. Miah, Rahman and Clift be granted leave to address the Committee in respect of application no. N/2012/0904.

That Mr Rawlings and Councillor Larratt be granted leave to address the Committee in respect of application no. N/2012/1211.

That Mr Rawlings and Councillor Larratt be granted leave to address the Committee in respect of application no. N/2012/1212.

That Councillor Hill and Mr Brice be granted leave to address the Committee in respect of application no. N/2012/1281.

4. DECLARATIONS OF INTEREST/PREDETERMINATION

Councillor Hibbert declared predetermination of item 9A N/2013/0102- Installation of Air Source Heat Pumps at 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, & 30 Lodge Avenue, Collingtree as being the Assistant Cabinet Member for Housing.

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) RECOMMENDED FINAL DISPOSAL OF APPLICATIONS:
N/2007/1161, N/2007/1344, N/2008/1036, N/2008/1256 AND N/2009/0187**

The Head of Planning submitted a report and elaborated thereon.

Mr Hofford, in respect of N/2008/1256 asked that this planning consent be extended to assist with the marketing of the site. He commented that it had been his father who had originally obtained the planning permission but he had died the previous year following a long illness and had not been able to act upon it. In answer to questions Mr Hofford commented that the family had not previously responded to correspondence about the issue as they had been dealing with their father's illness and that they had had little contact with Mr Kilsby, their agent, over the same period for the same reason.

The Head of Planning commented that he was sympathetic to Mr Hofford's situation however, a considerable length of time had transpired and the NPPF was now in place that meant all developments had to be assessed against a new policy context. The market was different today from that four years ago and so a scheme would be likely to be different and in any case a new flood risk impact assessment would be required. The Head of Planning further stated all the applications detailed in the report would need to be the subject of new planning applications so that they could be assessed against the new policy context that was now in place.

The Committee discussed the report.

RESOLVED: That planning applications N/2007/1161, N/2007/1344, N/2008/1256 and N/2009/0187 be "finally disposed of" under the provisions of the 2010 Development Management Procedure Order as set out in the report.

8. NORTHAMPTONSHIRE COUNTY COUNCIL APPLICATIONS

None.

10. ITEMS FOR DETERMINATION

(A) N/2012/0904- TWO STOREY SIDE EXTENSION, SINGLE STOREY FRONT AND REAR EXTENSIONS AND ERECTION OF FRONT CANOPY (AS AMENDED BY REVISED PLAN RECEIVED ON 31 JANUARY 2013) AT 1 WHITTLEBURY CLOSE

The Head of Planning submitted a report in respect of application no. N/2012/0904, elaborated thereon and referred to the Addendum that noted the receipt of revised plans on 11 February 2013 and an amended proposed Condition 2.

Councillor Markham stated that she was opposed to the application; she believed that it was overbearing and out of scale with neighbouring properties; it represented overdevelopment with a loss of garden space with a knock on effect upon climate change and wildlife; and was out of character with the properties in Whittlebury Close. She also stated that parking was an issue; either parked cars or those passing them had to mount the pavement. Councillor Markham was aware that the applicant lived at number 9 Whittlebury Close where there were already issues of parking and felt that the applicant was over optimistic that four vehicles could be parked within the site. She believed that the parking issues compromised highway safety. Councillor Markham noted that the Localism Act transferred powers to Local Authorities to act on behalf of local communities and made reference to the Article 4 Direction and further noted that the applicant owned several other properties in the area that were being used not to the best interests of the local community.

Mr Clift, on behalf of some residents in Hinton Road and Whittlebury Close, commented that they objected to the application as it extended beyond the building line in Hinton Road and were concerned that it would set a precedent. Residents also had concern that a first floor extension could be added to the ground floor extension at some point in the future. Mr Clift concurred with the previous comments in respect of parking and expressed concerns that the property could be used for multi occupancy. Mr Clift noted that the applicant would need an access agreement with 3 Whittlebury Close for any works on the boundary but so far no approach had been made. He hoped that the Committee would refuse the application. In answer to a question Mr Clift commented that the parking problems generally in Whittlebury Close had been reported to the Police who had suggested referral to the Highway Authority who in turn had proposed that double yellow lines be provided. Residents were encouraged to park within the curtilage of their properties.

Mr J Miah, the applicant and property owner, commented that he currently lived at 9 Whittlebury Close which was owned by his brother. He was getting married later in the year and wanted to move into 1 Whittlebury Close and wanted to make it comfortable. He had taken advice and met with planning officers and reduced the scale of his original proposals. He did not believe that parking was an issue as four parking spaces would be provided within the site; he had not been approached by residents about his plans; did not believe that his application was out of scale; and that he would not need an agreement with his neighbours at 3 Whittlebury Close as he was not developing up to the boundary. Mr Miah noted that any further extensions would require separate planning consent and he would be happy to discuss his plans with the neighbours. In answer to questions Mr Miah agreed that his brother had been the person that had supported the application in respect of the consultation responses and that the current tenants of 1 Whittlebury Close would be vacating the property to allow the works to take place.

Mr Rahman, the agent, commented that the property was not going to be used as a HIMO. Part of the proposal was to create a 16' x 11' lounge that would not be found in a HIMO. He believed that there was sufficient parking within the curtilage of the site and the extensions were essentially being built on the existing footprint of the garage and conservatory. He commented that the original scheme had been scaled down as a result of objections and that any future first floor extension would require a separate planning consent. Mr Miah should be able to make the property suitable for his needs. Mr Rahman restated that the property was not going to be used as a HIMO and that Mr Miah would be happy to accept a condition to prevent development of a HIMO. In answer to a question Mr Rahman commented that the applicant did not feel that provision of a garage was necessary; many garages across the country were being converted for other use.

The Head of Planning commented that the HIMO situation was covered by the Article 4 Direction; any change of use would require planning permission: in respect of the building line, which was a notional concept in any case, the ground floor extension would extend beyond it as did the existing conservatory that would be replaced and would be mostly screened by the boundary fencing and was felt in this case to be acceptable as set out in the report. In respect of the boundary issues the applicant would have to have regard to the Party Wall Act. In answer to questions the Head of Planning noted that it would be possible to issue an informative with any planning consent reminding the applicant that any change of use would require planning consent; that there would be no direct overlooking of the neighbour's property from the two storey side extension and confirmed that in this instance the extension beyond the building line as it would be mostly hidden was considered to be acceptable.

The Committee discussed the application.

Councillor Palethorpe proposed and Councillor Aziz seconded "That the application be approved as set out in paragraph 1.1 of the report as amended by the Addendum."

Upon a vote the motion was lost.

Councillor Golby proposed and Councillor Mason seconded "That consideration of the application be deferred so as to allow further discussions between the Applicant and Officers in respect of the Committee's concerns."

Upon the casting vote of the Chair the motion was lost.

Councillor Hibbert proposed and Councillor Oldham seconded "That the application be refused as:

- (1) The proposed development, by reason of design and siting, would create an unacceptable overlooking and overbearing effect to adjoining properties detrimental to visual and residential amenity contrary to Policies H18 and E20 of the Northampton Local Plan.
- (2) The proposed development would result in the removal of the existing garage and the reduction in the number of parking spaces available to serve the

occupiers of the existing dwelling. This would lead to the increase in demand of on-street parking detrimental to highway safety contrary to Policy H18 of the Northampton Local Plan.”

Upon a vote the motion was carried.

RESOLVED: That the application be refused as:

- (1) The proposed development, by reason of design and siting, would create an unacceptable overlooking and overbearing effect to adjoining properties detrimental to visual and residential amenity contrary to Policies H18 and E20 of the Northampton Local Plan.
- (2) The proposed development would result in the removal of the existing garage and the reduction in the number of parking spaces available to serve the occupiers of the existing dwelling. This would lead to the increase in demand of on-street parking detrimental to highway safety contrary to Policy H18 of the Northampton Local Plan.

(E) N 2012/1281 - SINGLE STOREY FRONT PORCH EXTENSION, FIRST FLOOR BALCONY/TERRACE TO REAR & DETACHED TRIPLE GARAGE WITH STUDY ABOVE AT 5 BELFREY LANE, COLLINGTREE PARK

The Head of Planning submitted a report in respect of application no. N/2012/1281, elaborated thereon and referred to the Addendum that set out a representation from a resident of Belfry Lane and the Officer response thereto.

Councillor Hill, as Ward Councillor, commented that residents did not object to the balcony terrace or the front canopy elements of the application but did object to the triple garage element of it. 5 Belfry Lane had a comparatively narrow frontage. The next door neighbour at number 7 had a much wider frontage. All the properties in Belfry Lane were set back on their plots with long vistas along the lane; the garage would be prominent and he believed contrary to policies E20 and H18 of the Northampton Local Plan. He believed that the garage element represented an overdevelopment of the site and noted that the case officer had originally recommended refusal of the application.

Mr Brice as Chairman of Collingtree Parish Council, commented that the Parish Council did not usually make observations on planning applications but had decided to in this instance. This vicinity was characterised by large houses with large plots. The Parish Council had had some concerns about the balcony element of the proposal in respect of overlooking but felt that the proposed garage was too prominent. They also believed that its positioning was close to or over some existing flood drainage measures and reminded the Committee that the area had flooded several times since 1998. He asked that the Committee either refuse the application or defer it to allow changes to be made to the application. Mr Brice queried that if the application was originally to be refused but was now recommended for approval who arbitrated.

The Head of Planning commented that in respect of the recommendation set out in the report that was what the Committee had to consider. It was true that the case officer had had some reservations but on balance the application was presented for approval and reminded the Committee that they had to consider the application as a whole. In respect of the comments made about drainage the Applicant would also need Building Regulation approval and in answer to a question the Head of Planning stated that the garage block would be 9 metres from the front of the house and 8 metres from the front boundary.

The Committee discussed the application.

Councillor Golby proposed and Councillor Palethorpe seconded "That consideration of the application be deferred so as to allow the Officers to discuss with the Applicant the garage element of the application in terms of its inclusion as an element of the application, its proposed size and location within the plot."

RESOLVED: That consideration of the application be deferred so as to allow the Officers to discuss with the Applicant the garage element of the application in terms of its inclusion as an element of the application, its proposed size and location within the plot.

(B) N/2012/1211- APPLICATION FOR APPROVAL OF RESERVED MATTERS OF OUTLINE APPLICATION 11/0053/OUTWNN (N/2011/0865) FOR A WAREHOUSE DISTRIBUTION DEVELOPMENT WITH ASSOCIATED INFRASTRUCTURE AND LANDSCAPING AT UNIT 1. SITE NORTH OF FORMER CATTLEMARKE T, LILIPUT ROAD

The Head of Planning submitted a report in respect of application no. N/2012/1211, elaborated thereon and referred to the Addendum that set out further correspondence on behalf of the Applicant, the Officer's response thereto and an amended proposed condition 4.

Councillor Larratt, as the Ward Councillor commented that he supported the objections of Great Houghton Parish Council and the residents. Their main concern was noise especially as the building had been turned to face Great Houghton. He was aware that Environmental Health were already investigating late night lorry noise issues relating to other units. He concurred with the views of Environmental Health set out in the report. Councillor Larratt considered that the proposed wording of condition 4 set out in the Addendum was not as robust as the original set out in the report. Councillor Larratt asked that if the Committee were minded to approve the application that the ongoing maintenance of the noise attenuation works be made to be in perpetuity.

Mr Rawlings, as Agent on behalf of the applicant commented that Dascher would, if the application were approved, be able to relocate from three existing sites on Brackmills to this one. This proposal represented a £25m investment by Dascher together with the creation of additional jobs and would release 100,000sq foot of space on Brackmills to other potential users. The site would become Dascher's UK headquarters. This application was for a building a third smaller, in terms of square footage, than the proposal granted outline consent. It was also lower and the office element had been doubled in size to 20,000sq foot. Mr Rawlings commented that Great Houghton Parish Council and residents had been consulted including from the

outline consent stage and noted that the NPPF provided support for sustainable economic development. If approved, the applicant intended to start work onsite in June or July 2013. Mr Rawlings hoped that the Committee would approve the application. In answer to questions Mr Rawlings commented that the applicant intended to maintain the noise attenuation measures together with the bunding and native planting; that the dual aspect of the main building was necessary as its main function was as a goods transmission centre; that the colour blue to be used was the applicant's corporate colours; that the applicant's business plan provided for an increase in jobs of 35% over five years- many of these to be office based; confirmed that the applicants had attended Great Houghton Parish Council meetings at outline stage and since and corresponded with them; and confirmed that he had had experience of similar noise attenuation schemes elsewhere- the design put the operation inwards facing with other measures on the boundary. He noted that Condition 4 regulated this and that ultimately Environmental Health would monitor it.

The Head of Planning noted that proposed condition 3 required the ongoing maintenance of noise mitigation measures and noted that the revised condition 4 set out in the Addendum provided for Environmental Health to agree a Night Noise Management Plan and noted that the condition could be amended to include, in the sixth line, reversing sirens.

The Committee discussed the application.

RESOLVED: That the application be approved in principle subject to the conditions set out in the report and amended by the Addendum and above and the matters in paragraph 1.2 below as the details submitted accord with the parameters for the development that were approved at outline stage under application reference (11/0053/OUTWNN). The appearance of the development was considered to be acceptable and the visual impact of the development could be adequately mitigated through the structural landscaping proposed. The scale of the building was substantially lower than the maximum parameters agreed at outline stage and tested through the Environmental Impact Assessment. The layout of the proposal was acceptable in terms of highway safety and, whilst concerns have been expressed regarding the potential for noise and disturbance in relation to residential properties in Great Houghton it was considered that the mitigation measures proposed and the imposition of appropriate conditions would ensure that there would be no adverse impact resulting from the scheme. Therefore, the details submitted were acceptable in relation to saved policies E1, E6, E9, E14, E20, E40 and T12 of the Northampton Local Plan and the principles of the National Planning Policy Framework.

- 1.2 As the statutory consultation period did not expire until 12th March 2013, the final decision on the application be delegated to the Head of Planning providing that no material considerations additional to those presented to the Committee were raised within this timescale.

(C) N/2012/1212- APPLICATION FOR APPROVAL OF RESERVED MATTERS OF OUTLINE APPLICATION 11/0053/OUTWNN (N/2011/0865) FOR A WAREHOUSE AND DISTRIBUTION DEVELOPMENT WITH ASSOCIATED INFRASTRUCTURE AND LANDSCAPING UNIT 2. SITE NORTH OF FORMER CATTLEMARKE T, LILIPUT ROAD

The Head of Planning submitted a report in respect of application no. N/2012/1212, elaborated thereon and referred to the Addendum that set out further correspondence on behalf of the Applicant, the Officer's response thereto and an amended proposed condition 4.

Councillor Larratt, as the Ward Councillor commented that he supported the objections of Great Houghton Parish Council and the residents. Their main concern was noise and he was aware that Environmental Health were already investigating late night lorry noise issues relating to other units. He concurred with the views of Environmental Health set out in the report. Councillor Larratt considered that the proposed wording of condition 4 set out in the Addendum was not as robust as the original set out in the report. Councillor Larratt asked that if the Committee were minded to approve the application that the ongoing maintenance of the noise attenuation works be made to be in perpetuity.

Mr Rawlings, as Agent on behalf of the applicant commented that Dascher would, if the application were approved, lease this unit to another user. Mr Rawlings commented that Great Houghton Parish Council and residents had been consulted including from the outline consent stage and noted that the NPPF provided support for sustainable economic development. Mr Rawlings hoped that the Committee would approve the application. In answer to questions Mr Rawlings commented that the applicant intended to maintain the noise attenuation measures together with the bunding and native planting; confirmed that the applicants had attended Great Houghton Parish Council meetings at outline stage and since and corresponded with them; and confirmed that he had had experience of similar noise attenuation schemes elsewhere. He noted that Condition 4 regulated this and that ultimately Environmental Health would monitor it.

The Head of Planning noted that proposed condition 3 required the ongoing maintenance of noise mitigation measures and noted that the revised condition 4 set out in the Addendum provided for Environmental Health to agree a Night Noise Management Plan and noted that the condition could be amended to include, in the sixth line, reversing sirens.

The Committee discussed the application.

RESOLVED: That the application be approved in principle subject to the conditions set out in the report and amended by the Addendum and above and the matters in paragraph 1.2 below as the details submitted accord with the parameters for the development that were approved at outline stage under application reference (11/0053/OUTWNN). The appearance of the development was considered to be acceptable and the visual impact of the development could be adequately mitigated through the structural landscaping proposed. The scale of the building was substantially lower than the maximum parameters agreed at outline stage and tested through the Environmental Impact

Assessment. The layout of the proposal was acceptable in terms of highway safety and, whilst concerns have been expressed regarding the potential for noise and disturbance in relation to residential properties in Great Houghton it was considered that the mitigation measures proposed and the imposition of appropriate conditions would ensure that there would be no adverse impact resulting from the scheme. Therefore, the details submitted were acceptable in relation to saved policies E1, E6, E9, E14, E20, E40 and T12 of the Northampton Local Plan and the principles of the National Planning Policy Framework.

1.2 As the statutory consultation period did not expire until 12th March 2013, the final decision on the application be delegated to the Head of Planning providing that no material considerations additional to those presented to the Committee were raised within this timescale.

(D) N/2012/1271- CONSTRUCTION OF NEW CAR DEALERSHIP INCLUDING TWO STOREY SHOWROOM, MOT WORKSHOP AND ANCILLARY BUILDING, VALET BUILDING AND CAR PARKING AREAS AT CAROUSEL WAY, NORTHAMPTON.

The Head of Planning submitted a report in respect of application no. N/2012/1271, elaborated thereon and referred to the Addendum that set out an additional condition 10 in respect of noise control.

The Committee discussed the application.

RESOLVED: That the application be approved in principle subject to the conditions set out in the report and as amended by the Addendum as the proposed development would have a neutral impact upon visual amenity and highway safety and would result in the appropriate commercial development of a vacant site and therefore complied with the requirements of the National Planning Policy Framework and Local Policies E20, E40 and R15.

(F) N/2013/0047- CHANGE OF USE FROM AMENITY LAND TO PRIVATE GARDEN INCLUDING ERECTION OF FENCING 1.8M HIGH TO THE FRONT SIDE AND REAR OF LAND ADJACENT TO 36 BOOTH MEADOW COURT.

The Head of Planning submitted a report in respect of application no. N/2013/0047 and elaborated thereon.

In answer to a question, the Head of Planning commented that the planting shown on the aerial photograph was the existing.

The Committee discussed the application.

RESOLVED: That the application be approved subject to the conditions set out in the report as the proposed development would not adversely affect the character of the street scene or residential amenity and was

considered to be acceptable and in accordance with Policy E20 of the Northampton Local Plan and the NPPF.

(G) N/2013/0048- ERECTION OF 15NO. DWELLINGS COMPRISING OF 11NO. DWELLING HOUSES AND 4NO. SELF CONTAINED APARTMENTS INCLUDING ASSOCIATED LANDSCAPING AND PARKING (RE-SUBMISSION OF PLANNING APPLICATION N/2012/0987) AT FORMER MORRIS MAN PUBLIC HOUSE, WITHAM WAY, KINGS HEATH

The Head of Planning submitted a report in respect of application no. N/2013/0048, elaborated thereon and referred to the Addendum which set out representations from Northamptonshire Police's Crime Prevention Design Advisor and the officer response thereto.

The Committee discussed the application.

RESOLVED: That the application be approved in principle subject to the conditions set out in the report and the matters in paragraphs 1.2, 1.3 and 1.4 below as the proposed development would result in the effective reuse of this vacant site and would have a neutral impact upon visual and neighbour amenity and highway safety. The proposal was therefore compliant with the requirements of the National Planning Policy Framework and Local Plan Policies E20, E40 and H6.

1.2 As the statutory consultation period did not expire until 14th March, the final decision on the application be delegated to the Head of Planning providing that no material considerations additional to those presented to the Committee were raised within this timescale.

1.3 The prior completion of a Section 106 Legal Agreement covering the following Heads of Terms:

- (i) 35% affordable housing on-site
- (ii) A payment for the provision of primary school education facilities
- (iii) Training opportunities for construction workers and associated administration costs
- (iv) The Council's monitoring fee.

1.4 That in the event of the Section 106 Legal Agreement not being completed within three calendar months of the Committee meeting, and in addition to being able to grant planning permission as recommended above, the Head of Planning be given delegated authority to either refuse or finally dispose of the application (at their discretion) on account of the necessary mitigation measures not having been secured in order to make the proposal acceptable in line with the requirements of Northampton Local Plan Policy E19 and the National Planning Policy Framework.

(H) N/2013/0109- APPLICATION FOR NON-MATERIAL AMENDMENT FOLLOWING PLANNING PERMISSION N/2012/0314 - APPLICATION FOR

NON MATERIAL AMENDMENT FOLLOWING PLANNING PERMISSION N/2012/0314 FOR NEW BUS INTERCHANGE- MINOR MODIFICATIONS INCLUDING AMENDED KERB AND EXTERNAL WALL POSITIONS AND ALTERATIONS TO BOTH THE FACILITY MANAGEMENT OFFICES AND TOILET FACILITIES AT SHEEP STREET AND BRADSHAW STREET.

The Head of Planning submitted a report in respect of application no. N/2013/0109 and elaborated thereon.

In answer to questions the Head of Planning confirmed that one of the pedestrian crossings across Sheep Street had been removed from the scheme on the advice of the Highway Authority and that there were no proposed alterations in respect of bus manoeuvres.

The Committee discussed the application.

RESOLVED: That the application be approved as the proposed amendments were considered to be non-material and would not have any undue impact on visual amenity and highway safety.

(I) N/2013/0114- VARIATION OF CONDITION 11 OF PLANNING PERMISSION 10/0077/FULWNN (CONSTRUCTION OF FACILITIES BUILDING) TO ALLOW AMENDMENT OF FINISHED FLOOR LEVELS AT NORTHAMPTON MARINA, VICTORIA PROMENADE

The Head of Planning submitted a report in respect of application no. N/2013/0114 and elaborated thereon.

The Committee discussed the application.

RESOLVED: That the application be approved without compliance with Condition 11 imposed on planning permission 10/0077/FULWNN dated 8th July 2010 but subject to the other conditions imposed therein so far as they are still subsisting or capable of taking effect.

- 1.2 Subject to the expiry of the formal consultation period and delegated authority being given to the Head of Planning to address any further consultation comments received and to append or amend planning conditions as appropriate subject to the conditions set out in the report as the principle of development had already been established and the proposed variation would not have any undue impact on visual amenity, highway safety or flood risk in compliance with the guidance contained within the National Planning Policy Framework.

9. NORTHAMPTON BOROUGH COUNCIL APPLICATIONS

(A) N/2013/0102- INSTALLATION OF AIR SOURCE HEAT PUMPS AT 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, & 30 LODGE AVENUE, COLLINGTREE

Councillor Hibbert left the meeting in accordance with his earlier declaration of predetermination (see minute 4 above)

The Head of Planning submitted a report in respect of application no. N/2013/0102 and elaborated thereon.

The Committee discussed the application.

RESOLVED: That the application be approved in principle and as the consultation period for the application expired on 5 March 2013, the final decision be delegated to the Head of Planning provided that no additional material issues/representations not discussed in the report were received at the end of the consultation period, and subject to planning conditions set out in the report as the proposed development due its size, siting and design would not have an undue detrimental impact on the character and appearance of the host buildings, street scene or amenity of neighbours to comply with Policies E20, H18 and E39 of the Northampton Local Plan and aims of the National Planning Policy Framework.

Councillor Hibbert rejoined the meeting.

11. ENFORCEMENT MATTERS

None.

12. ITEMS FOR CONSULTATION

None.

The meeting concluded at 20:25 hours.

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



List of Appeals and Determinations – 9th April 2013

Written Repls Procedure			
Application	Del/PC	Description	Decision
E/2012/0157 APP/V2825/C/12/2184313	ENF	Non ancillary storage and motor vehicles at 2 Sussex Close	AWAITED
N/2012/0166 APP/V2825/D/12/2186525	DEL	Two storey side and rear extension at 32 Rosemoor Drive	DISMISSED
N/2012/0250 APP/V2825/A/12/2186427/NWF	DEL	Change of use of ground floor from shop (use class A1) to restaurant (use class A3) including fume extraction system at 24 Market Square	DISMISSED
N/2012/0357 APP/V2825/A/12/2182245	DEL	Erection of 1no. 2 bed dwelling with associated access and parking at land adjacent to 77 Blisworth Close	ALLOWED
N/2012/0456 APP/V2825/A/12/2181330	DEL	Conversion and extension of existing garage into two storey 1 bed dwelling at garage adjacent to 1 Ardington Road	DISMISSED
N/2012/0902 APP/V2825/D/13/2191659	DEL	Retrospective application for the erection of balcony and access ramp together with screen and gate to the rear of the property (revision of N/2011/0813). (As amended by revised plans received on 2nd November 2012) at 8A Gillsway	DISMISSED
N/2012/0967 APP/V2825/D/12/2191037	DEL	Extension of roof space above existing flat roofed side extension and erection of dormer windows to rear at 61 Oaklands Drive	DISMISSED
N/2012/1047 APP/V2825/D/13/2190516	DEL	Detached open fronted garage (as amended by revised plan received on 01/11/2012) at 178 Towcester Road	DISMISSED
N/2012/1166 APP/V2825/H/13/2194528	DEL	Externally illuminated advertisement display panels at Royal Mail, 55 Barrack Road	AWAITED
Public Inquiry			
		None	
Hearing			
N/2012/0640 APP/V2825/A/12/2185356/NWF	DEL	Outline Application including details of layout, scale & access, with all other matters reserved to erect a four storey building providing 3 general office units (Use Class B1) or 3 financial & professional offices (Use Class A2) on the ground floor with 14 residential units above and car parking within basement and associated works at former Top of the Town Nightclub site, 73 / 91 Great Russell Street Appeal Hearing held on the 19 th February 2013	DISMISSED

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.planningportal.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 838014 Planning and Regeneration The Guildhall, St Giles Square, Northampton, NN1 1DE



Addendum to Agenda Items Tuesday 9th April 2013

10. ITEMS FOR DETERMINATION

10A.

N/2012/1281

Single storey front porch extension, first floor balcony/terrace to rear & detached double garage (As amended by revised plans received on 14 February & 19 March 2013) at 5 Belfry Lane

Further letters have been received from neighbours, as follows:

1. **7 Belfry Lane** - object to the amended plans on the grounds that the proposed garage will block light to his property; and also due to the disruption (noise and mess) that will occur during construction, being an invasion of his property.
2. **The Annexe at 7 Belfry Lane** - opposes application on grounds that the proposed garage will over-develop the site (4 garages on a small plot); and also the noise and mess during construction will be unbearable.
3. **M. A. Brown of an unidentified address on Belfry Lane** - the proposed garage will over-develop the site, with inadequate space to service four garages on the plot; the proposed garage will be too prominent and close to neighbouring boundary and forward of accepted building line for that part of Belfry Lane and not in-keeping with established landscaping of the area; no comments on the front porch extension and rear balcony, but considers that these should be on a separate planning application to allow for planning refusal of the proposed garages.
4. A letter from **neighbours on Turnberry Lane** (no house number has been provided, and the signatures are not legible) - object to the proposed first floor rear balcony on grounds that it will overlook the adjacent five properties, and cause nuisance to neighbours. They note that there has already been a 2nd floor rear extension at the property which is taller than surrounding houses and looks out of place, and prevents privacy in nearby gardens. Not aware that there had been planning permission for this at the time.

Officer comments:

The issues raised in points 1 – 3 above have been assessed and commented upon as noted in section 8 of the Committee Report.

Point 4 – issues of overlooking to the closest neighbour (no.7) from the proposed balcony have also been addressed in section 8 of the Committee Report. Furthermore, the distances between the rear elevation of the application site and the three adjacent properties to the rear on Turnberry Lane are in excess of that recommended (21m) in the Council's adopted Residential Extensions and Alterations Design Guide SPD, and as such, the proposal is considered acceptable. It is noted that planning permission was granted for a loft conversion in 2005 (N/2005/1250).

10B

N/2013/0161

Application to extend time limit for implementation of planning permission N/2008/0502 for proposed boat restaurant and bar and associated access. Land at Midsummer Meadow

Since the circulation of the Agenda, **additional consultation responses** have been received from the Environment Agency, the Highway Authority and the Wildlife Trust:

- **Environment Agency:** no objections subject to the safeguarding conditions being attached as with the original application.
- **Highway Authority:** after reviewing the proposal carefully, have no observation at this stage and therefore the time limit can be extended.
- **Wildlife Trust:** the location for this Boat Restaurant lies right at the centre of a part of the Nene Valley Nature Improvement Area and condition 12 should be amended to read as follows:

Prior to the commencement of the development hereby permitted, a scheme for the closing-off of the existing connection between the water in the Dead Arm section of the River Nene and the Barnes Meadow Nature Reserve, together with the installation of two new culverts, in agreed and identified locations, to connect the Barnes Meadow Nature Reserve directly with the main channel of the River Nene, shall be submitted to, and approved in writing by, the Local Planning Authority. The approved scheme details shall be fully implemented concurrent with the development and maintained thereafter.

Reason - To protect the habitats on the Barnes Meadow Nature Reserve in accordance with the National Planning Policy Framework.

Officers agree that this would be an appropriate revision to and therefore recommend the revised wording to condition 12.

11. ENFORCEMENT MATTERS

None

12. ITEMS FOR CONSULTATION

None



PLANNING COMMITTEE: 9 April 2013
DIRECTORATE: Regeneration Enterprise and Planning
HEAD OF PLANNING: Susan Bridge

N/2012/1281 **Single storey front porch extension, first floor balcony/terrace to rear, and erection of detached double garage at 5 Belfry Lane, Collingtree Park, Northampton**

WARD: East Hunsbury

APPLICANT: Mr I Fernandez
AGENT: Mr Philip Corbett

REFERRED BY: Cllr M Hill
REASON: Out of character with surrounding properties

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. BACKGROUND

- 1.1 This application was deferred at the March Planning Committee meeting to allow officers to discuss with the Applicant the garage element of the application in terms of its inclusion as an element of the application, its proposed size and location within the plot.
- 1.2 This process has resulted in the submission of amended plans which reduce the size of the proposed garage, from a triple garage with study over, to a single storey double garage.
- 1.3 As the period for re-notifying/re-consulting interested parties of the amended plans will expire after this report has been prepared, any further representations will be reported to the Committee via the Addendum report. All of the representations made in respect of the application, as originally submitted and as previously considered by the Committee, are reiterated below.

2. RECOMMENDATION

2.1 APPROVAL subject to conditions and for the following reason:

The impact of the proposed development on the character of the original building, street scene and residential amenity is considered to be acceptable and in accordance with Policies E20 and H18 of the Northampton Local Plan.

3. THE PROPOSAL

3.1 Permission is sought for a small front porch extension, a rear balcony, and a detached double garage at the front of the property.

4. SITE DESCRIPTION

4.1 A large detached dwelling located in Collingtree Park, a residential estate characterised by similarly large dwellings with spacious gardens. There is an attached double garage to the property.

4.2 The property includes a substantial front garden with paved driveway and enclosed by lower brick walls with ironing railings and metal gates. The site falls within Flood Zone 2.

5. PLANNING HISTORY

5.1 N/2005/1250 – loft conversion – approved N/2006/0095 – front wall and gates – approved Also see “Background” section above.

6. PLANNING POLICY

6.1 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 East Midlands Regional Plan, the saved policies of the Northamptonshire County Structure Plan and Northampton Local Plan 1997.

6.2 National Policies

National Planning Policy Framework

6.3 Northampton Local Plan

E20 – New Development
H18 – House Extensions

6.4 Supplementary Planning Guidance

Residential Extensions and Alterations Design Guide SPD

7. CONSULTATIONS / REPRESENTATIONS

- 7.1 **Collingtree Parish Council:** supports local concerns re overdevelopment of the site, the garages will be an unnecessary/unwelcome intrusion to the street scene which will block views along the street and cause impairment to the amenity, light and vista of the house to the west. Also concerns re the development impinging upon underground pipework in an area prone to flooding.
- 7.2 **14 Belfry Lane** – objecting on the following grounds:
- plans not accurate;
 - overdevelopment of the site, property would have 5 garages;
 - less off-road parking resulting in vehicles parking on the road;
 - garages too close to boundary and will restrict light to neighbouring property;
 - drainage lines discharge along boundaries of nos. 5 and 7;
 - new garage will be forward of accepted building line, not in keeping with existing landscaping layout of Belfry Lane;
 - balcony overlooking adjoining property.
- 7.3 **7 Belfry Lane** – objecting on following grounds:
- no.5 plot is too small to carry such a large garage block extension;
 - building work would take months and horrendous to tolerate the noise/mess, inconvenience re. road obstruction;
 - triple garage to be built right next to boundary, which will block out light to house and garden, also obstruct outlook;
 - unwilling for builders to come onto their property;
 - garage will ruin the dynamics of the lane;
 - no. 5 will have 5 garages, and garages not used.
- 7.4 Letter from an unidentified **Belfry Lane** address: considers extension unnecessary as it will make the street too crowded and increase risk of flooding.
- 7.5 Letter from an unidentified **Turnberry Lane** address: street is already very crowded; unnecessary extensions such as these should not be allowed as it will increase risk of flooding.

8. APPRAISAL

Design and appearance

- 8.1 The main issue is considered to be the impact of the garage block on the street scene and visual amenity.
- 8.2 The proposed garage now measures 7.1m x 6.1m, 5.2m high, reduced from 6m x 10m, 5.65m high, and would be positioned approximately 8m back from the footpath (highway). The dwellings are generally set well back from the highway on this estate, with some garages forward of the main building line. It is considered that the proposed garage

block will appear somewhat prominent to the generally open character of this part of the street, however, given the size of the plot and similar development at no.7 Belfry Lane, the visual impact to the wider street scene is not considered to be significant enough to warrant refusal of the application.

- 8.3 The proposed balcony measures 2.5m x 3.2m and is positioned on the SW corner of the dwelling, built over an existing rear conservatory. In design terms, the balcony is considered acceptable as it will have no significant adverse visual impact upon the host dwelling or the surrounding.
- 8.4 The front porch extension measures 1.4m x 3.35m, with a single pitch roof, is considered in keeping with the existing dwelling and acceptable in scale and design.

Impact on neighbours

- 8.5 The proposed garage would now be situated 12m away from the front of the adjacent property at no.7 immediately to the west boundary. It is considered that the increased distance will lessen any impacts of overbearing/enclosure to no.7, given the angle of view and the distance between (the closest ground floor window serving a habitable room would be some 14m away). The issue of restriction of outlook is not considered to cause substantial harm to warrant refusal of the application.
- 8.6 A 1.8m high glazed screen is proposed on the west side of the proposed balcony. This is considered to acceptably mitigate the issue of potential overlooking to no.7.

Other material considerations

- 8.7 Neighbours have raised the following additional issues:
- 8.8 Overdevelopment of the site - it is considered that the size of the site is of sufficient size to accommodate the proposed development, with adequate spacing between the buildings and sufficient space for off-street parking and manoeuvring of vehicles.
- 8.9 Drainage issues - the effect of the proposed development upon underground services would be covered by Building Regulations. The applicant has completed the required Flood Risk Assessment for householders, as required by the Environment Agency, and an Informative Note will be added to any permission directing the applicant's attention to flood-proofing/resilience and resistance techniques in the relevant Government publication.
- 8.10 Accuracy of plans - it is noted that the rear conservatory on the SE corner of no.5 and the timber framed structure in the rear garden are

not shown on the submitted plans. However, it is considered that this does not materially affect the application proposal under consideration, and the plot is sufficiently large to accommodate the proposed development.

- 8.11 The other issues raised by neighbours, including number of garages and whether they are used, inconvenience during construction, and underground pipes, are not material planning considerations.

9. CONCLUSION

- 9.1 It is considered that the proposal is acceptable in design terms, and that it will cause no substantial harm to the street scene or neighbouring amenity. Accordingly, the application is recommended for approval.

10. 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 development hereby permitted shall be carried out in accordance with the following approved plans: 12/077/01a, 12/077/02a (received on 19 Mar.13), 12/077/03a.

Reason: For the avoidance of doubt and to accord with the terms of the planning application.

- (3) The external walls and roof of the garage block 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 garage block harmonises with the existing building in accordance with Policy H18 of the Northampton Local Plan.

- (4) The balcony screening as detailed on plan ref. 12/077/01a shall be implemented prior to the first use of the balcony hereby permitted and retained thereafter.

Reason: To safeguard the privacy of adjoining properties in accordance with Policy H18 of the Northampton Local Plan.

- (5) The garage shall be used only for purposes incidental to and in connection with the use of the site as a dwellinghouse and no trade or business shall be carried out therefrom.

Reason: To protect the residential amenities of nearby properties in accordance with Policy E20 of the Northampton Local Plan.

Informative Note:

Information on flood-proofing/resilience and resistance techniques is available from publication 'Improving the flood performance of new buildings' CLG (2007), as per the Environment Agency Guidance for Householder extensions in Flood Zones.

11. BACKGROUND PAPERS

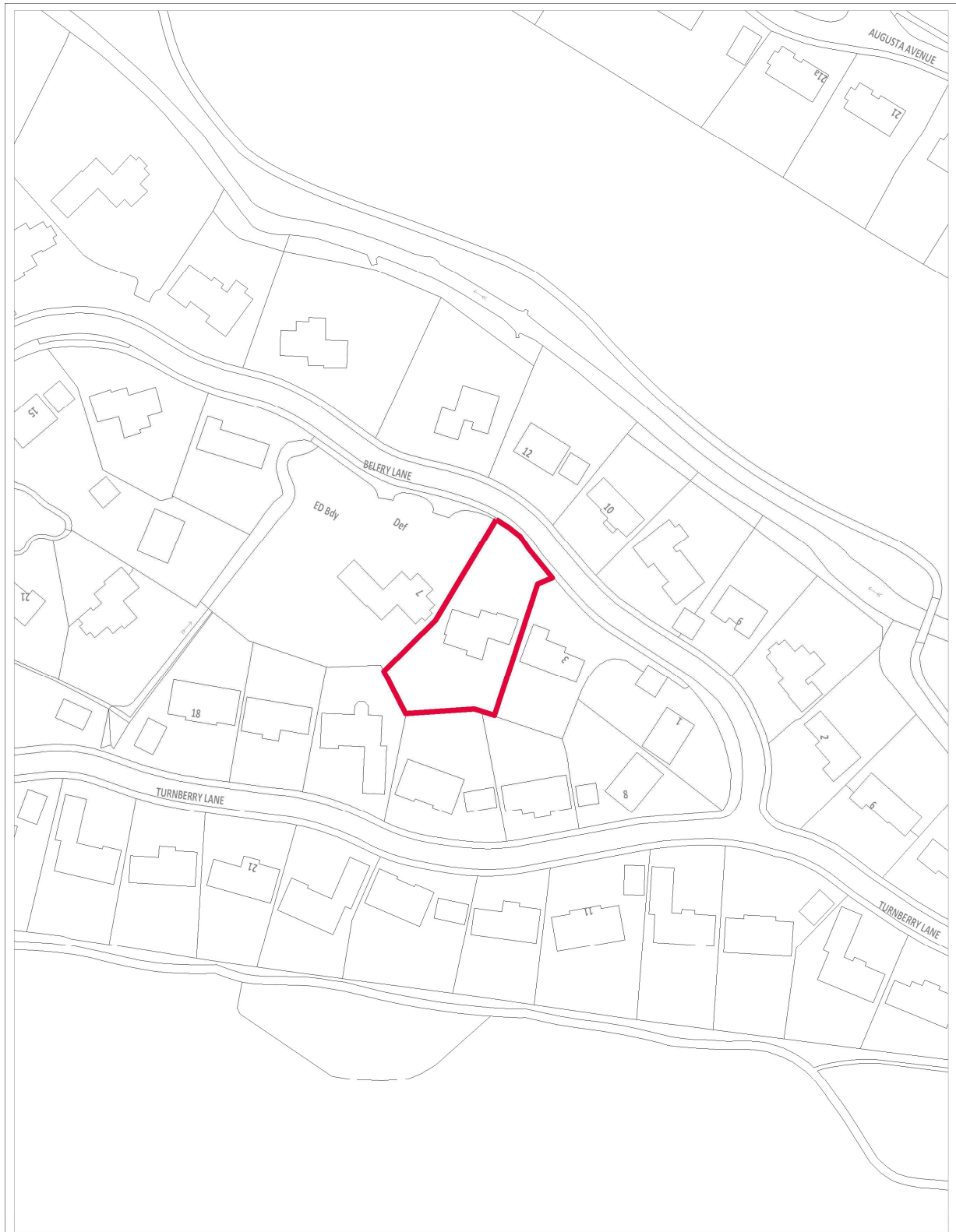
11.1 None.

12. LEGAL IMPLICATIONS

12.1 None.

13. SUMMARY AND LINKS TO CORPORATE PLAN

13.1 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.



Name: **Planning**
Date: **25th March 2013**
Scale: **1:1250**
Dept: **Planning**
Project: **Committee**

Title
5 Belfry Lane

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PLANNING COMMITTEE: 9th April 2013
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Susan Bridge

N/2013/0161 **Application to extend time limit for implementation of Planning Permission N/2008/0502 for proposed boat restaurant, bar and associated access at land at Midsummer Meadow**

WARD: St Crispin

APPLICANT: Mr Nagarbhai Patel
AGENT: Richard Coulson, APC Planning

REFERRED BY: Head of Planning
REASON: Part Borough Council owned land

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

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

The proposed boat restaurant would enhance the River Nene valley environment with a proposal that is in keeping with its surroundings and poses little or no threat to the vitality and viability of the town centre. The ecological and flood risk impacts can be suitably mitigated to avoid any harm to users, the local or the wider environment thus complying with policies within the adopted Central Area Action Plan and the National Planning Policy Framework.

2. THE PROPOSAL

2.1 This proposal seeks to extend the time period for an existing planning permission to enable it to be implemented. The proposal relates to the provision of a purpose built boat restaurant moored on a dead arm of the River Nene at Midsummer Meadow. The vessel would be

unpowered and purpose-built for use as a restaurant. It would measure approximately 23 metres long, 6 metres wide and 6 metres tall. There would be three decks, the lowest being a service deck with kitchens, storage and office, a middle deck with inside dining and toilets, and an upper deck mainly open with a small inside dining area.

The developer has constructed the boat for the proposed use, it is constructed entirely of sheet metal cladding and painted in white gloss and is waiting to be implemented subject to negotiations with the Environment Agency and the Wildlife Trust.

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 is wilder and semi-natural with significant ecological value. The boat restaurant would be moored on the north bank of the dead arm adjacent to an informal Council owned car park accessed directly from Bedford Road.

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 - Planning permission granted for boat restaurant and bar and associated access on 8 April 2010. Conditions 3, 8, 12 and 13 details approved.
- 4.3 N/2010/0475 – Removal of Condition 2 attached to Planning Application N/2008/0502 – still outstanding.

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.
- 5.2 **National Policies:**
National Planning Policy Framework
- 5.3 **Adopted Central Area Action Plan:**
Policy 1- Promoting Design Excellence
Policy 4 - Green Infrastructure
Policy 25 - Waterside
Policy 36 - Infrastructure Delivery

5.4 **Supplementary Planning Guidance:**
Planning out Crime in Northamptonshire SPG 2004

6. CONSULTATIONS / REPRESENTATIONS

6.1 **Environmental Services (NBC)** – no objections, subject to original conditions being added.

6.2 **Northants Police** (Crime Prevention Design Adviser) – no objections.

6.3 **Highway Authority (NCC)** – (verbal) no objections.

6.4 **Environment Agency** – no objections received to previous application. Originally supported proposal subject to conditions on the following issues:

- River connections, ditches and culverts
- End of life plan
- Mooring
- Safe access and egress
- Dredging
- Overland flood flows

6.5 **Northants Wildlife Trust** – originally raised concerns about pollution and waste risk arising from the proposal, these would be controlled by conditions. The river connections between the dead arm and the main course of the river require a scheme to mitigate the impact of major pollution incidents. Also advised that the nature reserve land is in the centre of the two water bodies managed by the Wildlife Trust, thus it would need further consultation with them. Any further comments received will be reported.

7. APPRAISAL

7.1 This application seeks to extend the implementation date for the scheme granted in April 2010. The key issue to consider is whether there have been any significant material alterations in planning policy or the in the physical characteristics of the development site and its environs.

Principle of Development

7.2 Since the initial consent was granted the National Planning Policy Framework has been issued and the Central Area Action Plan has been adopted, these promote and reinforce a planning policy approach where town centre land uses are encouraged in the town centre first before other less central locations are considered. The impact of such a small restaurant on the viability and vitality of Northampton town centre is considered minimal. The boat restaurant and bar proposed is of a relatively small scale and the principle of the proposal has been

established within the existing planning permission. The proposed location of the boat should encourage sustainable foot trips from the town centre. The proposed development is considered to be a sustainable proposal in accordance with the general thrust of the aims of local and national planning policy.

Update On Other Issues

Flooding and the Water Environment

- 7.3 In terms of the flood risk elements of this proposal, the applicant previously submitted a flood risk assessment and details of moorings would be controlled by condition. There has previously been a concern about the possibility of the boat being abandoned on the river with potential flooding and pollution implications in such an event. The Environment Agency have their own powers to seek the removal of vessels that have been abandoned. Notwithstanding this, the Borough Council as landowner is involved with contractual arrangements with the developer to secure a financial bond to enable any abandoned structure to be removed. It is therefore no longer considered appropriate to restrict the permission to a temporary consent as was the case in the previous approval. Other matters raised by the Environment Agency can be dealt with by planning conditions.

Ecology

- 7.4 The proposal is close to the Midsummer Meadow nature reserve on the opposite bank. Whilst the physical impact of the boat's mooring will be minimal, the Wildlife Trust, who manage the adjacent nature reserve, have been previously concerned about the potential for significant pollution spills into the dead arm of the river reaching the present channels that pass through the reserve and back to the main river. Negotiations at the time resulted in agreements being reached with culverts being connected to the main river with a silt pond in between being created. Furthermore where the existing connection to the dead arm of the river, where the boat restaurant is located, would be permanently closed to stop any chance of pollution entering the reserve via the ditches. These details would be provided prior to the proposed development commencing.

Appearance and the River Nene

- 7.5 Existing planning policies draw attention to the need to protect and enhance the character and appearance of the River Nene valley. The application site is largely a mooring within part of the river system and the proposal is not considered out of keeping with its surroundings. The proposal would not dominate the river nor will it be abnormally large in the landscape. For all these reasons, the proposal would positively enhance the character of the area in line with development plan policy.

Transportation Parking and Access

- 7.6 The County Council as Highway Authority raise no objection to the method of access and use of the nearby Borough Council car park accessed from Bedford Road. Separate negotiations are taking place with the Borough Council as landowner. The boat restaurant would function as previously approved by making use of the pedestrian access from the larger Midsummer Meadows pay and display car park further away. A high vehicle barrier would be provided to prevent commercial deliveries being made to the site from Bedford Road.

8. CONCLUSION

- 8.1 In summary, the principle of the development has already been accepted. The boat restaurant would provide natural surveillance in this part of the wider public open space of Midsummer Meadows, making it more attractive and useable. The overall scheme accords with the policies in the adopted Central Area Action Plan and National Policy Planning Framework.

9. CONDITIONS

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission: the developer shall notify the Borough Councils Planning Authority in writing within three weeks of the following dates;
- a) The date of commencement of the development hereby permitted; and
 - b) The date when the developed hereby permitted is brought into use.

Reason: To comply with Section 91 of the Town and Country Act 1990 as amended by Section 91 of the Town and Compulsory Purchase Act 2004 and enable compliance with other conditions of the consent.

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: P/196/4; 5049-A010.1; 5049-A040; C4861 Rev A; C4865/32 Rev A; C4865/3 M5049 LB1 & photograph of Boat.

Reason: For the avoidance of doubt and to accord with the terms of the planning application.

- 3) Prior to the commencement of the development hereby permitted, details and/or samples of all proposed external facing materials of the approved boat structure shall be submitted to and approved in writing by the Local Planning Authority. Development shall then 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 1 of the adopted Central Area Action Plan and the National Planning Policy Framework.

- 4) Prior to the development hereby permitted being brought into use, details including siting and appearance of all external lighting shall be submitted to and approved in writing by the Local Planning Authority. Development shall then be carried out in accordance with the approved details and thereafter maintained.

Reason: In the interests of visual amenity and to ensure that the development will harmonise with its surroundings in accordance with Policy 1 of the adopted Central Area Action Plan and the National Planning Policy Framework.

- 5) Prior to the development hereby permitted being brought into use, details of the siting and appearance of the refuse facilities shall be submitted to and approved in writing by the Local Planning Authority. Development shall then be carried out in accordance with the approved details and thereafter maintained.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy 1 of the adopted Central Area Action Plan and the National Planning Policy Framework.

- 6) Prior to the development hereby permitted being brought into use, details of the siting and appearance of cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority. Development shall then be carried out in accordance with the approved details and thereafter maintained.

Reason: To ensure the provision of adequate facilities in accordance with Policy 1 of the adopted Central Area Action Plan and the National Planning Policy Framework.

- 7) Prior to the development hereby permitted being brought into use, the details for the large vehicle control barrier indicated on drawing No. 5049-040 shall have been fully implemented and made operational and thereafter maintained.

Reason: In order that large vehicles do not obstruct the Bedford Road when entering the site to the detriment of highway safety in accordance with the National Planning Policy Framework.

- 8) Prior to the development hereby permitted being brought into use, in prior written consultation with Environment Agency, details of the storage and handling of all oils, chemicals and waste and an emergency pollution containment strategy shall be submitted to and approved in writing by the Local Planning Authority. Development shall

than be carried out in accordance with the approved details and all resultant equipment, methods and procedures shall be retained for the lifetime of the development and used in accordance with the approved details.

Reason: To protect the river environment from pollution incidents in accordance with and the National Planning Policy Framework.

- 9) Prior to the commencement of the development hereby permitted, a scheme for emergency vehicle access to the boat restaurant location shall be submitted to and approved in writing by the Local Planning Authority and all approved routes made available at all times for the life of the development.

Reason: To ensure emergency vehicle access in accordance and with the National Planning Policy Framework.

- 10) The development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) Fenland Hydrotech April 2008 Revision 0 and Addendum and the following mitigation measures detailed within the FRA:
- The safe access and egress route set at 57.57m AOD
 - The business will sign up to the Environment Agency's Flood Warning system.
 - The business will close, and the boat will not be occupied, on receipt of an Environment Agency flood warnings Direct Flood Watch.

Reason: To ensure the safe access and egress route is dry and to ensure that the site users are safely evacuated in dry conditions in accordance with and the National Planning Policy Framework.

- 11) Prior to the commencement of development hereby permitted, the full design details of the safe access and egress route to the development shall be submitted to and approved in writing by the Local Planning Authority to include:
1. no raising of ground levels; and
 2. no impedance of overland flood flows.
- The scheme shall be fully implemented prior to the development hereby permitted being brought into use and maintained thereafter in accordance with the timing / phasing arrangements embodied within the scheme.

Reason: To reduce the impact of flooding on the proposed development and future occupants and to reduce the risk of flooding to the proposed development and future occupants in accordance with and the National Planning Policy Framework.

- 12) Prior to the commencement of development hereby permitted, a scheme for the closing the dead arm outlet to the River Nene's main course and the creation of a culvert system utilising new inlets and

outlets from the River Nene is submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved concurrently with the development and maintained thereafter.

Reason: To protect the habitats on the nearby nature reserve in accordance with and the National Planning Policy Framework.

- 13) Prior to the commencement of development hereby approved, full details of the mooring attachments shall be submitted to and approved in writing by the Local Planning Authority. The approved mooring details shall be fully implemented concurrent with the development and maintained thereafter.

Reason: To ensure the boat is securely held in position particularly during flood events in accordance with and the National Planning Policy Framework.

- 14) Prior to the development hereby permitted being brought into use, in prior written consultation with the Environment Agency and the Wildlife Trust, a programme for dredging the river in direct proximity to the proposed boat for the lifetime of the development shall be submitted to and approved in writing by the Local Planning Authority. The approved programme shall be carried at all times for the life of the development.

Reason: To ensure proper management of the watercourse and prevent flooding in accordance with and the National Planning Policy Framework.

10. BACKGROUND PAPERS

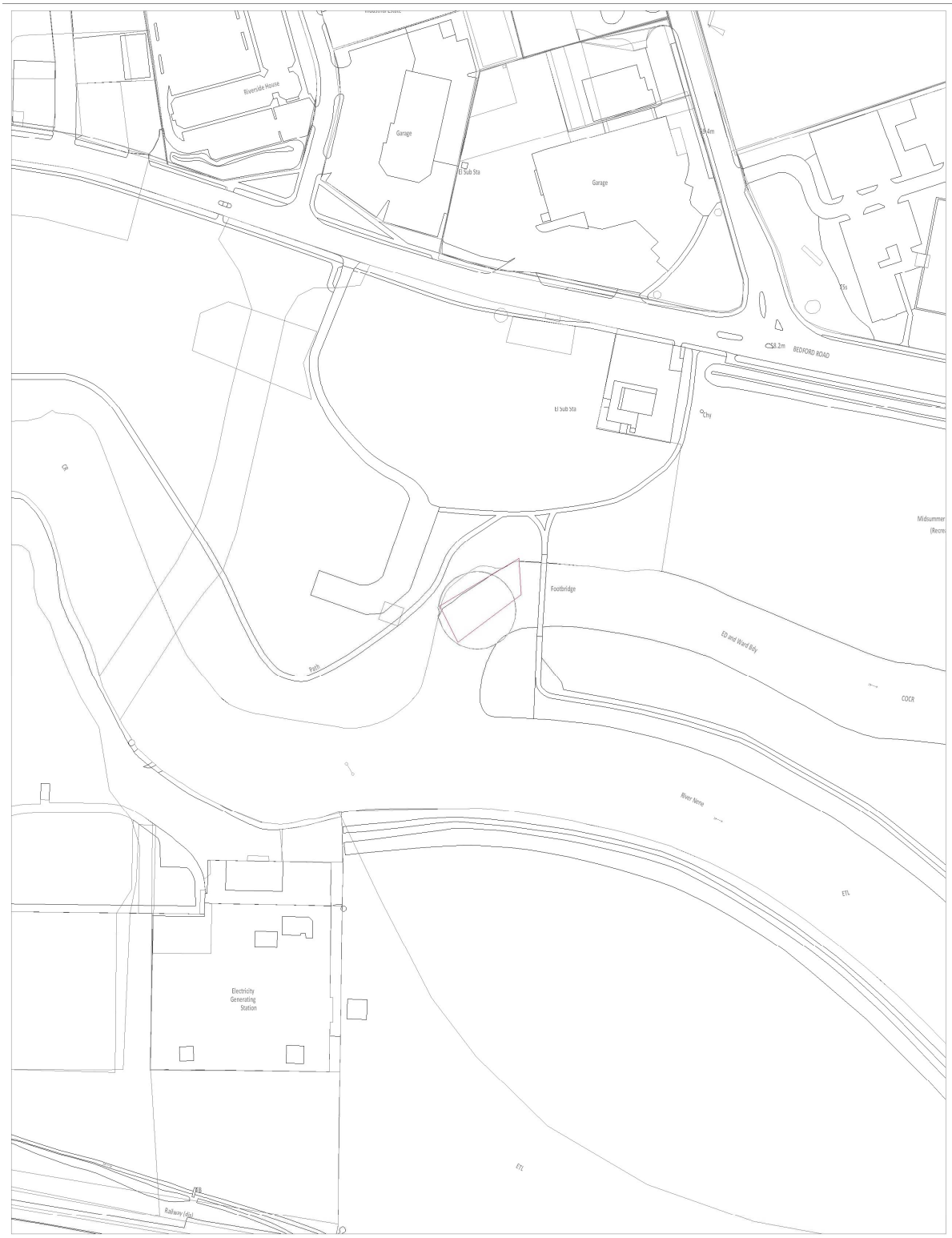
- 10.1 Planning Application None Relevant.

11. LEGAL IMPLICATIONS

- 11.1 None for Planning.

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.



Name: **Planning**
 Date: **27th March 2013**
 Scale: **NTS**
 Dept: **Planning**
 Project: **Committee**

Title

Land at Midsummer Meadow

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