

NORTHAMPTON BOROUGH COUNCIL

PLANNING COMMITTEE

Tuesday, 8 March 2011

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

APOLOGIES: Councillor Lane and Councillor Malpas

1. APOLOGIES

Apologies for absence were received from Councillors Lane and Malpas.

2. MINUTES

The minutes of the meeting held on 8 February 2011 were agreed and signed by the Chair.

3. DEPUTATIONS / PUBLIC ADDRESSES

- RESOLVED:**
- (1) That Messrs Allen, Ludlow and Shah and Councillors Garlick and B. Markham be granted leave to address the Committee in respect of application no. N/2010/1037.
 - (2) That Will Charlton be granted leave to address the Committee in respect on application no. N/2010/1092.
 - (3) That Matt Davies, Abigail Mosley and Councillor P. M. Varnsberry be granted leave to address the Committee in respect of application nos. N/2010/0906 and N/2010/0320.
 - (4) That Hazel Jones be granted leave to address the Committee in respect of E/2010/0689.

4. DECLARATIONS OF INTEREST

Councillors Church and Woods declared Personal interests in Item 5 Matter of Urgency regarding the transfer of powers from WNDC as Board Members of WNDC.

Councillor Church declared a Personal Interest in Item 12A, E/2011/0100 as he believed that the land in question was in the ownership of WNDC of which he was a Board Member.

Councillor Davies declared a Personal and Prejudicial Interest in Item 12B, E/2010/0689, as being a close colleague of a Councillor associated with the project.

Councillors Church, Meredith and Woods declared Personal and Prejudicial interests in Item 13A, N/2010/0653 as Board Members of WNDC.

Councillor Hawkins declared a Personal Interest in all of 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

The Chair was of the opinion that the following item be discussed as a Matter of Urgency due to the undue delay if consideration of it were deferred.

TRANSFER OF POWERS FROM WNDC

The Head of Planning reported that Statutory Instrument 2011/560, West Northamptonshire Development Corporations Functions Amendment Order had now been laid before Parliament and would come into effect from 1 April 2011. From that date the central area, where WNDC currently had responsibility for all planning applications, would be removed and the Council would become the determining authority for applications of up to 200 residential units and commercial development up to 2,500m² floorspace throughout the Borough.

RESOLVED: That the position be noted.

6. LIST OF CURRENT APPEALS AND INQUIRIES

The Head of Planning submitted a report and noted that in respect of N/2010/0944, a Public Enquiry would now be held commencing on 26 July 2011.

RESOLVED: That the report be noted.

7. OTHER REPORTS

None.

8. ST CRISPIN DEED OF VARIATION TO SECTION 106 AGREEMENT

The Head of Planning submitted a report that set out proposed variations to the St Crispin Section 106 Agreement and noted that Cabinet had approved the acceptance of the transfer of the parcels of land detailed in the report.

RESOLVED: That the St Crispin Section 106 Agreement dated 12 November 2002 be varied as set out in the report.

9. NORTHAMPTONSHIRE COUNTY COUNCIL APPLICATIONS

None.

10. NORTHAMPTON BOROUGH COUNCIL APPLICATIONS

None.

13. APPLICATIONS FOR CONSULTATION

- (A) N/2010/0653- EXTENSION TO EXISTING FOOD STORE, RELOCATION OF TWO SHOP UNITS, ERECTION OF A COMMUNITY BUILDING, NEW BUS WAITING FACILITY, PROVISION OF NEW PEDESTRIAN FOOTPATHS, LANDSCAPE WORKS, LIGHTING WORKS AND REVISIONS TO THE CAR PARK LAYOUT- TESCO SUPERSTORE, HUNSBURY CENTRE, CLANNELL ROAD**

(Councillors Church, Meredith and Woods left the room in accordance with their earlier declaration of interest)

The Head of Planning referred to the Addendum that had been circulated and in particular to a retail study report by Peter Shearman Associates on behalf of Tesco's and a legal opinion from William Hicks QC on behalf of Tesco's both of which had been sent directly to Committee members by Tesco's. In the light of this and the need to consider both of these documents and to seek Counsel's opinion, if necessary, the Head of Planning recommended that the report be withdrawn from the agenda.

RESOLVED: That the item be withdrawn from the agenda.

(Councillors Church, Meredith and Woods rejoined the meeting.)

11. ITEMS FOR DETERMINATION

(A) N/2010/1037- CHANGE OF USE FROM A PUBLIC HOUSE (USE CLASS A4) TO A MUSLIM COMMUNITY AND EDUCATION CENTRE (USE CLASS D1)- THE CLICKER PUB, 1 COLLINGDALE ROAD

The Head of Planning submitted a report in respect of application N/2010/1037 and referred to the Addendum that set out further representations on behalf of the applicant and objections from Coaching Walk, Silverdale Road and one unaddressed objection. In answer to a question he noted that the word "Muslim" in the title of the application had no significance in planning terms.

Councillor Garlick, as ward Councillor commented that this application had generated a great deal of interest: he stated that he had only received one letter in support of the proposal. He commented that car parking at school times was already very difficult and that when the premises had been operating as a pub the publican had allowed parents the use of car park to drop off and collect their children. He believed that noise would be an issue and the mitigation proposals in the report were vital. He noted that he had never received any complaints about the premises when it had been a pub. In answer to questions, Councillor Garlick commented that the Applicant had contacted him and the application reflected the matters they had discussed; and that the noise concerns centred around very early or late use of the premises, comparisons having been made with much larger premises around the country.

Mark Ludlow, a nearby resident referred to the photographs displayed in the Head of Planning's presentation in respect of traffic congestion and observed that at peak school times people also parked in the middle of the road. He was worried that the community and education centre would be exclusively "Muslim" and which branch of Islamic faith would be catered for. He believed that the site would become a place of tension and had been chosen on the basis of local demographics ie, that the make up of the local community was such that they were unlikely to object to the proposal. Mr Ludlow commented that he had lived in Stimpson Avenue but had moved from there because of the impact of a similar facility and felt that he may have to consider moving again if the application were approved. In answer to questions Mr Ludlow commented that whilst the former pub had been busy people did not tend to arrive or leave enmasse; accepted that as private land it was up to the landowner as to whether parents were to be given access to the car park; and believed that the afternoon peak period would be similar to his experience of Stimpson Avenue as "teaching" was also part of this application.

Councillor B Markham, as ward Councillor commented that it was a Councillor's role to listen to local residents concerns and to advise and inform them on how to make objections. In doing so he had been accused by the BNP who had stated that he should be in jail and by another group as being "shameful". He lived close to the site and was aware of the issues. His concern was in respect of disruption to neighbours and was pleased that the applicant had volunteered restricted hours of use. He was pleased by the proposed conditions and accepted that parking issues were the province of the Police and the Highways Authority. In answer to a question Councillor Markham noted the hours of operation of the former pub and concerns about early morning prayers and that the agreed restriction of hours of use resolved these issues.

Darren Allen, as agent for the applicant commented that as part of the application they were proposing that parents would still have access to the car park to drop off and collect their children and that an "in and out" system would be instituted to help traffic flows. The Head Teacher of the Primary School was aware of this. The hours of use of the premises would be restricted to 10.00am to 11.00pm and so there would be no conflict with the morning school peak period. The Trustees had carried out a survey of the usage of their current premises and the peak usage was on Fridays between 12 noon and 2.00pm by 45 to 60 people and which did not conflict with the start or end of the school day. A noise assessment had been undertaken at 20 metres from similar premises in Luton with the nearest property in this case being 25 metres away and had got readings of 26db where the acceptable standard was 39db.

Hassan Shah, Solicitor for the Applicant and a member of community that would use the facility, commented that the Trustees were from Northampton and had grown up in Northampton. Currently, the Trustees used premises in Wheatfield Road South and had had no complaints over the seven years they had been using them. The people that would be using the facility were Suni and Sufi Muslims who were spiritual people. This project was self funding and the community were raising the £500,000 necessary to bring the buildings back into use themselves. The centre would help women, the elderly and children in particular. This project had received support from other sections of the Community, residents had been leafleted and the applicant had tried to take their concerns on board. Mr Shah believed that opposition to the application had been stoked up: he asked that the Committee approve the application. In answer to questions Mr Shah commented that the Suni community were principally of Pakistani origin but also from East Africa and India; that other sections of the wider community would be invited to use the community centre; that the Trust would move from the premises that they currently used; that the size of the prayer area was largely prescribed by the existing layout of the rooms but would be used for other things; and that the peak use was anticipated to be on Fridays as previously stated- the premises were too small to hold weddings.

The Committee discussed the application.

RESOLVED: That the application be approved, subject to the conditions set out in the report as the proposal is for a community use, compatible with the surrounding predominantly residential area and would operate without detriment to the amenities of that area or highway safety. The proposal was, therefore, compliant with the requirements of PPS1, PPS23, PPG13 and PPG24 and Policy E20 of the Northampton Local Plan.

(B) N/2010/1092- ERECTION OF 40 DWELLINGS WITH ASSOCIATED PARKING AND PLAY AREA (AS AMENDED BY REVISED PLANS RECEIVED ON 9TH FEBRUARY 2011) LAND ADJACENT TO COVERED RESERVOIRS, BOUGHTON GREEN ROAD

The Head of Planning submitted a report in respect of application number N/2010/1092 and referred to the Addendum that set out comments from Councillor Perkins and the Highways Authority. In answer to questions the Head of Planning confirmed that the Highways Authority had assessed the scheme and provided no objections subject to conditions; that the maintenance of the play area could include whatever the Committee would reasonably require it to cover and that Conditions provided for a Waste Strategy.

Will Charlton, Consultant for the Applicant concurred with the Head of Planning's comments and commented that Orbit Homes had 40 years experience of providing affordable housing. This scheme provided 100% affordable housing through a variety of tenure types in order to help meet an identified housing need. Layout, parking and security were all concerns and measures had been included to prevent on- street parking by Students at the nearby University site. It was hoped that the scheme would receive HCA funding before the end of 2011, otherwise Orbit would fund it in a programme covering 2012- 2014. In answer to questions Mr Charlton commented that Orbit had several schemes where housing surrounded a play area and that Orbit would be happy to provide suitable fencing around it.

In response to a query about the scheme's low score in terms of building sustainability, the Head of Planning noted that the scheme would be built to the minimum requirements in terms of the Building For Life standards.

The Committee discussed the application.

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

- (1) The prior finalisation of a Legal Agreement to Secure section 106 obligations in respect of;
 - The provision of 35% affordable housing
 - The long term maintenance of the play area / open space
- (2) The planning conditions set out in the report as the proposed residential development offered suitable compensation for the loss of green space and the former function of the open space had been superseded by events, therefore the terms of saved Policy E6 of the Northampton Local Plan were met. The development was of acceptable layout and appearance, has suitable access and parking and amounts to sustainable development in accordance with saved Policies H7, E19, E20 and E40 of the Northampton Local Plan and PPS3 Housing and no other material considerations indicate otherwise.

(C) N/2010/0785- OUTLINE APPLICATION FOR THE DEMOLITION OF EXISTING B8 BUSINESS UNITS AND ERECTION OF 14 TWO BEDROOM AND 8 ONE BEDROOM APARTMENTS, FORMATION OF NEW ACCESS PARKING AREAS- 172-174 ST ANDREWS ROAD

The Head of Planning submitted a report in respect of application number N/2010/0785, elaborated thereon and in answer to questions commented that the site boundary did not extend to the river bank; that the parking provision was the same as for the adjacent site; and whilst the possibility of bats being present in the existing buildings was acknowledged he noted that there was no existing planning control in respect of their demolition.

The Committee discussed the application.

RESOLVED: 1. That the application be approved in principle subject to:

- (A) The prior completion of a legal agreement to secure the provision of a minimum of 35% affordable housing and a financial contribution to fund the alternative transportation infrastructure; and
- (B) The conditions set out in the report:

As the principle of residential use on a site allocated within a primarily residential area is acceptable and in accordance with Policy H6 of the Northampton Local Plan. The layout, scale and access to the site were considered acceptable and would not be detrimental to residential amenity or highway safety in accordance with Policies H6 and E20 of the Northampton Local Plan.

- 2. That the Head of Planning be authorised to refuse or finally dispose of the application in the event that the mitigation to be secured by legal agreement (paragraph 1.1 A, of the report) are not secured on or before 31 May 2011.

(D) N/2010/0906 & N/2010/0320- ERECTION OF TWO STOREY VISITORS CENTRE AT BASE OF TOWER (AS AMENDED BY REVISED PLANS RECEIVED 6TH DECEMBER 2010)- THE NATIONAL LIFT TOWER, TOWER SQUARE

The Head of Planning submitted a report in respect of application numbers N/2010/0906 and N/2010/0320, elaborated thereon and referred to the Addendum that set out letters from the Applicant and a letter of objection from a resident in Tower Square. In answer to questions he commented that the Applicant had not submitted drawings showing the full height of the tower or drawings showing the relationship of the proposed extension with the existing houses.

Abigail Mosley, a local resident, stated that she supported the general idea behind the application but objected to parts of the scheme in terms of parking, the height and mass of the scheme and noise. She commented that TRO was currently being consulted upon that would prevent on street parking: there were currently 422 houses and 432 spaces. There may be a need for traffic calming measures. Mrs Mosely noted that the proposed extension would be as tall as the nearby three storey houses and

that provision for the “free fall” experience was being made although it did not form part of the current application. She had concerns that the scale of the extension was too massive and that there would be noise issues resulting for the conference facilities.

Matt Davies, a local resident, commented that the height of the extension would be similar to the surrounding houses and that the gap between them was one metre plus the width of the road plus a parking bay. He noted that although the Applicant had indicated that the 100 seat auditorium would only be used ten times per year and queried how this would be controlled? There appeared to be contradictions in the application insofar as it was stated that the facility would only be open during normal office hours but the café was to be open seven days a week and ten parking spaces were to be provided when 26 currently existed and were also used by residents’ visitors.

Councillor P. M. Varnsvery, as ward Councillor, commented that she believed that this proposal would be incongruous with its surroundings but that residents accepted that some form of development was necessary. The applicant appeared to contradict himself by making no plans for coaches but talking about conferencing; and by saying that the café was for local trade but now saying that it would be available for conferences. There appeared to be mixed messages about what was envisaged. As had been stated there were car parking issues.

The Head of Planning stated that the footprint of the extension was just smaller than that of the lift tower and if the buttresses were taken into account, just larger.

The Committee discussed the application.

Councillor Hill proposed and Councillor Matthews seconded “That the words “combined with its siting within a residential area” be deleted from recommendation 1.1(2)” Upon a vote the motion was carried.

RESOLVED: 1. That planning application N/2010/0906 be refused:

- (1) By reason of its design, siting, size, massing and footprint the proposal would represent an incongruous form of development detrimental to the character, appearance and setting of the host building, a Grade II Listed Building, contrary Policy E20 of the Northampton Local Plan, Policy 2 and Policy 27 of the East Midlands Regional Plan and the aims and objectives of PPS1 and PPS5.
- (2) By reason of the scale and nature of the proposal, the development would result in increased disturbance, nuisance, noise and general activity to the detriment of the living conditions and general amenity of the area contrary to advice in PPG24.

2. That listed building consent application N/2010/0320 be refused:

By reason of its design, siting, size, massing and footprint the proposal would represent an incongruous form of

development detrimental to the character, appearance and setting of the host building, a Grade II Listed Building, contrary Policy E20 of the Northampton Local Plan, Policy 2 and Policy 27 of the East Midlands Regional Plan and the aims and objectives of PPS1 and PPS5.

(E) N/2011/0047- SINGLE STOREY FRONT EXTENSION AND CONVERSION OF GARAGE TO LIVING ACCOMMODATION- 34 VIENNE CLOSE, DUSTON

The Head of Planning submitted a report in respect of application no N/2011/0047 and elaborated thereon.

The Committee discussed the application.

RESOLVED: That the application be approved subject to the conditions set out in the report as the impacts of the proposed development on the character of the original dwelling, street scene and residential amenity were considered to be acceptable and in accordance with Policies E20 and H18 of the Northampton Local Plan and the Residential Extensions Design Guide.

12. ENFORCEMENT MATTERS

(A) E/2011/0100- UNAUTHORISED ADVERTISEMENTS- CORNER OF TANNER STREET AND ST PETERS WAY

The Head of Planning submitted a report in respect of E/2011/0100 and referred to the Addendum that set out a correction to the recommendation.

The Committee discussed the report.

RESOLVED: That the Borough Solicitor be authorised to instigate prosecution proceedings in respect of the unauthorised advertisements pursuant to Section 224a of the Town and Country Planning Act 1990 (as amended) and to take any other necessary, appropriate and proportionate enforcement action pursuant to this provision within the Act in order to bring about the proper planning control of the land.

(B) E/2010/0689- UNAUTHORISED CHANGE OF USE AND DEVELOPMENT- THE MILL WHEEL PUBLIC HOUSE, BILLING BROOK ROAD

(Councillor Davies had left the meeting before this item was discussed)

The Head of Planning submitted a report in respect of E/2010/0689 and reported that planning application had been submitted earlier in the day. There were in effect three applications covering material change of use, the chiller units and advertisements. She requested that the Committee consider approving the recommendation as set out in the report but that any action would be held in abeyance until the planning application had been determined.

Hazel Jones, a member of the Brookside Hall Committee, commented that the

Community Centre was now open and that the Committee had been unaware of the situation until the Chronicle and Echo had contacted them. She asked that consideration of the report be deferred pending determination of the planning application. She commented that use of the Community Centre should be encouraged not discouraged.

The Head of Planning commented that the extant planning permission was for a community centre with ancillary uses of a restaurant, hairdressers and taxi office together with defined floor plan. A takeaway was now operating instead of a restaurant and the floor plan was different. In answer to a question the Head of Planning commented that correspondence had been sent to the premises via normal mail, hand delivery and recorded delivery which had resulted in a phone call to the Council, but then no further action.

The Committee discussed the report.

RESOLVED: 1. That the Borough Solicitor be authorised to issue two Enforcement Notices in respect of the unauthorised:

- a) Change of use from Public House to composite use including hot food takeaway, hairdressing salon and community centre; and
- b) Erection of a wooden and polycarbonate covered structure over unauthorised chiller / freezer units.

requiring the unauthorised use to cease and the removal of the unauthorised structure and freezer/chiller units with a compliance period of 3 months pursuant to the provisions of the Town and Country Planning Act 1990, (as amended)

2. That the implementation of 1. above be held in abeyance pending the verification and determination of the planning application received on 8 March 2011.

(C) E/2011/0034- NON COMPLIANCE WITH CONDITIONS PURSUANT TO PLANNING PERMISSION N/2008/0811- 42-46 KINGSTHORPE GROVE

The Head of Planning submitted a report in respect of E/2011/0034 and elaborated thereon.

The Committee discussed the report.

RESOLVED: 1. That the Borough Solicitor be authorised to issue an Enforcement Notice in respect of the non compliance with planning conditions pursuant to planning approval N/2008/811 and with a compliance period of 2 months.

2. That in the event of non-compliance with the Notice, the Borough Solicitor take any other necessary, appropriate and proportionate

enforcement action pursuant to the provisions within the Town and Country Planning Act 1990, (as amended) to bring about compliance with the Notice.

**(D) E/2011/0054- UNAUTHORISED CHANGE OF USE TO CAR REPAIRS- 10
PEVERELS WAY**

The Head of Planning submitted a report in respect of E/2011/0054 and elaborated thereon.

The Committee discussed the report.

- RESOLVED:**
1. That the Borough Solicitor be authorised to issue an Enforcement Notice in respect of the unauthorised change of use of the garage to the rear of the property for vehicle repairs not ancillary to the use of the dwellinghouse and with a compliance period of 1 month.
 2. That in the event of non-compliance with the Notice, the Borough Solicitor take any other necessary, appropriate and proportionate enforcement action pursuant to the provisions within the Town and Country Planning Act 1990, (as amended) to bring about compliance with the Notice.

The meeting concluded at 21.24 hours.