

NORTHAMPTON BOROUGH COUNCIL

PLANNING COMMITTEE

Tuesday, 4 September 2012

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

1. APOLOGIES

Apologies for absence were received from Councillors Davies, Hibbert and Meredith.

2. MINUTES

Subject to minute 10 (C) being amended by amending the last sentence of the second paragraph to read "...although he had a rear access the applicant had withdrawn his permission for Mr Lewis to use it." and amending the third paragraph by the addition of the word "not" between the words "had" and "tried" in the penultimate sentence, the minutes of the meeting held on 24 July 2012 were agreed and signed by the Chair.

3. DEPUTATIONS / PUBLIC ADDRESSES

RESOLVED: That Mr Harrison be granted leave to address the Committee in respect of application no. N/2011/1160.

That Councillor Palethorpe and Mr Phillips be granted leave to address the Committee in respect of application no. N/2012/0606.

That Messrs Perryman, Letty and Almaond and Mrs Earsley be granted leave to address the Committee in respect of application no. N/2012/0608.

That Messrs Farrar and Morton and Councillor Larratt be granted leave to address the Committee in respect of application no. N/2012/0637.

4. DECLARATIONS OF INTEREST/PREDETERMINATION

Councillor Golby declared a personal interest in Item 5 Matter of Urgency-N/2011/0241 as a County Councillor.

Councillor Hallam declared a personal interest in Item 5 Matter of Urgency-N/2011/0241 as a County Councillor.

Councillor Lynch declared a personal interest in Item 5 Matter of Urgency- N/2011/0241 as a County Councillor.

Councillor Golby declared a personal interest in Item 7B- N/2011/1262, N/2011/1263, N/2011/1264, N/2011/1265, N/2011/1266, N/2011/1267 & N/2011/1268 as a County Councillor.

Councillor Hallam declared a personal interest in Item 7B- N/2011/1262, N/2011/1263, N/2011/1264, N/2011/1265, N/2011/1266, N/2011/1267 & N/2011/1268 as a County Councillor.

Councillor Lynch declared a personal interest in Item 7B- N/2011/1262, N/2011/1263, N/2011/1264, N/2011/1265, N/2011/1266, N/2011/1267 & N/2011/1268 as a County Councillor.

Councillor Mason declared a personal interest in Item 10D- N/2012/0690 as a Ward Councillor.

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:

N/2011/0241- ERECTION OF 52NO DWELLING HOUSES AND ASSOCIATED CAR PARKING AND OPEN SPACE (AS AMENDED BY REVISED PLANS RECEIVED 9TH DECEMBER 2011), LAND AT MILL WAY PRIMARY SCHOOL, MILLWAY, DUSTON

The Head of Planning referred to the Addendum that had been circulated and that included a report that sought to amend the heads of terms of the Section 106 Agreement agreed previously by the Committee on 7 February 2012 and elaborated thereon. She clarified that this was not the same application that appeared under item 7B of the agenda (N/2011/1268 & N/2001/1264) and that the highways access improvement works directly to the site from Tollgate Way would be unaffected.

The Committee discussed the report.

RESOLVED: 1. That notwithstanding the decision of the Committee on 7th February 2012 the heads of terms of the Section 106 Agreement be amended as follows:

- The provision of 12 units of affordable housing.
- The provision of 11 units on a shared equity basis with the Council or a social housing provider of its choice retaining a percentage of the equity.
- 10% of the total units on the site to be mobility units.

- The provision, retention and maintenance of the open space.
 - The adoption, maintenance, operation and management in perpetuity for all elements of the surface water drainage scheme, with contingency arrangements.
2. That the Head of Planning be authorised to negotiate and determine the detailed provisions and wording of the Agreement in line with the Committee determination.

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) N/2011/1160- DELEGATED AUTHORITY FOR THE HEAD OF PLANNING REGARDING PLANNING CONDITIONS IN RESPECT OF DEMOLITION OF GARDEN CENTRE CONCESSION BUILDINGS AND ERECTION OF NEW SUPERMARKET; ERECTION OF NEW RETAIL BUILDING AND STORAGE BUILDING TO SERVE GARDEN CENTRE; RECONFIGURATION OF SERVICE AREA AND NEW SERVICE ROAD AND ALTERATIONS TO ACCESS FROM NEWPORT PAGNELL ROAD. ADDITIONAL WORKS TO PARKING, LANDSCAPING AND LIGHTING NORTHAMPTON GARDEN CENTRE, NEWPORT PAGNELL ROAD, NORTHAMPTON.**

The Head of Planning submitted a report that sought delegated authority for the Head of Planning to finalise the wording of appropriate planning conditions in respect of application no N/2011/1160. He referred to the Addendum that set out correspondence from the applicant and Wootton and East Hunsbury Parish Council and the responses thereto.

Mr Harrison, Waitrose's Development Surveyor, commented that they were delighted that the Committee had granted them planning permission at the July meeting and noted that their representative at that meeting, Mr Wright, had indicated that they had not had an opportunity to review the conditions attached to the consent hence the report before the Committee this evening. He hoped that the Committee would approve the recommendation. As regards the issue of the opening hours as referred to in the Addendum he was happy that this be dealt with via a separate planning application.

The Committee discussed the report.

RESOLVED: That notwithstanding the decision of the Committee at its meeting on 24 July 2012 in respect of planning application N/2011/1160, delegated authority be given to the Head of Planning to finalise the wording of appropriate planning conditions.

(B) N/2011/1262, N/2011/1263, N/2011/1264, N/2011/1265, N/2011/1266, N/2011/1267 & N/2011/1268- SUPPLEMENT TO COMMITTEE RESOLUTIONS OF 26 JUNE 2012 TO ALLOW ADDITIONAL TIME TO CONCLUDE THE NEGOTIATION OF PLANNING OBLIGATIONS FOR THE APPLICATIONS TO EXTEND TIME LIMIT FOR IMPLEMENTATION OF OUTLINE PLANNING PERMISSIONS FOR RESIDENTIAL DEVELOPMENT AT FORMER ABINGTON VALE, EMMANUEL CHURCH, BLACKTHORN, ST MARY'S, AND GOLDINGS MIDDLE SCHOOLS AND ECTON BROOK AND MILLWAY PRIMARY SCHOOLS.

The Head of Planning submitted a report that sought authority for the Head of Planning to extend the periods of time as determined by them for prior completion of planning obligations, in order to complete negotiations and secure the necessary mitigation measures, to make the proposed developments acceptable in respect of applications N/2011/1262, N/2011/1263, N/2011/1264, N/2011/1265, N/2011/1266, N/2011/1267 and N/2011/1268 considered by the Committee on 26 June 2012.

RESOLVED: That in addition to the resolutions of 26 June 2012, the Head of Planning be authorised to extend the periods of time for prior completion of planning obligations, for additional periods as may be determined by them, in order to complete negotiations and to secure the necessary mitigation measures, to make the proposed developments acceptable in respect of application nos. N/2011/1262, N/2011/1263, N/2011/1264, N/2011/1265, N/2011/1266, N/2011/1267 and N/2011/1268.

8. NORTHAMPTONSHIRE COUNTY COUNCIL APPLICATIONS

None.

9. NORTHAMPTON BOROUGH COUNCIL APPLICATIONS

(A) N/2012/0623- CHANGE OF USE OF WALLED GARDEN TO USE FOR WEDDING RECEPTIONS AND OTHER FUNCTIONS, TOGETHER WITH THE ERECTION OF MARQUEES AT DELAPRE ABBEY, LONDON ROAD.

The Head of Planning submitted a report in respect of application no N/2012/0623 and elaborated thereon.

The Committee discussed the application.

RESOLVED: That the application be approved subject to the conditions set out in the report as on a temporary basis the proposal would have no adverse impact on the character and setting of the listed building and any impact on adjoining occupiers can be satisfactorily controlled under the premises licence. The proposal will assist in ensuring the viability of the listed building in the long term.

10. ITEMS FOR DETERMINATION

(A) N/2012/0606- CHANGE OF USE OF PART OF DWELLING AS DENTAL SURGERY AT 41 STATION ROAD

The Head of Planning submitted a report in respect of application no N/2012/0606, elaborated thereon and referred to the Addendum that set out a petition objecting to the application.

Mr Phillips, a resident and on behalf of other residents, stated that they were objecting to the application as they believed that it was not a suitable location for a dentist's surgery; the property was not part of other local shopping. He commented that Billing was a residential village that had retained its quiet village nature. Residents believed that there would be highways issues as Station Road was narrow, and was a private road with a gravelled surface. As there was limited space within the site there would be parking problems in the surrounding streets likely to cause danger and nuisance to other residents. There was also the issue of noise disturbance caused by patients' vehicles and from the dentist's drill. Mr Phillips commented that residents also had concerns about the disposal of clinical waste. He asked the Committee to consider the issues that he had raised. In answer to a question Mr Phillips conceded that the Highway Authority had not raised any objection to the application.

Councillor Palethorpe, as Ward Councillor and on behalf of local residents, commented that the site visit the previous day had been welcomed. Residents were seeking reassurance that any planning permission would be personal to the applicant and that when the applicant either ceased the dentist's practice or moved from the property that it would revert to being a single dwelling.

The Head of Planning commented that vehicle movements were likely to be limited given that there would be only a single dentist operating from the property. He confirmed that the Highway Authority had not objected to the application and that proposed condition 3 set out in the report dealt with the reversion of the property to a single dwelling. In answer to questions the Head of Planning commented that the applicant would be the practising dentist, that when the dentists use ceased the property would revert to being a single dwelling and that proposed condition 3 limited the dentists use to a single dentist, that being the applicant.

The Committee discussed the application.

RESOLVED: That the application be approved subject to the conditions set out in the report as the development, by reason of its nature and limited scale, was considered unlikely to either have any adverse impact on the character of the area, highway congestion or the amenity of neighbouring properties in accordance with saved policies E19 and B20 of the Northampton Local Plan.

(B) N/2012/0608- ADDITIONAL USE OF LIFT TOWER FOR ABSEILING AT THE NATIONAL LIFT TOWER, TOWER SQUARE

The Head of Planning submitted a report in respect of application no. N/2012/0608, elaborated thereon and referred to the Addendum that set out further objections from residents in The Approach and Nearside.

Mr Letty, a local resident, circulated photographs from two abseiling events that he believed showed problems with spectators, car parking and marshalling which had been viewed and verified by Planning Officers prior to the meeting. He commented 138 residents had objected to the existing plans and the frequency of events. The events attracted a large number of people trying to park; residents only had one space per property so this meant parking in undesignated areas. The roads in the development were not adopted. Mr Letty noted that the Applicant claimed that it cost £120,000 a year to maintain the lift tower and that they had to raise the money to do this. He believed that abseiling could not take place in bad weather so events would be more likely to take place in summer and therefore be more frequent during these months. He stated that he would be happy to work with the applicant if the application were to be approved for a temporary period as suggested in the report. In answer to questions Mr Letty stated that his experience of the abseiling events to date was that they caused quite a nuisance and that he had not been aware of any catering vans that might have been present.

Mr Almaond, a local resident, commented that he had purchased his property in the full knowledge that the lift tower was there and that it was a listed building. He had not objected to a previous application for a conference centre that had been ultimately refused however, he did object where what the owners wanted to do directly impacted on him. He believed that the marshalling of events to date had been inadequate; spectators had leaned up against his house and window sill and shouted to their friends who were abseiling; the marshals had done nothing. Spectators have stood in the road and would not move for traffic and marshals had stopped traffic to allow spectators to take photographs of the abseilers from the road. In answer to a question Mr Almaond commented that many of the surrounding properties were occupied by families, their gardens were at the back of the properties and children often played at the front of the properties.

Mr Perryman, stated that his role was to manage the abseiling events on the day. The events had to be safe for those participating and he used only qualified instructors. The Lift Tower had to make money so that it could be maintained. He was not aware of any particular car parking problems; marshals dealt parking and spectators; they had access to 22 parking spaces. He stated that there had been problems with local residents driving around the roundabout. There was limited access to the site and they had off site provision if needed. Mr Perryman stated that he had never heard any shouting and noted that the marshals were all linked by radio. Abseiling could take place all through the year; only thunder and lightning or high winds would prevent an event taking place. He believed that a unique package was being offered to people. In answer to questions Mr Perryman stated that marshals kept spectators away from the base of the lift tower and away from local residents properties; to date there had not been a problem in respect of parking on match days at the Saints; that only a limited number of people could abseil per hour; that the overspill parking arrangement was with Wrefords; that they did not engage

the services of a catering van (crisps and drinks were sold from a gazebo); and of the 10 marshals minimum for each event two were dedicated to dealing with spectators.

Mrs Earsley, on behalf of one of the charities that took advantage of the fund raising opportunities offered at the lift tower, commented that her fund raisers had been given strict times for their abseil and briefings had been given on car parking including the use of offsite facilities. Whilst her charity had provided its own support for signing participants in, instructions had been given to spectators not to stand in the road to watch the abseilers. The day had run smoothly and she had not been aware of any complaints. From her experience this event had been much quieter than match days at the Saints or the Cobblers and she was not aware of any particular car parking issues.

The Head of Planning noted that the marshals were trying to minimise the impact of spectators but clearly residents believed that there were unresolved issues. If the Committee were minded to approve the application on a temporary basis it would provide an opportunity for issues to be teased out. In answer to questions the Head of Planning commented that on the basis of an eight hour day and everything running smoothly, 64 abseils could take place although 60 was perhaps more realistic; conditions could be added to any temporary approval including the submission of a management and marshalling plan for approval before commencement of any further abseiling events; and that the temporary consent period could be extended by two months to 31 May 2013.

The Committee discussed the application.

Councillor Golby proposed and Councillor Oldham seconded "That subject to the temporary consent period being extended to 31 May 2013, the application be approved as set out in the report."

Upon a vote the motion was agreed.

RESOLVED: That the application be approved for a temporary period until 31 May 2013 subject to the conditions set out in the report as although the abseiling raised some concerns particularly in terms of the effects on the amenity of surrounding neighbours it was considered that a temporary consent was reasonable to allow the Local Planning Authority to fully assess the effect of the proposal and to ascertain whether a permanent permission should be granted following its expiry and if so what further mitigation may be required. This was to accord with the aims and intentions of the National Planning Policy Framework.

(C) N/2012/0637- TWO STOREY SIDE/REAR EXTENSION AT 32 ROSEMOOR DRIVE

The Head of Planning submitted a report in respect of application no. N/2012/0637 and elaborated thereon.

Mr Farrar, a resident, commented that he objected to the application as not being in keeping with the street scene due to its massing and bulk. He noted that all of the properties in the cul-de-sac were of a similar size and design. The proposed

extension would create floor space the equivalent of a one bedroomed dwelling. Mr Farrar noted that a previous similar application had been refused on grounds of its size, massing and effect on visual amenity. This application represented a reduction in surface area of 2.36% in comparison with the previous application; its fundamental size and scale remained. Neighbours were fearful that if approved this application would set a precedent; they also had concerns concerning car parking. In answer to a question Mr Farrar commented that the owner of 32 Rosemoor Drive did not live in the property and that it had been rented but was currently empty.

Councillor Larratt, as Ward Councillor, queried why the report or Addendum made no reference to an objection from Mr Richard Smart. He stated that he supported Mr Farrar's comments; he believed that the extension would create an extra 110sq metres of space and was similar to the previous application that had been refused being only 3sq metres smaller. He was not aware of any other extension on the same scale. He stated that the previous planning application had been rightly refused. Councillor Larratt stated that he believed that in the case of the previous application the applicant had sought pre-application advice that had been given by one planning officer but the resulting planning application had been refused under delegated authority by a different planning officer. He believed that in this instance the Planning Officers were trying to redress the situation of the previous application. He was surprised that there had not been a site visit and asked that the Committee either defer consideration for a site visit or that determination be passed to an independent Planning Authority.

Mr Morton, the Agent, commented that the net additional space created by the extension would be 78sq metres; he believed that neighbours had not taken off the existing space within the garage in coming to their conclusions. He noted that a previous application (in 2005) in addition to that referred to by the previous speakers for a similar proposal had been approved but had lapsed. Mr Morton commented that the bulk of the extension would now be behind the gable and that it would fit in with other buildings in the vicinity. The garage would now be able to be used as a garage rather than as a storage space. He believed that there were no grounds for refusal of the application.

The Head of Planning commented that there was nothing untoward in respect of the previous application that had been refused or this one, each being treated on its merits. The schemes were similar but the critical difference was that by setting the extension back, its bulk and effect on the street scene had been reduced and overcame the previous reason for refusal. He also noted that the tenure of the property was not a planning issue and that an objection had not been received from Mr Smart in respect of the current application. In answer to a question the Head of Planning redisplayed the effect of the application.

The Committee discussed the application.

Councillor Golby proposed and Councillor Oldham seconded "That consideration of the application be deferred pending a site visit."

Upon a vote the motion was carried.

RESOLVED: That consideration of the application be deferred pending a site visit.

(D) N/2012/0690- APPLICATION FOR A NON-MATERIAL AMENDMENT OF PLANNING PERMISSION N/2011/1070 FOR THE ERECTION OF 17 NEW DWELLINGS, TO RE-POSITION PARKING AT PLOT 13, CHANGES TO ACCESS TO PLOTS 15 & 16, CHANGES TO SITE ENTRANCE ROAD, LAYOUT CHANGES TO 3 BED/5 PERSONS AND 2 BED/4 PERSONS DWELLINGS, REVISED WINDOW SIZES CHANGES TO FINISHED FLOOR LEVELS AND RELOCATION OF PHOTO VOLTAIC PANELS AT SITE OF FORMER ROBINSON HOUSE, 11 BURROWS COURT

The Head of Planning submitted a report in respect of application no N/2012/0690, advised that since the report had been published further minor amendments had been submitted as part of the application in respect of levels and elaborated thereon.

The Committee discussed the application.

RESOLVED: That the application be approved as the proposed amendments would not materially affect the previously approved scheme or its environs and therefore the proposal was acceptable.

(E) N/2012/0752- CHANGE OF USE FROM INFO CENTRE/CRECHE (USE CLASS D1) TO RETAIL (USE CLASS A1) AT 134 ST JAMES ROAD

The Head of Planning submitted a report in respect of application no. N/2012/0752 and requested that the Head of Planning be authorised to finalise the wording of proposed condition 2 in respect of opening hours. .

The Committee discussed the application.

RESOLVED: That the application be approved subject to the conditions set out in the report and that the Head of Planning be authorised to finalise the wording of condition 2 as the proposed development was considered to be acceptable in principle for a local centre and would be located in a sustainable location causing no significant undue harm to the amenity of neighbouring properties to accord with the intentions and aims of the NPPF.

11. ENFORCEMENT MATTERS

None.

12. ITEMS FOR CONSULTATION

None.

The meeting concluded at 20.07 hours.