

**NORTHAMPTON BOROUGH COUNCIL**

**PLANNING COMMITTEE**

**Tuesday, 2 October 2012**

**PRESENT:** Councillor Flavell (Chair); Councillors Aziz, N Choudary, Hallam, Hibbert, Lynch, Mason, Meredith and Oldham

**1. APOLOGIES**

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

**2. MINUTES**

The minutes of the meeting held on 4 September 2012 were agreed and signed by the Chair.

**3. DEPUTATIONS / PUBLIC ADDRESSES**

**RESOLVED:** That Messrs Wright and Williams and Councillor Bottwood be granted leave to address the Committee in respect of application no. N/2007/1570.

That Mr Littman be granted leave to address the Committee in respect of application no. N/2012/0010.

That Messrs Toone and Berkshire and Mesdames Watson and Hone and Councillor Subbarayan be granted leave to address the Committee in respect of application no. N/2012/0496.

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

**4. DECLARATIONS OF INTEREST/PREDETERMINATION**

Councillor Oldham declared a Personal interest in application no N/2007/1570 as being a former member of Upton Parish Council who had been a consultee when the application had been originally submitted to WNDC.

**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.

**RESOLVED:** That the report be noted.

## **7. OTHER REPORTS**

None.

## **8. NORTHAMPTONSHIRE COUNTY COUNCIL APPLICATIONS**

None.

## **9. NORTHAMPTON BOROUGH COUNCIL APPLICATIONS**

### **(A) N/2012/0809- ERECTION OF 2X FREE STANDING, DOUBLE SIDED SIGNS AT EDGAR MOBBS WAY**

The Head of Planning submitted a report in respect application no. N/2012/0809, elaborated thereon and referred to the Addendum that set out representations from the Highway Authority.

The Committee discussed the application.

**RESOLVED:** That the application be approved subject to the conditions set out in the report.

### **(B) N/2012/0810- ERECTION OF 3NO FREE STANDING, NON -ILLUMINATED HOARDINGS AT ADVERTISING RIGHTS AT WALTER TULL WAY AND UPTON WAY**

The Head of Planning submitted a report in respect application no. N/2012/0810, elaborated thereon and referred to the Addendum that set out representations from the Highway Authority.

The Committee discussed the application.

**RESOLVED:** That the application be approved subject to the conditions set out in the report.

### **(C) N/2012/0815- 1NO FREESTANDING NON-ILLUMINATED SIGN AT RADLANDS SKATE PARK, MIDSUMMER MEADOW, BEDFORD ROAD**

The Head of Planning submitted a report in respect application no. N/2012/0815 and elaborated thereon.

The Committee discussed the application.

RESOLVED: That the application be approved subject to the conditions set out in the report.

## 10. ITEMS FOR DETERMINATION

**(A) N/2007/1570- OUTLINE APPLICATION FOR HOUSING (UP TO 625 DWELLINGS OF MIXED TYPE AND TENURE), PRIMARY SCHOOL AND COMMUNITY RESOURCE CENTRE, LOCAL CENTRE FACILITIES INCLUDING SHOPS (CLASS A1), FINANCIAL AND PROFESSIONAL SERVICES (CLASS A2), RESTAURANT/CAFE (CLASS A3), DRINKING ESTABLISHMENT (CLASS A4), HOT FOOD TAKEAWAY (CLASS A5), STRUCTURAL PUBLIC OPEN SPACE WITH ASSOCIATED ACCESS, PARKING, GROUND WORKS, INFRASTRUCTURE, LANDSCAPING AND ACCESS. ON LAND AT PINEHAM NORTH, BANBURY LANE**

The Head of Planning submitted a report in respect of application no. N/2007/1570, noted that the site lay within Upton Ward rather than West Hunsbury Ward, elaborated upon the report and referred to the Addendum that set out comments from the Homes and Communities Agency and additional text for the "Access and Transport" section on page 46 of the agenda pack. He in particular referred to paragraphs 8.41 and 8.42 in terms of flood mitigation measures for that part of the site that was within Flood Zone 3a.

Councillor Bottwood as Ward Councillor, commented that he supported the development and commented that it was vital that infrastructure was put in place before the development of homes so as to avoid the problems that had been experienced in the development of Upton. The modal shift to public transport (anticipated by the County Council) had not happened and therefore adequate drop off and pick up points were needed for the proposed school; there also needed to be sustainable public transport solutions and he compared the situation in other parts of the Town where bus companies had withdrawn services once Section 106 funding had come to an end. Councillor Bottwood referred to the proposed health centre and noted that this had been promised before but had not happened; some residents in Upton had had to use doctors' surgeries in Bugbrooke. He also suggest that play areas should be provided throughout the site as the housing development took place to avoid the whole site from becoming a playground.

Mr Wright, on behalf the applicant, commented that Prologis had been involved in developments in Northampton for 15 years including at Pineham. They had already spent some £35m on infrastructure at Pineham North and had attracted employers such as BMW, Sainsbury's and Dalepack. This proposal was for a mixed housing, commercial, community and school development. Prologis were not house builders so they had formed a partnership with Taylor Wimpey who would be taking the application on from this point. Mr Wright commented that the application would help to fulfil the South West District Master Plan. In answer to questions Mr Wright commented that rainwater harvesting had been a feature they had incorporated into commercial developments, in principle in had no objection to drop off points being provided for the proposed school, but these issues and the phasing of development vis a vis the provision of infrastructure needed to be addressed to Taylor Wimpey.

Mr Williams, on behalf of Taylor Wimpey, confirmed that they had exchanged contracts with Prologis and had a partnership arrangement with Orbit Housing. He also confirmed that a further 36 affordable housing units would be provided over and above those provided for in the Section 106 Agreement. Taylor Wimpey wanted to build a quality development: it would create jobs locally and they were looking forward to developing the site. Mr Williams commented that they were very aware of the importance of how the school would relate to the surrounding area; that parking for the school was important- there would be onsite parking and a feeder road; and that the development would be built to Code Level 3 and they would be happy to investigate rain water harvesting. In answer to questions Mr Williams commented that there was no particular issue with providing a premises to be used as a health facility the issue was whether one of the Health Trusts would be willing to take it on; that the County Council would have guidance about parking provision for schools but they were aware of the need to have an adequate entrance to the site and to provide a drop off facility: there was plenty of land within the site to do this; that the Environment Agency had signed off the project on the basis of the agreed flood attenuation measures that included raising the ground level of part of the site; that there would be phased approach to infrastructure provision: it was in their best interests to be able to advertise housing with facilities that were available: this development represented a massive investment on the part of Taylor Wimpey; and that Orbit Housing would be partner to the subsequent reserved matters application.

The Head of Planning commented that although it was important to establish the framework for the development this application was for outline approval and that matters of detail such as parking would be dealt with as part of a subsequent reserved matters application. He referred to the proposed conditions set out in the report. He noted that the timing of infrastructure delivery was important and that some aspects such as roads and cycle paths were well advanced. Proposed Condition 5 controlled the phasing and delivery of community facilities. He confirmed that rainwater harvesting could be controlled under recommended conditions 8 and 24. In answer to questions the Head of Planning commented that Health Trusts could not be forced to take on a facility: it was up to them to show an interest; and that the Environment Agency had not revised their opinion since the heavy spring rains.

The Committee discussed the application.

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

- (1) Prior finalisation of a S106 agreement to secure the following matters or such amendments or additional obligations as the Head of Planning may consider appropriate in the circumstances:
  - a) Education and Community Facilities Package to secure as part of the development:
    - Funding and land to deliver a one form entry primary school with the potential for it to be a two form entry primary school;
    - A Community Resource Centre providing rooms and facilities for community use and delivery of local services including health care, libraries, police, fire and rescue including a management regime

- and constitution to ensure dual use operation and full community use (including joint use of enhanced school/community hall) outside of school hours; and
    - Outdoor recreation facilities for the school and Pineham Village community;
  - b) Funding to improve existing and deliver new transport facilities supported by a Travel Plan to:
    - Enhance bus services / facilities;
    - Provide and enhance cycle and pedestrian facilities off-site to improve the development's links with the surrounding area and the town centre; and
    - Measures to prevent HGV's passing through the development;
  - c) Affordable Housing at a blended rate of 22.5% on-site provision (20% phase I and 25% phase II) of which 70% to be Social Rent and 30% Intermediate Housing. NB also see (2) below in respect of 36 units of affordable rent;
  - d) Open Space and Play Space:
    - Submit for approval a public open space and play space / equipment strategy including location, programme of delivery and management / maintenance provisions;
    - Implement approved strategy in accordance with specification and phasing; and
    - Transfer public open space and play space to management company with commitment to maintain in accordance with approved management plan;
  - e) On-site skills related training during construction works;
  - f) S106 monitoring payment; and
  - g) Phased independent re-assessment of viability and review of obligations accordingly.
- (2) Receipt by the Borough Council of documentation from the Homes and Communities Agency (HCA) that confirms it would provide grant funding to ensure the delivery of 36 affordable rent homes (additional to those to be secured via the S106 agreement obligations) as part of the development here proposed; and
- (3) The conditions set out in this report or such amendment or additional conditions as the Head of Planning may consider appropriate in the circumstances.

As the proposed development was acceptable given its location within the South West District of Northampton, an identified area for planned growth of the town. The proposed scheme would bring forward a sustainable residential community, would facilitate improved infrastructure and services in the area and would contribute towards meeting the housing needs of Northampton. The scheme was considered to be in accordance with the policies of the development plan and National Planning Policy Framework. Furthermore, any adverse impacts identified within the Environmental Statement were capable of being mitigated through appropriate design and the imposition of conditions and/or the obligations contained within the S106 agreement. Consequently the environmental impact was considered to be acceptable.

- 1.2 In the event that the S106 Agreement was not completed and signed within four months of the date of the Committee decision, the Head of Planning be granted delegated authority to be able (but not obliged) to refuse or finally dispose of the application, at their discretion, on the basis that the necessary mitigation had not been secured for the development proposed.

**(B) N/2012/0010- VARIATION OF CONDITION 2 OF PLANNING PERMISSION 95/0866 TO ALLOW RETAIL SALE OF FOOD AND CONVENIENCE GOODS AND AN ANCILLARY CUSTOMER CAFE AT UNIT B JJB SPORTS SIXFIELDS RETAIL PARK, GAMBREL ROAD**

The Head of Planning submitted a report in respect application no. N/2012/0010, elaborated thereon and referred to the Addendum that set out comments from Councillor Wire DL.

Mr Littman, the agent, in answer to questions commented that a site in St James had been investigated but it had been materially smaller than the proposed site that would not let the applicant have the type of store they wanted with appropriate parking. They also felt that it would be too close to their Town Centre store. The site in St James had subsequently been sold, so it was no longer available as an alternative. Mr Littman noted that no issues had been raised as a result of the transport assessment that had been made.

In answer to a question, the Head of Planning commented that the retail impact of the current application and that of Barrack Road and Wootton applications considered by the Committee at its July meeting had been considered cumulatively. Together with this application the retail assessment advice to the Council was that all three were just within what was acceptable. He noted that proposed premises were already a shop albeit limited to non-food sales; what was different was the addition of

convenience foods; the character of the area would not be changed given that there was already a large superstore, Sainsbury's in close proximity. He noted that his advice would have been that the site in St James would have been sequentially preferable had it been available.

The Committee discussed the application.

**RESOLVED:** That the application to vary the condition set out in the report be approved as the proposed variation of condition to allow retail sales of food as well as a customer café was acceptable due to the limited impact on the town centre and the absence of any available sequentially preferable sites. The proposal therefore complied with guidance in the National Planning Policy Framework.

**(C) N/2012/0496- DEMOLITION OF EXISTING GARAGE AND ERECTION OF 1NO TWO-BED DETACHED DWELLING AT LAND TO REAR OF 97 THE HEADLANDS**

The Head of Planning submitted a report in respect of application no N/2012/0496, elaborated thereon and referred to the Addendum that set out amendments to paragraphs 7.1 and 7.3 of the report.

Councillor Subbarayan, as Ward Councillor, stated that he supported the recommended refusal of the application because the proposal would not match the building line of Beverley Crescent and its effect on the amenity of neighbours and in particular its effect of the amenity of the garden of 99 The Headlands.

Mrs Watson, the next door neighbour, commented that she objected to the application; six neighbours had objected to it as well and was pleased that it was recommended for refusal. She believed that the proposal would be out of scale with the existing houses, over prominent and would affect the amenity of adjoining residents. Furthermore, the amenity of the proposal itself would be poor. She noted that the applicant's agent had cited examples, in what he believed were similar circumstances, where planning permission had been granted but she did not think that they were similar in terms orientation or separation distances that were all greater than in this application.

Mrs Hone, a neighbour, stated that she believed that there were four issues to be considered; firstly, overdevelopment- the gardens of the host property and the proposal would be very small; secondly, building line- the proposal would be in front of the existing garages and properties in Beverley Crescent; thirdly, parking- there were existing problems with parking and the proposal would remove two garages without any compensating off street parking being provided; and fourthly, amenities- there was an access to the sewer serving neighbouring properties on the proposal site and whilst there had not been problems previously she did not want there to be problems in the future. Mrs Hone understood that that the owner rented the house out and did not live in the area. She hoped that the Committee would refuse the application. In answer to a question, Mrs Hone stated that she had not been consulted by the applicant.

Mr Toone, the agent, commented that the area of the proposal site in paragraph 7.2 of the report should read 160 square metres. He stated that the applicant had had a positive pre application discussion with Planning Officers. He believed that this site was similar to the two examples he had given in Beech Avenue and Elmhurst Avenue. He had not observed any parking problems in Beverley Crescent; there were no issues of overlooking and he asked the Committee to approve the application particularly in light of the two other approved schemes he had highlighted.

Mr Berkshire, the applicant, stated that he had been minded to make an application following visiting the Beech Avenue property previously referred to and pre application discussions where he had been advised to submit an application. He was confused as to why the application was now recommended for refusal. In answer to questions Mr Berkshire commented that he had given drawings to Mr and Mrs Watson and other neighbours who had discussed their reaction to them amongst themselves; and that he had not tried to ride rough shod over the neighbours.

The Head of Planning confirmed that Mr Toone's comments about the size of the plot were correct and thanked him for bringing it to the attention of the Committee. He commented that whilst there were some parallels between the examples given by Mr Toone and the application there were also some notable differences where the separation distances in the examples were greater, the site areas were greater and relationship to the building line where the proposal would be 3 metres in front of it. There was no suggestion of loss of privacy or overlooking. He noted that all applications had to be considered on their individual merits.

The Committee discussed the application.

**RESOLVED:** That the application be refused:

1. By reason of its siting, and design, the proposed dwelling would result in an intrusive feature unrelated to other dwellings in Beverley Crescent which would be detrimental to the street scene and character of the locality contrary to Policies H6 and E20 of the Northampton Local Plan.
2. By reason of its mass, height and siting, adjacent to the boundary with No. 99 The Headlands, the proposed dwelling would have a detrimental impact on the outlook and amenity of the occupiers of that property contrary to Policies H6 and E20 of the Northampton Local Plan.

**(D) 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 neighbour commented that the original application had been refused by virtue of its size and massing and detrimental effect on the street scene. He believed that this application was overbearing and noted that the original planning case officer had not been happy with it and he did not think that the changes that had been made were sufficient to merit an approval. Mr Farrar believed that the application still had



the same form and massing. There had been no consultation and he hoped that the Committee would refuse the application.

Mr Smart, a neighbour, commented that the owner had said to him that he was going to undertake a project but since then he had not heard anything. He had not heard anything from the Planning Office. The extension was huge and he believed that it could be used as a self-contained unit. He believed that it would impact on highway safety and its scale was not in keeping with the area. Mr Smart did not think that the fall in the land level in comparison with his property and boundary had been considered. In answer to questions Mr Smart commented that he had only received one letter originally from the Planning Office to which he had replied and had not thought that he had needed to reply further.

The Head of Planning commented that the changes that had been made to the proposal since the previous application were sufficient to recommend approval; that Officers had rechecked the Council's records and no correspondence had been received from Mr Smart in response to the current application; and if the property were to be split it would require a separate planning permission. He reminded the Committee that it needed to consider the application as it currently stood.

The Committee discussed the application.

**RESOLVED:** That the application be approved subject to the conditions set out in the report as the siting, size and design of the extension and its impact on residential amenity were considered acceptable in accordance with Policies H18 and H20 of the Northampton Local Plan and the Residential Extensions and Alterations Design Guide SPD.

**(E) N/2012/0802- ERECTION OF FRONT PORCH INCLUDING RAMPED ACCESS AT 28 COVERACK CLOSE**

The Head of Planning submitted a report in respect of application no N/2012/0802 and elaborated thereon. In answer to a question he commented that whilst generally speaking the construction of a porch would be permitted development, planning permission was required in this instance because of its size.

The Committee discussed the application.

**RESOLVED:** That the application be approved subject to the conditions set out in the report as the impact of the proposed development on the character of the original building, street scene and residential amenity was considered to be acceptable and in accordance with Policies E20 and H18 of the Northampton Local Plan.

**(F) N/2012/0843- CHANGE OF USE FROM RETAIL (CLASS A1) TO ACTIVITY CENTRE FOR PEOPLE WITH LEARNING DISABILITIES (CLASS D1) AT 140-142 ST JAMES ROAD**

The Head of Planning submitted a report in respect of application no. N/2012/0843, elaborated thereon referred to the Addendum that set out an alternative resolution to take account of the consultation period not having expired.

The Committee discussed the application.

**RESOLVED:** That the Head of Planning be delegated to approve the application in the terms set out in the report provided that no material objection raising matters not addressed in the report are received prior to the expiration of the consultation period.

**11. ENFORCEMENT MATTERS**

None.

**12. ITEMS FOR CONSULTATION**

None.

The meeting concluded at 20.36 hours.