

NORTHAMPTON BOROUGH COUNCIL

PLANNING COMMITTEE

Tuesday, 15 January 2013

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

1. APOLOGIES

Apologies for absence were received from Councillors Hibbert and Lane.

2. MINUTES

The minutes of the meeting held on 18 December 2012 were agreed and signed by the Chair.

3. DEPUTATIONS / PUBLIC ADDRESSES

RESOLVED: That Messrs Hepworth and Noble and Councillor Glynane be granted leave to address the Committee in respect of application no. N/2011/0867.

That Messrs Dooley and Pearson and Councillor Meredith be granted leave to address the Committee in respect of application no. N/2012/1132.

4. DECLARATIONS OF INTEREST/PREDETERMINATION

Councillor Meredith declared "predetermination" of application no N/2012/1132 as intending to speak against the application.

5. MATTERS OF URGENCY WHICH BY REASON OF SPECIAL CIRCUMSTANCES THE CHAIR IS OF THE OPINION SHOULD BE CONSIDERED

None.

6. LIST OF CURRENT APPEALS AND INQUIRIES

The Head of Planning, submitted a List of Current Appeals and Inquiries and reported that since the publication of the agenda, the appeal in respect of application no N/2012/0058 had been dismissed. He also noted that the hearing in respect of application no. N/2012/0640 would be held on 19 February 2013 in the Jeffery Room.

RESOLVED: That the report be noted.

7. OTHER REPORTS

None.

8. NORTHAMPTONSHIRE COUNTY COUNCIL APPLICATIONS

None.

9. NORTHAMPTON BOROUGH COUNCIL APPLICATIONS

The Head of Planning submitted a report in respect of applications N/2012/1237, N/2012/1239, N/2012/1240, N/2012/1242, N/2012/1243, N/2012/1244, and N/2012/1245, referred to the Addendum that set out comments from the Town Centre Conservation Area Advisory Committee and the Highway Authority and responses thereto and noted that recommendation 1.1 as set out in the report could be amended to reflect the receipt of those comments.

The Committee discussed the applications.

RESOLVED: 1. That the Advertisement Consent Applications N/2012/1237, N/2012/1239, N/2012/1240, N/2012/1242, N/2012/1243, N/2012/1244, N/2012/1245 be approved subject to the standard conditions set out in the report.

2. That the Head of Planning be authorised to approve in principle Listed Building Consent Application N/2012/1238 after the end of the consultation period on 24 January 2013, provided that no additional material considerations were raised and shall be subject to the conditions set out in the report and referred to the Secretary of State as the proposal had no significant adverse impact on the character or appearance of the listed building and accords with Policies E20 and E26 of the Northampton Local Plan and National Planning Policy Framework.

10. ITEMS FOR DETERMINATION

(A) N/2011/0867- CHANGE OF USE OF CELLAR TO EXTEND RESTAURANT/ CAFE/ BAR USE ON UPPER FLOORS AT 199 KETTERING ROAD, NORTHAMPTON

The Head of Planning submitted a report in respect of application no. N/2011/0867, referred to the Addendum that set out two representations from the owner of neighbouring flats and bungalow and the responses thereto and elaborated thereon.

Mr Noble, stated that he was representing a family business that owned and managed 195 to 197 Kettering Road and 102 Hood Street and that he wished to object to the application as he did not believe that the report accurately reflected the concerns he had raised since 2011. He believed that the basement was not suitable for the use applied for and had raised concerns with the Council's officers. Furthermore, there was no outside smoking area for customers and only limited car parking. Mr Noble believed that customers would be unlikely to walk to the premises. He also considered that the report and application made little reference to the

restaurant use but concentrated on the pub use and noted that the closing hours stipulated in the planning consent did not match the hours granted by Licensing. In answer to a question, Mr Noble commented that he had received complaints from some of his tenants and had lost the tenants adjacent to the first floor. There had also been complaints about smoking in the street and from the tenants of the bungalow in Hood Street in respect of their children. Mr Noble confirmed that most of the complaints had been whilst the works had been carried out.

Mr Hepworth, the applicant, commented that his pub was different to most in that he did not sell lager or alcopops. His clientele tended to be older and he was not aware of any particular issues. Mr Hepworth noted that the soundproofing installed was ten times better than the standard required by Building Control. He referred to three references from customers in support of the premises. In answer to questions Mr Hepworth commented that the noise limiter was set to 85db on the advice of Environmental Health; that from the 1880's to the 1970's the premises had been a butchers with heavy equipment in the basement and that he played background music, generally, from the 1960's and 1970's.

Councillor Glynanne, as a sometime customer stated that the premises were a pleasant place for a meal and drink and noted the support other customers had given to it. He had walked to it from where he lived in Far Cotton. He was dismayed by some of the comments that had been made particularly about smoking; the premises were located in a commercial area with several other pubs, restaurants and takeaways nearby. He believed that it fitted in well with the area.

The Head of Planning noted that Mr Noble's comments had been dealt with in the Addendum and in answer to questions commented that the issue of noise limiters was for Environmental Health and that proposed condition 2 dealt with noise and controlling it and could be amended to specifically prevent live music and reminded the Committee that this application only concerned the use of the basement.

The Committee discussed the application.

RESOLVED: That the application be approved subject to the conditions set out in the report as amended, to prevent the playing of live music, as the use would be in keeping with the character of Kettering Road as a Local/District Centre and would not lead to any undue adverse impact on adjoining residential properties or on highway safety. The proposal thereby complies with Policy E28 of the Northampton Local Plan and the guidance in the NPPF.

(B) N/2012/1132- ERECTION OF 1NO 3BED DETACHED DWELLING AND ASSOCIATED ACCESS AT LAND ADJACENT TO SOUTHFIELDS COTTAGE, BILLING LANE, NORTHAMPTON

Councillor Meredith moved to the public seating in accordance with his declaration of predetermination set out at minute 4 above.

The Head of Planning submitted a report in respect of application no. N/2012/1132 and elaborated thereon.

Councillor Meredith as Ward and County Council Division councillor commented that Billing Lane had been a problem since his first election six years ago; there had been a fatality and recently a wall had been knocked down. The lane was used as a rat run from the A45 to the A43 and speeding traffic was a problem; he had used some of his County Council empowerment funding to have a slow-down speed sign put in place. Residents had complained to him that they were unaware of the application and some had concerns because of the problems along Billing Lane. Councillor Meredith commented that he used the lane frequently and the site was on a dangerous bend and that it was often difficult to get into the site because of parked vehicles. He noted that although the existing hedge was to be moved and replaced queried whether it was in the gift of the applicant to do so; that the existing hedge was part of the street scene and rural feel of Billing Lane; previous issues in getting the hedge to be maintained. Councillor Meredith made reference to an e-mail he had received from the Agent that he considered was intimidating. In answer to questions Councillor Meredith commented that the fatality had been 300 yards further along Billing Lane and that walls had been knocked down at Brittons Drive and Crabtree Drive; speeding had been a cause of the incidents; traffic flow monitoring had shown results of speeds in excess of 50mph; that he believed that the applicant would need consent to move the hedge and that there had not been any discussion with him in that respect; that the road was predominately rural; and that he did not agree with the Highway Authority's assessment of accidents in the preceding five years.

(Councillor Meredith left the meeting in accordance with his earlier stated declaration of predetermination.)

Mr Dooley, the agent, commented that the hedge did belong to the applicant and comprised leylandii of no particular merit. The hedge would be removed and replanted to give a better visibility splay. He commented that there had been no accidents at this point along Billing Lane and the applicant had had a full traffic survey undertaken which the Highway Authority had agreed with the results. He believed that that the access arrangements would improve safety and hoped that the Committee would approve the application. In answer to a question, Mr Dooley stated that the existing access arrangements had been in place for a considerable period of time.

Mr Pearson, the applicant, stated that he had lived at Southfields Cottage for 22 years. In the last five years he had had problems with burglaries and was keen to have a nearby neighbour to help improve security. He noted that the application had the support of the Police and that there had not been any traffic accidents outside their house.

The Head of Planning agreed that Billing Lane had a rural feel to it and noted previous accidents and the fact that none had occurred outside Southfields Cottage as per the advice of the Highway Authority as set out in the report and previous refusals of planning permission. He considered that the current application represented an improvement of visibility and therefore was a net benefit. He confirmed that the details submitted with the planning application indicated that the hedge was in the ownership of the applicant and that moving and replacing the hedge would maintain the character of the area. He also confirmed that the appropriate consultation with neighbours as required by statute had been carried out.

The Head of Planning also recommended that proposed condition five be amended to include requirements to carry out the improvements to the visibility splay to be completed and maintained prior to the first occupation of the proposed dwelling.

The Committee discussed the application.

RESOLVED: That the application be approved subject to the conditions set out in the report and condition 5 amended to read: "Before the dwelling hereby permitted is first brought into use: a) The existing access point shown to be closed on the approved drawings shall be permanently closed (and the highway reinstated) in a manner to be approved in writing by the Local Planning Authority, and no further points of access shall be created thereafter; and b) The hedge, trees and fence to the Billing Lane frontage shall be removed to fully form the visibility splay shown on the approved drawings, the visibility splay shall be kept clear of obstructions thereafter and a replacement hedge shall be planted in the first planting season following the removal of the existing hedge in accordance with details to be submitted to and approved in writing by the local planning authority. The replacement hedge shall be maintained for a period of five years, such maintenance shall include the replacement in the current or nearest planting season whichever is the sooner plants/shrubs that may die, are removed or become seriously damaged or diseased with others of similar size and species. Reason: To confine access to the permitted point(s) in order to ensure that the development does not prejudice the free flow of traffic or conditions of highway safety along the neighbouring highway and in the interests of visual amenity in accordance with the aims of the NPPF" as the principle of a residential development in an existing residential area was acceptable. Due to the siting, scale and design of the proposed dwelling it would not have a detrimental impact on the street scene or on visual or residential amenity. The applicant had demonstrated that the development would not harm highway safety. The proposed scheme therefore accorded with Policies H6 and E20 of the Northampton Local Plan and the NPPF.

(Councillor Meredith re-joined the meeting.)

(C) N/2012/1169- CHANGE OF USE OF LAND TO DOMESTIC GARDEN AND ERECTION OF PERIMETER FENCE/ WALL 2.06M HIGH AT 54 THORN HILL, NORTHAMPTON

The Head of Planning submitted a report in respect of application no. N/2012/1169 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 proposed change of use and associated boundary treatment would, due to its siting, scale and design not have an undue detrimental impact on the character and appearance of the area or on

highway safety and complied with Policy E20 of the Northampton local Plan and aims of the NPPF.

11. ENFORCEMENT MATTERS

None.

12. ITEMS FOR CONSULTATION

None.

The meeting concluded at 19.28 hours.