

NORTHAMPTON BOROUGH COUNCIL

PLANNING COMMITTEE

Tuesday, 7 May 2013

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

1. APOLOGIES

Apologies for absence were received from Councillor Davies.

2. MINUTES

The minutes of the meeting held on 9 April 2013 were agreed and signed by the Chair.

3. DEPUTATIONS / PUBLIC ADDRESSES

RESOLVED: That Councillor Caswell, Mr Gary Boddington, Mrs Marlene Williamson, Duston Parish Councillor Alan Earle and Councillor Golby be granted leave to address the Committee in respect of application no, N/2013/0131.

That Mrs Sarah Cayton be granted leave to address the Committee in respect of application no. N/2013/0211.

4. DECLARATIONS OF INTEREST/PREDETERMINATION

Councillor Golby declared "predetermination" of application no. N/2013/0131 as intending to speak against the application.

Councillor Caswell declared a Personal interest in application no. N/2013/0131 as a Ward Member.

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. He stated that of the two outstanding appeals, a site visit would be taking place in respect of E/2012/0157 during May and he hoped to be able to report the outcome of the appeal to the next meeting of the Committee.

RESOLVED: That the report be noted.

7. OTHER REPORTS

(A) DEVELOPMENT MANAGEMENT ACTIVITY AND PERFORMANCE 2012-13

The Head of Planning submitted a report on activity and performance during 2012-13 and elaborated thereon. It was noted that performance was meeting or exceeding local and national targets.

RESOLVED: That the report be noted.

8. NORTHAMPTONSHIRE COUNTY COUNCIL APPLICATIONS

None.

9. NORTHAMPTON BOROUGH COUNCIL APPLICATIONS

None.

10. ITEMS FOR DETERMINATION

(A) N/2013/0131 - REDEVELOPMENT OF SITE TO PROVIDE A CONVENIENCE STORE (CLASS A1) INCLUDING ANCILLARY PARKING AND SERVICE AREA AT ASHTREE SERVICE STATION, 237-245 MAIN ROAD, DUSTON, NORTHAMPTON

Councillor Golby 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/2013/0131, elaborated thereon and referred to the Addendum that set out further representations received plus the officer's responses, and noted that a revised plan had been submitted which had led to a revised wording of proposed condition 2.

Councillor Caswell, as the Ward Councillor, stated that the area did not need another shop as there were already seven in the vicinity. This would be a huge shop and the existing shops would be put out of business. There is a good bus service to take residents to the big supermarkets in town. Another shop is not needed in the area and the Duston Parish Council had other ideas they would like to be considered on the site.

Mr Gary Boddington, speaking on behalf of another local resident, stated that two properties facing the site (256 and 258 Main Road) were not mentioned in the report. As there was only one vehicular entrance to the site the lights of vehicles exiting the site at night would shine into the living room of 256 Main Road and would be intrusive and a violation. The current service station closed at 6pm. Delivery vehicles would need to use the car park to access the proposed shop. Vehicle parking would encroach on the grass verges. The bus stop was to remain outside the site and would make the area busy. No mention was made of access for emergency vehicles along the road and to the site. The shop would be able to sell what it liked and was unnecessary as there were already two shops in close proximity. The nearest existing convenience store was three shops away.

Mrs Marlene Williamson stated that she lived opposite the proposed shop. She stated that she and other residents would suffer from increased traffic to the shop, which was already horrendous now and frightening crossing the road. If she did not leave home before 8am she could not get the car off her property and she was unable to drive on to her property between 2.30pm and 4pm. The proposed shop was unnecessary as there was a convenience store nearby and five other local shops. Other shops were also convenient via car or bus. There were problems with young people gathering around the telephone box at the site which was intimidating and there were instances of anti-social behaviour.

Parish Councillor Alan Earle, Chairman of Duston Parish Council, referred to the traffic problems in the area and the need to support local shops to keep Duston vibrant and viable. He referred to a petition against the application, which had been kept in a local shop and signed by over 800 people, plus over 168 letters of objection. He referred to anti-social behaviour in the alley next to the site. The Parish Council wished to see affordable housing on the site to protect the viability of Duston.

Councillor Golby stated that he believed a shop would not be efficient use of the site and referred to two convenience stores close by. He stated that there was a need to support local businesses as part of the community. He also referred to the traffic issues around the site and anti-social behaviour where people gathered in the alleyway and by the bus stop. Nearly 1,000 people had objected to the application. He supported Duston Parish Council's wish to see affordable housing on the site.

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

The Head of Planning stated that many of the issues referred to by the speakers, including anti social behaviour and traffic issues were already in existence and that the application was likely to improve the situation by introducing CCTV cameras and a new car parking layout at the site. The Highway Authority had offered no objections to the proposal. The site was located in a local centre and the proximity of other shops and convenience stores was not a material planning consideration. Existing shops were able to open beyond 6pm, which was the closing time of the current filling station. The Committee had to consider the application submitted and could not consider potential alternative uses for the site such as affordable housing, for which no application had been made. The application was for a convenience store of 279.2m², which fell well within the figures of 2,500m² in the NPPF and 1,000m² in submitted Joint Core Strategy. Each local centre had parity and the impact of the proposed store could not be considered on the other local centre in Duston village. It was important to ensure that each application was judged on its merits.

The Committee discussed the application.

The Committee considered that legal advice was required on the issues under discussion. It was agreed that there should be a short adjournment and the Committee would then reconvene in private session to receive that advice.

The Chair moved that the public and press be excluded from the meeting on the grounds that there would be disclosure to them of exempt information as

defined by section 100(1) of the local Government Act 1972 by reference to paragraph 3 of Schedule 12(A) to such Act. The motion was carried at 7.17pm.

The Committee took legal and procedural advice from the Head of Planning and the Borough Secretary and Monitoring Officer.

The Committee then resumed in public session at 7.32pm.

Councillor Meredith proposed and Councillor Oldham seconded, "That the proposed development would have a detrimental impact on visual and neighbour amenity contrary to Policy E20 of the Northampton Local Plan."

RESOLVED: That the proposed development would have a detrimental impact on visual and neighbour amenity contrary to Policy E20 of the Northampton Local Plan

(Councillor Golby re-joined the meeting.)

(B) N/2013/0153 - VARIATION OF CONDITION 3 OF PLANNING APPROVAL N/2008/0521 TO EXTEND HOURS OF USE OF GATES UNTIL 21:00 TO ALLOW PEDESTRIAN ACCESS TO DELAPRE PARK AT MENCAP DAY CENTRE, DELAPRE PARK, LONDON ROAD

The Head of Planning submitted a report in respect of application no. N/2013/0153, elaborated thereon and referred to the Addendum that proposed an additional condition (3).

The Committee discussed the application.

RESOLVED: That the application be approved subject to the conditions set out in the report and amended by the Addendum as the proposal would have no undue adverse impact on the character and appearance of the Conservation Area or on the amenities of adjoining occupiers and would provide a suitable level of security for the site. The proposal would thereby comply with Policies E20 and E40 of the Northampton Local Plan and National Planning Policy Framework.

(C) N/2013/0211 - CHANGE OF USE FROM DWELLING (USE CLASS C3) INTO HOUSE OF MULTIPLE OCCUPATION (USE CLASS C4) FOR 5NO. OCCUPANTS AT 52 BECTIVE ROAD

The Head of Planning submitted a report in respect of application no. N/2013/0211, elaborated thereon and referred to the Addendum that contained representation and the officer's comments.

Mrs Sarah Cayton, the applicant, stated that it was the intention of herself and her husband to rent the property to university students, as they did with a similar nearby property. They are approved landlords with the University of Northampton, live nearby and would manage any issues which arose in respect of the property. They had developed a good relationship with the adjoining neighbours and all neighbours had a copy of the management plan for the property and contact details for Mr and

Mrs Cayton. The living accommodation had been kept to a small size to discourage students from entertaining in the property.

The Head of Planning stated that the application met the criteria that all rooms had to be sensibly proportioned.

The Committee discussed the application.

RESOLVED: That the application be approved subject to the conditions set out in the report as the proposal would not have an undue detrimental impact on the character of the locality or on the residential amenity of the area and would not give rise to highway safety problems. The proposal is therefore compliant with the guidance contained within the National Planning Policy Framework and with Policy H30 of the Northampton Local Plan.

(D) N/2013/0297 - ERECTION OF SINGLE-STOREY DWELLING INCLUDING DETACHED GARAGE AT LAND REAR OF 25 PENFOLD LANE, GREAT BILLING

This application had been withdrawn from the agenda.

11. ENFORCEMENT MATTERS

None.

12. ITEMS FOR CONSULTATION

(A) N/2012/1252 - OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT OF UP TO 200 DWELLINGS (INCLUDING AFFORDABLE HOUSING) INCLUDING ROAD INFRASTRUCTURE, PUBLIC OPEN SPACE, LANDSCAPING, SUSTAINABLE DRAINAGE AND ENGINEERING WORKS (ACCESS NOT RESERVED) ON LAND TO EAST OF HARLESTONE ROAD

The Head of Planning submitted a report on a consultation by Daventry District Council in respect of application no. N/2012/1252, elaborated thereon and referred to the Addendum that contained a letter from the applicant's agent and the officer's response.

The Head of Planning cross-referenced the agent's responses in the Addendum to the points raised in the report. He then detailed the officer's responses to the comments made by the agent and stated that the agent's responses did not adequately address the Council's concerns. Although the application was in the Daventry District Council area the proposed houses would be built to meet the housing needs of Northampton Borough. Officers were concerned that this application should not be seen as a standalone development but as part of the larger Dallington Grange development.

The Committee noted that the Head of Planning intended to meet her counterpart at Daventry District Council to discuss issues relating to the site and the Dallington Grange development. There were some issues which were likely to require agreement under delegated authority. The Committee supported the need for the Head of Planning to be able to take this action.

The Committee discussed the application.

RESOLVED:

- (1) That Daventry District Council be informed that the Council objects to the application on the basis that the s106 agreement, as currently proposed, would fail to address the infrastructure needs of the development or provide an adequate quantum or level of affordable housing. In particular:
 - The current level of affordable housing proposed is 15% of the total number of dwellings. The split of affordable housing by tenure is not known at this stage. DDC's Affordable Housing SPD requires a provision of 29% unless justified through a viability appraisal. No such appraisal has been disclosed to NBC.
 - As the site sits within the Northampton Related Development Area (NRDA) the affordable housing provision will meet the housing needs of Northampton Borough. Consequently, NBC requests full input into the negotiation and drafting of the s106 with regard to affordable housing, including any discussions relating to financial viability.
 - As part of the wider Dallington Grange SUE, the proposal should make a proportionate contribution towards strategic infrastructure, including education and highway improvements. NBC requests that no decision is taken until agreement is reached with NCC regarding the primary education contribution. The s106 should also recognize the proportionate contribution of the development (as part of the greater SUE) towards secondary education and the A45/M1 Access Management Strategy, as set out in the memorandum of understanding between Local Planning Authorities and the County Council.
 - In the absence of appropriate s106 contributions, as set out above, it is considered that the proposal forms an unsustainable, stand-alone, scheme that fails to recognise the affordable housing needs of the area and the wider infrastructure needs of the Dallington Grange SUE. As such it is inconsistent with Policy N7 of the submission West Northamptonshire Joint Core Strategy and paragraph 14 of the NPPF.
 - Request that DDC clarify the future noise levels associated with the North-West bypass to ensure that a satisfactory level of residential amenity can be achieved for proposed dwellings along its route. In particular, reference is made to the noise assessment within the Environmental Impact

Assessment submitted with the Dallington Grange application and the disparity with the noise report submitted with the current scheme.

- (2) And that the Head of Planning be given delegated authority to deal with pursuant negotiations and respond to any further consultation on this proposed development.

The meeting concluded at 8:10 pm.