

## **NORTHAMPTON BOROUGH COUNCIL**

### **PLANNING COMMITTEE**

**Tuesday, 2 July 2013**

**PRESENT:** Councillor Flavell (Chair); Councillor Golby (Deputy Chair);  
Councillors Aziz, Caswell, I. Choudary, N Choudary, Lane, Mason,  
Oldham and Palethorpe

#### **1. APOLOGIES**

Apologies for absence were received from Councillor Meredith.

#### **2. MINUTES**

The minutes of the meeting held on 11 June 2013 were agreed and signed by the Chair.

#### **3. DEPUTATIONS/PUBLIC ADDRESSES**

**RESOLVED:** That Mr Seamark, Ms Percival, Councillor Davies and Mr Oliver be granted leave to address the Committee in respect of item N/2012/0909.

That Mr Shah be granted leave to address the Committee in respect of item N/2013/0267.

That Councillor Mennell be granted leave to address the Committee in respect of item N/2013/0445.

#### **(A) RECORDING/FILMING OF MEETINGS**

The Chair stated that there would be a change to the Constitution to allow members of the public to film and record proceedings at meetings. The Borough Secretary detailed the rules that would apply for such recordings, which were that they must not be disruptive to the business of the meeting or be personal intrusive.

#### **4. DECLARATIONS OF INTEREST/PREDETERMINATION**

Councillor Iftikhar Choudary declared a personal non-prejudicial interest in application no. N/2013/10267 as he occasionally used the Community and Education Centre and had some contact with committee members there.

#### **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.

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

**7. OTHER REPORTS**

None.

**8. NORTHAMPTONSHIRE COUNTY COUNCIL APPLICATIONS**

None.

**9. NORTHAMPTON BOROUGH COUNCIL APPLICATIONS**

None.

**10. ITEMS FOR DETERMINATION**

**(A) N/2011/1278 RESIDENTIAL DEVELOPMENT COMPRISING 45 NO, APARTMENTS, ASSOCIATED ACCESS, PARKING, DRAINAGE, LANDSCAPE AND PUBLIC OPEN SPACE. LAND AT OLD TOWCESTER ROAD, SOUTHBRIDGE, NORTHAMPTON**

The Head of Planning submitted a report in respect of application no. N/2011/1278, elaborated thereon and referred to the Addendum in which an additional condition relating to cycle storage facilities was proposed and further comments of NCC Development Management were reported.

The Committee discussed the report.

**RESOLVED:**

1. That the application be **APPROVED IN PRINCIPLE** subject to the prior finalisation of a S106 legal agreement, and conditions (including an additional condition in respect of cycle storage facilities set out in the Addendum) and for the following reason:

The proposal would represent the effective re-use of a vacant previously developed site and would not unduly impact on neighbouring amenity, highway safety or the character of the area. The proposal is therefore in accordance with National Planning Policy Framework and Policies 1, 4, 5, 9, 10 and 27 of the Central Area Action Plan.

2. That delegated authority be given to the Head of Planning to negotiate the detail of a **Section 106 Legal Agreement** to secure the provision of 5 affordable housing units on site or if a suitable Registered Social Landlord cannot be found, the provision of a commuted sum to contribute towards the provision of affordable housing off-site. The reasons for this are set out in paragraphs 7.20 – 7.23 of the Committee report.
3. That in the event that the S106 legal agreement is not secured within three calendar months of the date of this Committee meeting, delegated authority be given to the Head of Planning to refuse or finally dispose of the application at their discretion on account of the necessary mitigation measures not being secured in order to make the proposed development acceptable.

**(B) N/2012/0909 PROPOSED RESIDENTIAL DEVELOPMENT OF 142 DWELLINGS, GARAGES AND ASSOCIATED WORKS, INCLUDING NEW ACCESS ROUNDABOUT, LAND OFF LANCASTER WAY, TOWCESTER ROAD, NORTHAMPTON**

The Head of Planning submitted a report in respect of application no. N/2011/0909, elaborated thereon and referred to the Addendum that contained several further comments and the officer responses to those comments as well as revised wording to paragraph 7.38 of the Committee report.

The Borough Solicitor referred to an email from Mr Seamark, which queried the accuracy of the ownership certificate provided with the application. The Borough Solicitor stated that a planning authority cannot entertain an application for planning permission unless it is accompanied by an appropriate certificate as to ownership. In this case, the applicants have submitted a certificate which at face value complies with the legal requirements and no clear evidence has been provided to indicate that the certificate is inaccurate.

The Head of Planning stated that there is a factual error in the Council's Environmental Impact Assessment (EIA) screening opinion letter in respect of the proposed development. He briefly explained the screening process and added that the proposed development had been correctly screened but that the letter confirming that no EIA is required contained a factual error regarding the site history. Therefore the recommendation was changed as follows: officers would re-screen the application to establish if an EIA is required. If an EIA is not required the application would proceed as per paragraphs 1.1 to 1.3 of the Committee report. If an EIA is required the Committee and the applicant would be advised and then the matter would be pursued accordingly with the application being brought back to the Committee for consideration in due course.

Mr Seamark, representing the Buckingham Fields Community Action Group, addressed the Committee. He referred to issues regarding the ownership of the land and that it was an area for housing, not commercial use. He stated that the report did not refer to heavy metals on the site and to contamination, to land which the developer did not own, land which might be turned into a road without the owner's consent, the need to know ground levels missing documents, and that it would not be possible to see the back gardens from houses in some cases.

Ms Percival, representing the Buckingham Fields Community Action Group, addressed the Committee. She stated that the Urban Designer's comments were less enthusiastic than suggested in the report and referred to the Police Crime Prevention Design Advisor's objection to a link from the site to Towcester Road and Leah Bank. She referred to parking issues which had not been addressed and to vehicle dominance plus areas being left undeveloped. She also referred to properties from which it would not be possible to see their own back gardens.

Councillor Davies, as a Ward Member, addressed the Committee stating that she and the other speakers were not against the application per se but wanted the Committee to be able to make an informed decision. The community were happy to work with the developer to make the development less obtrusive. The path through the site would become a road but would not be adopted as the owner was unknown.

She stated that land levels needed to be known to ascertain the effect of the development on neighbouring properties. She referred to the T junction which was acceptable to all parties, rather than a roundabout, but which was not mentioned in the report, to contamination on the site and to Police concerns not addressed in the report.

Mr Oliver, representing Bovis Homes, addressed the Committee. He stated that the company was confident they could deliver the scheme, on which the local authority and residents had been consulted. The scheme would include 50 affordable units and a S106 package worth £1.2m. There would be management plans for all areas on the site and land could be requisitioned under s228 of the Highways Act 1980 if needed for a development. The difference in level across the site was approximately 11m and Bovis did not intend to raise levels around the boundary. Bovis intended to use local contractors on the development wherever possible.

The Committee discussed the report.

### **RESOLVED:**

1. That the application be **APPROVED IN PRINCIPLE** subject to re-screening to ascertain whether an Environmental Impact Assessment is required, conditions and the matters in paragraphs 1.2 and 1.3 of the report for the following reason:

The proposed development, subject to conditions, would result in the effective reuse of this vacant site and would not have undue adverse impact upon visual and neighbour amenity and highway safety. The proposal is therefore compliant with the requirements of the National Planning Policy Framework and Local Plan Policies E11, E19, E20, E40 and H8.

2. That delegated authority be given to the Head of Planning to negotiate the detail of a Section 106 Legal Agreement to secure the following or combination of these with a view to optimising the affordable housing provision provided on site:
  - i) 35% on-site affordable housing;
  - ii) Primary School Education payment;
  - iii) A payment towards the increase in capacity of Queen Eleanor interchange in accordance with the A45/M1 Growth Management Scheme;
  - iv) A payment towards improvements in highway capacity;
  - v) A payment towards increasing public transport provision;
  - vi) That the on-site Public Open Space is maintained and made available for public access in perpetuity;
  - vii) That the on-site Public Open Space and allotments are maintained in accordance with the Landscape Management Plan, dated April 2013 and received by the Council on the 9th May 2013;
  - viii) Training opportunities for construction workers and associated administration costs;

- ix) A payment towards Community Development (which can include the provision and/or enhancement of off-site open space, such as Delapre Parkland);
  - x) Place Making payment (which can include public realm improvements, public art and town/local centre improvements);
  - xi) The Council's monitoring fee.
3. That in the event of the Section 106 Legal Agreement not being completed within three calendar months of this Committee meeting, in addition to being able to grant planning permission as recommended above, the Head of Planning be given delegated authority to either refuse or finally dispose of the application (at their discretion) on account of the necessary mitigation measures have not been secured in order to make the proposal acceptable in line with the requirements of Northampton Local Plan Policy E19 and the National Planning Policy Framework.

**(C) N/2013/0235 CREATION OF ADDITIONAL 1,303SQM RETAIL FLOORSPACE AT MEZZANINE LEVEL AT UNIT C, NENE VALLEY RETAIL PARK, TOWCESTER ROAD**

The Head of Planning submitted a report in respect of application no. N/2011/0235, elaborated thereon and referred to the Addendum that contained further correspondence from the applicant and the officer response, including a suggested amendment to allow the sale of convenience goods from an ancillary café facility.

The Committee discussed the report.

**RESOLVED:** That the application be **APPROVED** subject to the terms of the unilateral undertaking that has been submitted by the applicants (S106) to limit the increase in the overall level of mezzanine floorspace at the park and secure a payment towards the improvement of the Gas Street roundabout and the conditions set out in section 9 of the report (plus an amendment to allow the sale of convenience goods from an ancillary café facility as set out in the Addendum) and for the following reason:

The mezzanine floorspace proposed is located within an existing retail unit within an out of centre location. However, it is considered that there are no sequentially preferable sites that are available, viable and suitable for the proposed development and the restriction of sales to 'bulky goods' (as set out in the attached conditions) will ensure that the scheme will not result in any significant adverse impact upon the town centre or district / local centres within the area. Furthermore, under the terms of the unilateral undertaking, the proposal will not result in an increase in the level of mezzanine floorspace at the retail park over and above that approved under application reference N/2012/0540. The identified highway impact resulting from increased vehicular trips can be adequately mitigated through off-site highway improvements secured through a unilateral undertaking. Consequently, it is considered that the proposal is compliant with the aims and objectives of the National Planning Policy

Framework and Policy 11 of the submission version of the Central Area Action Plan.

**(D) N/2013/0267 VARIATION OF CONDITION 3 OF PLANNING PERMISSION N/2010/1037 TO ALLOW THE COMMUNITY AND EDUCATION CENTRE TO OPERATE BETWEEN 10AM AND 1AM FOR A MAXIMUM OF 30 DAYS PER CALENDAR YEAR. THE CENTRE TO OPERATE BETWEEN 10AM AND 11PM ON ALL OTHER DAYS, FORMER CLICKER PUBLIC HOUSE, 1 COLLINGDALE ROAD NORTHAMPTON.**

The Head of Planning submitted a report in respect of application no. N/2011/0267 and elaborated thereon.

Mr Shah addressed the Committee, stating that he was acting as the solicitor for the applicants. He stated that permission had been granted in the previous year on a trial basis and there had been no problems. The application was so that the applicants did not have to seek planning consent on an annual basis. The extension of hours was for the period of Ramadan to allow breaking of the fast and worship. Many people left before 1.00am on those days, with only approximately 25 people staying until that time. As the days became shorter so the time people stayed at the centre would become shorter. There had been some issues regarding car parking, mainly on Friday afternoons but these had been resolved through introducing a car parking marshal and allowing the school to use the premises car park for drop off and collection of pupils.

Councillor Lynch had indicated that he wished to speak on the application but was not present at the meeting. The Head of Planning stated that Councillor Lynch had raised the issue of cars parking in neighbouring streets at the site meeting.

The Committee discussed the report.

**RESOLVED:** That the application be **APPROVED** subject to conditions (including that the number of days approved be thirty consecutive days) and for the following reason:

The proposal, by reason of the limited number of days involved and subject to conditions, would have a neutral impact upon residential amenity and therefore is in compliance with the requirements of the National Planning Policy Framework.

**(E) N/2013/0445 CHANGE OF USE OF GROUND FLOOR FROM RETAIL (CLASS A1) TO HOT FOOD TAKEAWAY (CLASS A5) AND CREATE 1NO. SELF-CONTAINED FLAT ON FIRST FLOOR AND SECOND FLOOR; INSTALLATION OF EXTRACTION FLUE TO THE REAR AND ALTERATION OF SHOP FRONT INCLUDING ACCESS TO UPPER FLOOR FLAT AND ALTERATION TO EXISTING ROLLER SHUTTER TO FRONT.70 KINGSLEY PARK TERRACE**

The Head of Planning submitted a report in respect of application no. N/2011/0445, elaborated thereon and referred to the Addendum that contained comments from the Crime Prevention Design Officer.

Councillor Mennell as Ward Member addressed the Committee, referring to litter and rubbish which would be likely to accumulate around the entrances to the premises if the application were to be approved. She also referred to a bus stop sited outside the premises, a lodge where vulnerable people lived which faced the premises and the congested nature of the Kettering Road.

The Committee discussed the report.

**RESOLVED:** That the application be **APPROVED** subject to conditions as agreed (including the provision, subject to ownership issues, of a litter bin) and for the following reason:

Whilst the change of use of the premises to a hot food takeaway would result in the loss of a shop use within the Local Centre there would remain a sufficient number of units and frontage in retail use within the locality such that the shopping character of the Local Centre would be retained. The proposal would bring back into use a vacant premises on a prominent shopping frontage in line with government objectives to encourage economic growth. Sufficient parking provision is available such that highway conditions would not be adversely affected and subject to the conditions proposed surrounding amenity would not be adversely affected and would also allow for suitable residential accommodation on the upper floors of the premises. The proposal is therefore in accordance with Policy R9, Policy H7 and Policy H26 of the Northampton Local Plan and NPPF paragraphs 17, 18, 19 & 49 and is considered acceptable.

#### **11. ENFORCEMENT MATTERS**

None.

#### **12. ITEMS FOR CONSULTATION**

None.

The meeting concluded at 7:50 pm.