

NORTHAMPTON BOROUGH COUNCIL

PLANNING COMMITTEE

Wednesday, 29 October 2014

PRESENT: Councillor Oldham (Chair);
Councillors Aziz, I. Choudary, Ford, Golby, Lane, Mason, Meredith
and Palethorpe

Steven Boyes, Director of Regeneration, Enterprise and Planning;
Rita Bovey, Development Manager (Acting); David Rowen,
Development Management Team Leader (Acting); Nicky Toon,
Principal Planning Officer (Acting); John Maher, Lawyer; Nathan
Birch, Democratic Services Officer

1. APOLOGIES

Apologies were received from Councillors Flavell; Nazim Choudary and Lynch.

2. MINUTES

The minutes of the meeting held on 30th September 2014 were agreed and signed by the Chair.

3. DEPUTATIONS / PUBLIC ADDRESSES

RESOLVED: That under the following items the members of the public listed be granted leave to address the Committee.

- N/2014/0596 Land at Sixfields Stadium
Councillor Glynane
Simon Patnick (County Developments)
- N/2014/0619 Raeburn School, Raeburn Road
Mark Preston (RDC Ltd, Agent)
Councillor Sarah Uldall
- N/2014/0951 Land adjacent to 25 Penfold Lane
Councillor Palethorpe (Ward Member)
John Marlow (Billing Parish Council)
Alan Price (Resident)
John Holman (Applicant)
- N/2014/0956 Clyde House, Southfields Barn, Southfields Community Centre
Councillor Meredith (Ward Member)
Toby Birch (Community Spaces Northampton)
Angela Paterson (Community Spaces Northampton)

Patrick Dooley (Agent)

- N/2014/0987 Former Ashtree Service Station, 237 Main Road,
Councillor Golby (Ward Member)
Francis Jones (Duston Parish Council)
Councillor Hadland
Nick Sanders (Resident)
Graham Price (Agent)
- N/2014/1000 Café Facility, Radlands Skate Park
Hema Patel (owner of Ark Restaurant)

4. DECLARATIONS OF INTEREST/PREDETERMINATION

Councillor Ford declared a personal, non-prejudicial interest in Item 10a; in that he is a member of the Northampton Town Football Club Supporters Trust. He could however approach the matter with an open mind, without any predetermination or prejudice.

Councillor Golby declared a pecuniary interest in Item 10c; as a member of Northamptonshire County Council and the Cabinet Member responsible for Education. He would leave the room for the duration of the item.

Councillor Golby declared a prejudicial interest in Item 10f as he was the Ward Councillor who called in the original planning application. He would address the Committee as the Ward member and then leave the room for the remainder of the item.

Councillor Palethorpe declared a personal and prejudicial interest in item 10d; as the ward member he had discussed and advised local residents regarding the application. He would address the Committee as the Ward member and then leave the room for the remainder of the item.

Councillor Meredith declared a personal and prejudicial interest in item 10e; as the ward member he had discussed and advised local residents regarding the application. He would address the Committee as the Ward member and then leave the room for the remainder of the item.

Councillor Meredith declared a personal interest in item 10g; as the ward member he had met the nursery operator. He could however approach the matter with an open mind, without any predetermination or prejudice.

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 Director of Regeneration, Enterprise and Planning submitted a List of Current Appeals and Inquiries. The Development Manager introduced the written report and elaborated thereon.

RESOLVED: That the report be noted

7. OTHER REPORTS

None

8. NORTHAMPTONSHIRE COUNTY COUNCIL APPLICATIONS

None

9. NORTHAMPTON BOROUGH COUNCIL APPLICATIONS

(A) N/2014/0996 - 56-72 ST GILES STREET: REPLACEMENT OF EXISTING REAR CRITTALL WINDOWS WITH UPVC DOUBLE GLAZED UNITS AND REAR TIMBER DOORS TO POWDER COATED ALUMINIUM FINISH

The Principal Planning Officer outlined the report of the Director of Regeneration, Enterprise and Planning.

The committee discussed the report.

RESOLVED: That the application be **APPROVED**, subject to the conditions set out in the report

(B) N/2014/1000 - CAFE FACILITY RADLANDS SKATE PARK, BEDFORD ROAD: SINGLE STOREY SIDE EXTENSION

This item was heard immediately after 10f on the agenda.

The Development Manager outlined the report of the Director of Regeneration, Enterprise and Planning, as set out in the agenda. The recommendation was for approval of the application subject to the conditions as set out in the report.

The Chair invited Hema Patel to address the committee. Ms Patel explained that the proposed location of the extension would obscure the view of the barrier entrance from her premises. The view of the skate park would also be obscured to those using her business. She would be happy if the extension went in any other direction.

The Development Manager reminded the committee that they should consider the application before them and not alternative schemes.

The committee discussed the report.

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

10. ITEMS FOR DETERMINATION

(F) N/2014/0987 - FORMER ASHTREE SERVICE STATION, 237 MAIN ROAD, DUSTON: VARIATION OF CONDITION 4 OF PLANNING APPLICATION N/2013/0131 TO EXTEND THE OPENING TIMES FROM 0730 - 2000 TO 0700 - 2200

The Development Manager outlined the report of the Director of Regeneration, Enterprise and Planning, as set out in the agenda. The recommendation was for approval of the application subject to the conditions as set out in the report.

The Chair invited Councillor Golby to address the committee. He drew the committee's attention to the Inspector's report when granting the application, specifically set out in the agenda at 7.2. He explained that resident concerns over potential anti-social behaviour had not eased. He believed the application was premature and would be more appropriate when the store was in operation and noise could be more effectively monitored and reviewed.

Councillor Golby left the room for the remainder of the item.

The Chair invited Frances Jones, Chair of Duston Parish Council (DPC), to address the committee. She explained that the DPC had reviewed the application and found they could not accept the proposed change of hours. This was in the main a residential area and the additional trading hours could create problems with congregation outside the premises and the noise that would be generated.

The Chair invited Councillor Hadland to address the committee. Councillor Hadland explained that he had called in the application for committee to consider. There had been widespread local unease at the original proposal, but the Planning Inspector had granted the application with conditions, including the limited opening hours. No consideration had been given to noise generated by pedestrians just away from the site, but near residential properties.

In response to a question from the committee Councillor Hadland advised that there was small commercial with limited impact locally.

The Chair invited Nick Sanders to address the committee. Mr Sanders explained that he lived directly opposite the site. Mr Sanders pointed out that despite the Planning Inspector's decision on opening hours, the operator had applied for a Premises Licence to sell alcohol from 06:00 – 00:00. While local residents accepted that the site had a previous use as a garage, that business never traded beyond 19:00, on Sundays and closed one day during the week. This new shop was to be one of 9 convenience stores in the Duston area.

In response to questions from the committee Mr Sanders supplied the following information:

- The car park to the store would be lit by approximately 6 new street lights.
- The bus stop outside the site had previously attracted some anti-social behaviour and been the subject of a dispersal order.

The Chair invited Graham Price, Agent for the applicant, to address the committee. Mr Price highlighted the Planning Inspector's view that he had required "new substantive information" and that the noise survey was that information. He confirmed that the hours now requested were exactly as originally proposed for the premises.

In response to questions from the committee Mr Price supplied the following information:

- The only variation to the conditions applied to the opening hours.
- He did not believe it would attract new customers, but increase the local retail offer.
- This would be a local convenience store, with no wider attraction.
- He did not have details of the car park lighting proposal to hand.
- The car park had no limitations on which business customers could make use of it.

In response to questions from the committee the Development Manager supplied the following information:

- The distance from the nearest property to the premises was approximately 27m.
- The application process did not require a reason for any request change to the conditions.
- Some of the adjoining commercial premises also have a residential element.
- Conditions regarding the car park lighting are in place, but have yet to be discharged.

The Committee discussed the report.

Upon a proposal from Councillor Ford, seconded by Councillor I Choudary the committee **RESOLVED**:

That the application be **REFUSED** on the grounds that:

The applicant has failed to demonstrate that the movement of pedestrians around the site, with the potential of congregation would not adversely impact upon the amenities of surrounding properties. The proposal therefore fails to comply with the requirements of the National Planning Policy Framework.

The committee also noted the Planning Inspector's comments when granting the previous application with the conditions as set out.

The vote on the resolution being - For: 8 Against: 0 Abstained: 0

(E) N/2014/0956 - CLYDE HOUSE, SOUTHFIELDS BARN, SOUTHFIELDS COMMUNITY CENTRE: CHANGE OF USE OF EXISTING STORAGE UNIT TO CREATE 3 DWELLINGS AND INSTALLATION OF FRONT AND REAR WINDOWS, TIMBER CLADDING, ENTRANCE DOORS AND DOUBLE GLAZED SCREENS

The Development Manager outlined the report of the Director of Regeneration, Enterprise and Planning, as set out in the agenda and addendum. In addition, two other objections received from 45 Farmhill Road and 7 Ludlow Close were reported. She also drew attention to paragraph 7.6 of the report which should also relate to 7 Oak Park Close. The recommendation was for approval of the application subject to the conditions as set out in the report.

The Chair invited Councillor Meredith to address the committee. Councillor Meredith expressed his unhappiness at the ruling regarding members not having the opportunity to ask questions following his submission. The Chair noted his objection, but pointed out that Councillor Golby had been bound by the same ruling on the previous item. Councillor Meredith explained the inaccuracies highlighted by the applicant regarding Southfields Focus in the addendum had been corrected. He believed the Community Centre to be a vital hub for Southfields and if the application was granted there was a risk this could be lost. He added that there were issues of noise from the Centre which would impact on any potential occupiers of the proposed development. He also believed that the site visit should have included the Community Centre itself.

Councillor Meredith left the room for the remainder of the item.

The Chair invited Toby Birch, Chair and Trustee of Community Spaces Northampton (CSN), to address the committee. Mr Birch explained that this was one of eight centres that CSN had managed since 2012. He outlined that 530 people used the centre each week, across 43 sessions. He believed that the building work proposed would be so disruptive as to potentially force some groups to stop operating. This in itself could impact on its long term viability.

In response to questions from the committee Mr Birch supplied the following information:

- The proposal site had been empty for 2 years and previously used as storage.

The Chair invited Angela Paterson, of Community Spaces Northampton (CSN), to address the committee. Ms Paterson believed that access to the car park was limited to existing leaseholders and this did cover the developer of the neighbouring properties. She highlighted potential issues around the safeguarding of the children using the playgroup and the noise issues from users of the Centre impacting the new properties. She urged the community to refuse the application due to the likely detriment to the wider community.

In response to questions from the committee Ms Paterson supplied the following information:

- The site had 12 parking spaces.

The Chair invited Patrick Dooley, the Agent for the applicant, to address the committee. Mr Dooley pointed out that the site was part of a group of barns which had already been converted. The current use for storage allowed unlimited hours of use, access and traffic movements. If the building was made use of commercially then the impact could be substantially more than the proposed development. He noted that the application was in line with planning policy and urged the committee to follow the officer advice.

In response to questions from the committee Mr Dooley supplied the following information:

- Current conversions are further along the block.
- He believed that the proposed homes would add to the Southfields community.

In response to questions from the Committee the Development Manager supplied the following information:

- It was possible to condition the noise mitigation required in the party wall of the proposed development.

The Committee discussed the report.

RESOLVED: That the application be **APPROVED** subject to the conditions set out in the report and that the Development Manager, with the agreement of the Chair, add a condition with regard to noise mitigation for the party wall of the development.

(D) N/2014/0951 - LAND ADJACENT TO 25 PENFOLD LANE: ERECTION OF 3 BED BUNGALOW WITH CAR PARKING

The Development Manager outlined the report of the Director of Regeneration, Enterprise and Planning, as set out in the agenda. The recommendation was for approval of the application subject to the conditions as set out in the report.

The Chair invited Councillor Palethorpe to address the committee. Councillor Palethorpe believed that the proposal was out of keeping with area. He added that the application was contrary to Policy E20, in that it did not reflect the character of the area. He reminded the committee that the previous refusal had been upheld by the inspector and that there should a similar refusal for this application.

Councillor Palethorpe left the room for the remainder of the item.

The Chair invited John Marlow, Acting Chair of Billing Parish Council, to address the committee. He asked the committee to note the more than 20 objections and help maintain the character of the area.

The Chair invited Alan Price, who lived adjacent to the proposal site, to address the committee. Mr Price explained that when he had moved to the area he had noted the previous refusal for similar applications. He noted the removal of 7.5m of wall, the potential for his property to be overlooked and the increased risk of flooding due to run off from the new building. He asked that the committee defend the area and refuse the application.

The Chair invited Mr Holman, the applicant, to address the committee. He explained that 25 Penfold Lane had a much larger garden than many in the area. The new proposal was on a smaller scale and fitted well into the site. There had been many changes which would reduce the impact on neighbouring properties. He did not believe this was a precedent, but a sensible use of the site.

In response to questions from the committee Mr Holman supplied the following information:

- This development would provide a bungalow, a much needed housing type in the area.

The Committee discussed the report.

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

The vote on the resolution being - For: 4 Against: 4 Abstained: 0

The Chair used his casting vote in favour of the officer advice to support the application.

**(A) N/2014/0596 - LAND AT SIXFIELDS STADIUM, EDGAR MOBBS WAY:
OUTLINE PLANNING APPLICATION FOR MIXED USE DEVELOPMENT OF
LAND ADJACENT TO SIXFIELDS STADIUM TO INCLUDE SINGLE
STOREY RETAIL BUILDINGS (14,075SQM) WITH ASSOCIATED CAR
PARKING AREAS, RESIDENTIAL DEVELOPMENT OF UPTO 255 UNITS
COMPRISING OF 2-3 STOREY TOWN HOUSES AND 4 STOREY
APARTMENT BLOCKS. EXTENSION AT FIRST FLOOR LEVEL OF THE
EXISTING WEST STAND TO FORM A CONFERENCE CENTRE
TOGETHER WITH A LINKED 4 STOREY UP TO 100 BEDROOM HOTEL,
LANDSCAPING AND OPEN SPACE**

The Development Management Team Leader outlined the report of the Director of Regeneration, Enterprise and Planning, as set out in the agenda and addendum. The recommendation was for approval in principle of the application to the prior referral of the matter to the Secretary of State; the completion of an appropriate and reasonable Section 106 legal agreement; appropriate conditions and the satisfactory resolution of the matters set out in the report.

The Development Management Team Leader explained that the holding objection from Sport England had been withdrawn.

The Chair invited Councillor Glynane to address the committee. Councillor Glynane declared an interest in that he was Chair of the Northampton flood Defence Alliance. He urged the committee to look at the facts before them. He believed if they did so they would conclude that there was not enough information before them to make a sound decision. The Environment Agency (EA) response, the lack of a transport plan and the future of town centre shopping not being analysed showed the application was premature.

The Chair invited Simon Patnick, on behalf of the applicant, to address the committee. Mr Patnick pointed out the EA request for further consultation if the committee was minded to approve the application. A further flood risk assessment had been submitted since the report was published. He explained this was an outline application to consider the possibility of use and as whole would improve the local area and add to the business and housing uses within the Waterside Enterprise Zone.

In response to questions from the committee the Development Management Team Leader advised the committee:

- No extension to Tweed Road was proposed
- Relocation of the Civic Amenity Tip was currently being negotiated
- Many of the outstanding issues were already being moved forwards

The Committee discussed the report.

RESOLVED: That the application be **APPROVED IN PRINCIPLE**, subject to prior referral to the Secretary of State and the issues contained in the report being resolved. A follow up report would be submitted to the Planning Committee likely to be at their next meeting.

**(C) N/2014/0619 - FORMER RAEBURN SCHOOL, RAEBURN ROAD:
CONSTRUCTION OF 38 DWELLINGS AND ASSOCIATED WORKS**

The Principal Planning Officer outlined the report of the Director of Regeneration, Enterprise and Planning, as set out in the agenda and addendum. The recommendation was for approval in principle of the application, subject to the completion of an appropriate and reasonable Section 106 legal agreement and the conditions set out in the report.

The Chair invited Councillor Uldall to address the committee. She explained she supported the proposed development on the site, but asked that resident concerns on highways matters be addressed.

The Chair invited Mark Preston, Agent for the applicant, to address the committee. He explained that the traffic survey had shown very few additional traffic movements in the area around school pick up/drop off. The applicant would have a full construction environment management plan in place to ensure the site was developed in a safe manner.

The committee discussed the report.

RESOLVED: That the application be **APPROVED IN PRINCIPLE**, subject to the completion of an appropriate and reasonable Section 106 legal agreement, the conditions set out in the report and the inclusion of a condition requiring the submission of a scheme for the provision of mains foul sewage on and off site

(B) N/2014/0604 - PLOT 1 ZONE C, SEPALS WAY, PINEHAM: ERECTION OF A BUILDING TO BE USED FOR THE PURPOSES WITHIN GENERAL INDUSTRIAL (B2) OR STORAGE AND DISTRIBUTION (B8) WITH ANCILLARY CLASS B1 OFFICE ACCOMMODATION, ACCESS, PARKING AND LANDSCAPING PROVISIONS

The Development Management Team Leader outlined the report of the Director of Regeneration, Enterprise and Planning, as set out in the agenda and addendum. The recommendation was for approval subject to the conditions set out in the report and the amended conditions as stated in the addendum.

The committee discussed the report.

RESOLVED: That the application be **APPROVED** subject to the conditions set out in the report and the addendum.

(G) N/2014/1022 - PIG & WHISTLE PH, BLACKTHORN BRIDGE COURT: REMOVAL OF CONDITION 3 OF N/2014/0617 (REQUIRING SUBMISSION OF DETAILS OF NOISE SOURCES); VARIATION OF CONDITION 2 TO ALLOW FOR SUBSTITUTION OF PLANS INCORPORATING REVISED DOOR AND WINDOW DETAILS AND EXTENDED RECREATION AREA AND VARIATION OF CONDITION 4 TO EXTEND HOURS OF OPENING TO BETWEEN 0800 AND 2100 MONDAY TO FRIDAY, 0900 TO 2100 SATURDAY AND 0900 TO 1800 SUNDAY

The Principal Planning Officer outlined the report of the Director of Regeneration, Enterprise and Planning, as set out in the agenda and addendum. The recommendation was for approval subject to the conditions set out in the report.

The committee discussed the report.

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

(H) N/2014/1045 - FORMER ABINGTON VALE MIDDLE SCHOOL, BRIDGEWATER DRIVE: VARIATION OF CONDITION 15 OF PLANNING PERMISSION N/2011/1262 TO ALLOW THE PROPOSED ROAD TO BE CONSTRUCTED TO ADOPTABLE STANDARDS BY 1ST SEPTEMBER

**2015 OR BY THE FIRST OCCUPATION OF THE 41ST DWELLING
WHICHEVER IS THE SOONER**

The Principal Planning Officer outlined the report of the Director of Regeneration, Enterprise and Planning, as set out in the agenda and addendum. The recommendation was for approval subject to the conditions set out in the report.

In response to a question from the committee the Principal Planning Officer confirmed:

- That the timescale would be limited by condition for the work to be completed no later than 1st September 2015.

The committee discussed the report.

RESOLVED: That the application be **APPROVED IN PRINCIPLE** subject to the conditions set out in the report and the completion of a S106 agreement.

11. ENFORCEMENT MATTERS

None

12. ITEMS FOR CONSULTATION

- (A) N/2014/1057 (SOUTH NORTHANTS DC CONSULTATION) - PINEHAM BARNES AREA, BANBURY LANE: EXTENSION OF PINEHAM BUSINESS PARK COMPRISING THE ERECTION OF BUILDINGS B1(C), B2 AND B8 EMPLOYMENT PURPOSES WITH ASSOCIATED PARKING, HIGHWAYS INFRASTRUCTURE, ENGINEERING WORKS, DRAINAGE, LANDSCAPING AND ANCILLARY WORKS, INCLUDING THE PARTIAL STOPPING UP AND DIVERSION OF EXISTING FOOTPATH LB12. OUTLINE APPLICATION WITH ALL MATTERS RESERVED EXCEPT SITE ACCESS AND LANDSCAPING TO BOTH THE NORTHERN AND WESTERN BOUNDARIES**

The Development Management Team Leader outlined the report of the Director Regeneration, Enterprise and Planning , as set out in the agenda. He advised the Committee that the determination of the application would be made by South Northants District Council (SNDC) and this report would form part of the formal consultation response.

The Committee discussed the report.

RESOLVED: That Northampton Borough Council has no objections to the principle of development subject to the issues outlined in the report by South Northants District Council

The meeting concluded at 9:27 pm