



# Northampton UDA Planning Committee Minutes

17<sup>th</sup> November 2009

## Committee Members present:

Councillor Chris Millar -  
Chair

David Dickinson

John Weir

Mary Burrows (sub)

Cllr Penny Flavell

Cllr Don Edwards (sub)

## In attendance:

Adrian Arnold (AA) - Interim  
Director for Planning and  
Development

John Hill (JH) - Development  
Control Manager

Michelle Vas - Eversheds

Rhea Keehn – Governance and  
Policy Assistant

Amy Sales - PA to the Director  
of Planning and Development

This Public meeting was held on

17<sup>th</sup> November 2009

At

Heroes Lounge,  
Northampton Saints RFC,  
Franklins Gardens,  
Weedon Road  
Northampton  
NN5 5BG

Reference	Minutes	Action
	<p>The Chair opened the meeting at 6pm. He welcomed members of the public.</p> <p>Approximately 60 members of the public were present.</p>	
Item 1	<p><b><u>Item 1: Apologies</u></b></p> <p>Ann Tate, Nick Thompson, Cllr Sadik Chaudhury sent their apologies.</p>	
Item 2	<p><b><u>Item2: Declaration of interests</u></b></p> <p>David Dickinson declared that he no longer holds an interest in Item 4. When Item 4 first came to committee on 26<sup>th</sup> May 2009, a letter of objection from Northamptonshire Enterprise Limited (NEL) was tabled at the meeting. David Dickinson was a Board member of NEL at this time. David Dickinson was not aware of this letter and on becoming aware, immediately stood down from the meeting and did not take part in the discussion. Since then, David Dickinson is no longer a member of the NEL Board and that the contents of the letter were not such that it would have prevented him from taking part in determining the application in any event. Legal advice has been sought and agreed that he holds no prejudicial interest in this item.</p>	
Item 3	<p><b><u>Item 3: Minutes of the meeting held on 27<sup>th</sup> October 2009</u></b></p> <p><b>3.1 IT WAS AGREED:</b> That the minutes of the meeting held in public on 27<sup>th</sup> October 2009 were a true and accurate record.</p>	
Item 4	<p><b><u>Item 4: Criminal Justice Centre</u></b></p> <p><b>Applicants:</b> Northamptonshire Police Authority</p> <p><b>Application No:</b> 08/0283/FULWNN</p> <p><b>Description:</b> Criminal Justice Centre within Use Class C2A with associated parking, landscaping and access.</p>	

**Address:** Land At Pavillion Drive, Northampton, Northamptonshire, NN4 7YL

**Ward:** Nene Valley

4.1 John Hill introduced the update report. (Update report attached as Appendix A)

4.2 The Chair announced he had exercised his discretion to permit additional third parties the opportunity to address the committee; this was on account of the contentious nature of the application.

4.3 Bill Muskin speaking as the chairman of a consortium of landlords and tenants from the Brackmills estate spoke against the application and made the following points.

4.3.1 None of the landlords or tenants are in support of the application as they feel it will not bring any significant benefit to the local business community, and he believes that the residents of Hardingstone would agree.

4.3.2 The business park is widely recognised as the most prestigious business development in Northamptonshire, being the reason why companies such as Barclaycard are situated within the park.

4.3.3 Residents at the business park enjoy a protected environment where by visitors and users are all associated with the surrounding buildings. Offices currently work from Monday to Friday, however the Criminal Justice Centre will transform the park into a 24 hour, 7 day a week operation, which could change the ambiance of the community.

4.3.4 The majority of employees on the site are female and the women are concerned for their safety, which adds to the “fear of crime” factor. This information has been

	<p>proven by 2 independent surveys, which were conducted on behalf of Barclaycard and all other landlords.</p> <p>4.3.5 He is surprised that the information he provided has received little mention during the committee meetings or in the reports from the WNDC officers.</p> <p>4.3.6 The police figures in respect of the “fear of crime” factor, are fundamentally flawed as they only consider 6 people out of 10,000 that were re-arrested within the first 24 hours after release and the police figures make no reference at all to the amount of crime that goes undetected.</p> <p>4.3.7 The figures do not mention problems of the potential crime committed by the visitors to the centre, many of whom will be associates of the detainees, who could potentially commit crime themselves.</p> <p>4.3.8 This is the most unlikely venue for the CJC (Criminal Justice Centre), as it is situated at the end of a cul-de-sac, which is against the original tender requirement by the police authority.</p> <p>4.3.9 David Dickinson informed Mr Muskin that the committee have not forgotten about the 2 independent surveys which were conducted, as they were discussed during the committee meeting in May.</p> <p>4.4 Upon being questioned by the committee Mr. Muskin clarified that he does not represent Barclaycard, but does represent 17 other tenants of Brackmills, excluding unit 800 and 400.</p> <p>4.5 Michael Auden a resident of Hardingstone village spoke against the application. The points he made are summarised as follows:</p> <p>4.5.1 Has lived in Hardingstone village for more than 47 years and objects to the proposed application.</p>	
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	<p>4.5.2 Hardingstone village is a sought after location to live.</p> <p>4.5.3 Hardingstone currently has a very low crime rate due to an active neighbourhood watch scheme.</p> <p>4.5.4 The CJC will have a drastic negative impact on the vibrancy and maintenance of the village.</p> <p>4.5.5 Released detainees will use the footpath which runs between the CJC and a residential area to gain access to the village bus stop, which could increase crime.</p> <p>4.5.6 No comfort is taken from the promises of the Police Authority to provide regular, dedicated transport which will be offered to the released detainees, as they are not obliged to use it.</p> <p>4.5.7 He has been told that should the transport be inefficiently used, it may be withdrawn.</p> <p>4.5.8 There is no benefit to the local community, as it could introduce criminal activity.</p> <p>Referring to Mr Auden's point on recorded circumstances where crime has taken place 24 hours after detainees have been realised, the committee asked if Mr Auden has those figures to hand.</p> <p>4.6 Mr Auden did not have the papers with the requested information, however stated that the figures were found in appendix 6 of the original planning statement.</p> <p>4.7 Selwyn Midgen, a chartered surveyor and director of a company which owns 400 Pavilion Drive, spoke against the application and made the following points:</p> <p>4.7.1 Fear of crime is a real issue for the occupying offices and investors of the business park.</p> <p>4.7.2 Given the current economic climate, the CJC could damage confidence in employment and investment opportunities, this view is shared by many of the occupiers on the business estate.</p>	
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	<p>4.7.3 Should the application be approved, then many of the current occupiers and investors on the business site may relocate to surrounding towns, which will create derelict buildings and a loss of employment.</p> <p>4.7.4 In regards to the detainee release policy, the police authority in perpetuity will not commit to the 24hour transport agreement.</p> <p>4.8 The Chair asks Mr Midgen, if theoretically the application was passed and there were no issues, does he think that the business community would change its mind.</p> <p>4.9 Mr Midgen replied that the owner of 300 Pavillion Drive has recently sold the property at a substantial loss.</p> <p>4.10 David Dickinson asked whether Mr Midgen could foresee any compensating benefits that the application could potentially give, considering that Northampton is a growing area.</p> <p>4.11 Mr Midgen responded that he is not a resident of Northampton therefore is not able to comment, but there were other sites which could be a possibility.</p> <p>4.12 Hardingstone Parish Councillor Kevin Barton spoke against the application and made the following points:</p> <p>4.12.1 There is a wide spread and genuine fear of crime within the local community, which resulted in an independent business survey being taken by occupiers of the business park. This survey found that a majority were concerned with personal safety.</p> <p>4.12.2 Hardingstone Parish Council surveyed, residents of the village, which found 95% of respondents cited that fear of crime was the main concern.</p> <p>4.12.3 Residents stated they had no faith in the detainee release policy. The concerns are raised over the detainees that return to the CJC to answer bail conditions. Up to 30% using public transport will enter</p>	
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	<p>into Hardingsstone itself.</p> <p>4.12.4 Within the supplementary report submitted on behalf of the Northamptonshire Police, paragraph 1.11, states that fear of crime must be based on evidence to be taken into consideration. However, he informs the committee that the courts have accepted that genuine fear on the part of the public may justify refusal.</p> <p>4.12.5 Section 6.2, paragraph 6.2.1, states that immediate benefits to the community will be high visibility police. Paragraph 6.2.8 goes on to state that the CJC facility will result in a number of marked police vehicles in the area. However, Hardingsstone village will not receive the benefits of the extra policing, as the CJC will be on Brackmills Business Park and not in Hardingsstone.</p> <p>4.12.6 The application will not bring any significant benefit to the community.</p> <p>4.13 The committee sought clarification regarding the bus services.</p> <p>4.14 Councillor Barton responded by saying he believes there is one bus an hour between 8am to 4pm to the Brackmills site, in relation to the bus to Hardingsstone which is every 20 minutes from the town centre to Hardingsstone village.</p> <p>4.15 Councillor Barton estimated that it takes 30-45 seconds to walk along the footpath from Hardingsstone Village to the CJC</p> <p>4.16 Councillor Barton commented that he believes it will only benefit the business park and not the surrounding/local community.</p> <p>4.17 Borough Councillor Michael Hill was not present at the committee meeting to speak.</p> <p>4.18 As Brian Binley MP was unable to attend the meeting, a letter was read out on his behalf by David Macintosh. Please see the attached Brian letter (Appendix B).</p>	
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	<p>4.19 Iain Gilby speaking for the application, made the following points:</p> <p>4.19.1 The application is important within the community, and growth agenda.</p> <p>4.19.2 Correspondence received prior to the committee meeting does not raise any new matters or issues, therefore he suggested to the committee that they can base their decision on the information that has previously been issued to them.</p> <p>4.19.3 Committee members must exercise law and judgment in determining the application. In the event of a refusal, he and his client will consider an appeal.</p> <p>4.19.4 They have met the criteria of policy B14.</p> <p>4.19.5 It is self evident that the CJC will bring benefit to the local and wider community, by bringing employment. It will meet the needs of the Northampton Community.</p> <p>4.19.6 Regarding alternative sites; The current site is compliant with policy. Notwithstanding this other sites were considered but the Brackmills one is the most acceptable.</p> <p>4.19.7 There is not enough evidence to suggest there are grounds for refusal, based on fear of crime.</p> <p>4.19.8 With regards to the detainee release policy, all detainees will be assessed prior to release, therefore this will not create any danger to the public.</p> <p>4.20 The committee requested Mr Gilby to define what significant benefits he referred to.</p> <p>4.21 Mr. Gilby stated that the significant benefits will be more efficient policing within the community. Mr Gilby added that all public authorities need improving, which is why analysis has gone into the application of the CJC to benefit the public.</p>	
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	<p>4.22 Ian Gilby confirmed policy B14 had an exception element to it where the identified criteria are met. This application has complied with the two criteria. Further, the policy does not require that "new" jobs be created, it is acknowledged that additional employment will be created over time.</p> <p>4.23 Chief Inspector Dick Lewis represented the applicant, spoke for the application and made the following points:</p> <p>4.23.1 The new building is needed as the current facilities are not efficient.</p> <p>4.23.2 Case studies show that there have been no issues caused by released detainees in locations away from the town centres. He said this evidence was not unexpected.</p> <p>4.23.3 The detainee release policy is not a transport management concern. There are parking spaces for people who return to the centre.</p> <p>4.23.4 In the officer's report, section 2.12 states that 6 detainees were rearrested within 24 hours and within a quarter of a mile of the custody suite after their release.. He clarified that of the 6 detainees who where rearrested: 3 were arrested at their home address which happened to be within a quarter of a mile of the custody suite, 1 was arrested after release at court – the court happened to be in the same building as the CJC, the remaining 2 were rearrested 21 and 24 hours after release and were arrested in the town centre for committing minor crime, as a result of being drunk.</p> <p>4.23.5 In regards to the private Pavilion Clinic, that site was considered by the authority to be a benefit to the local community even though it was a regional facility,</p>	
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	<p>therefore the Police Authority deemed the CJC satisfied the condition of B14 more robustly and in that instance felt comfortable to apply under the policy.</p> <p>4.23.6 In relation to the use of business, in Hatfield there is a CJC surrounding a mobile phone company, where the employees see it as a benefit due to the extra police.</p> <p>4.24 The Chair asked whether there will be more of a police presence in the Business Park, rather than Hardingstone village.</p> <p>4.25 He stated that there will be more policing around the whole of Northamptonshire, as they will be more readily available.</p> <p>4.26 Upon questioning from the committee the Chief Inspector stated that there is no real evidence that detainees commit crime immediately after release, therefore female workers should not be worried. Furthermore, they will have female employees working at the CJC, and as an employer he would not put any one in danger, so they should not be worried.</p> <p>4.27 The committee sought a summary of the detainee release policy</p> <p>4.28 The Chief Inspector summarised that the detainee release policy will be applied to the SI06,</p> <p>4.29 The Chief Inspector clarified that the Police Authority is insured to provide such transport.</p> <p>4.30 There were no further questions for the Chief Inspector.</p> <p>4.31 The chair invites Officers to respond on points made.</p> <p>4.32 Adrian Arnold, Director of Planning and Development, explained the history to the deferral of this application. It was deferred at the last meeting in accordance with the standing orders, as members were not minded to approve the officer recommendation. Accordingly, the item was deferred so that a further report could be brought back to members dealing with the issue of concern.</p> <p>4.33 Adrian Arnold clarified that there was a pre-application</p>	
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	<p>discussion, but at no time had there been an indication that planning permission would be forthcoming, the application would need to be determined on its planning merits.</p> <p>4.34 Adrian Arnold explained how policy B14 should be applied.</p> <p>4.35 With regard to the detainee release policy, it is a s106 requirement so is binding as stated in Appendix 1 of the 29.09.09 CJC report, page 13. The Police have an additional responsibility to make a risk assessment of the detainees before release.</p> <p>4.36 John Weir requested legal advice to clarify the issue over the need to consider alternative sites.</p> <p>4.37 Michele Vas referred members to the previous committee reports which set out in detail when it is appropriate to consider alternative sites. The starting point was Policy B14, this does not require there to be consideration of alternative sites where an application falls within the policy exception. Alternative sites may be a material consideration if there is a clear planning objection to the proposal. The advice from officers was that the scheme was policy compliant and further that the "fear of crime" element was not supported by reasonable evidence to justify this being given great weight in determining the application. Accordingly there was no need to go on to consider alternative sites. If members wanted to refuse the application, then again the policy did not identify a need to consider alternative sites, there was no specific site being promoted by objectors as a suitable alternative which may give rise to members giving weight to this and taking the view an alternative may be more appropriate, therefore again there is no reason for this to form a reason for refusal</p> <p>4.38 David Dickinson stated he had been waiting to hear new information which may have changed his view, but he had not heard anything which would cause his view to change.</p>	
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	<p>He believes the first reason for refusal should be that there is no local benefit, and the second reason should be the fear of crime.</p> <p>4.39 There was further debate, which covered the matters set out in the report</p> <p>4.40 The Chair took a vote and members voted 3 for and 3 against.</p> <p>4.41 The Chair used his casting vote and voted to approve the application, subject to the S106 and conditions as set out in the September Committee Report</p> <p><b>IT WAS RESOLVED:</b></p> <p>That the application be <b>APPROVED</b> as per the officers' recommendation as set out in the report to the Committee on the 29<sup>th</sup> September 2009.</p>	
	<p><b>Item 5 -</b></p> <p><b>Applicant:</b> Environment Agency</p> <p><b>Application No:</b> 09/0120/FULWNN</p> <p><b>Description:</b> Construction of 82 berth marina (sui generis) for mixed leisure use (76 berths) and residential use (6 berths) and associated works.</p> <p><b>Address:</b> Beckett's Park, Disused Boating Lake, Bedford Road Northampton, NNI 5NW</p> <p><b>Ward:</b> St Crispin</p> <p>5.1 Andrew Ryley introduced the update report. (Appendix A)</p> <p>5.2 Paul Arnold of the Environment Agency speaking for the application, made the following points:</p> <p>5.2.1 The Marina will bring benefit to the County and will add to Northamptonshire's waterscape.</p> <p>5.2.2 The Marina will create a better place for residents and</p>	

	<p>boaters.</p> <p>5.2.3 Environment studies show that this will have benefits for the aquatic environment, the Wildlife Trust are also in favour.</p> <p>5.2.4 Timescales show that work could start in February.</p> <p>5.3 No questions were asked by committee.</p> <p>5.4 The committee voted to approve the application.</p> <p><b>IT WAS RESOLVED:</b></p> <p>That the application be <b>APPROVED</b> as per the officers' recommendation.</p>	
	<p><b>Item 6 -</b></p> <p><b>Applicant:</b> Ablethird Ltd</p> <p><b>Application No:</b> 09/0107/COUWNN</p> <p><b>Description:</b> Change of use of ground floor of Number 33 only from a Bank (Use Class A2) to a Bingo Hall (Use Class D2) and the formation of a new access door on to Abington Street</p> <p><b>Address:</b> 33 Abington Street, Northampton, NN1 2AW</p> <p><b>Ward:</b> Castle</p> <p>6.1 John Hill introduced the update report. (Appendix A)</p> <p>6.1 The applicant, Robert Gillard was registered to speak, but was not present.</p> <p>6.2 The committee made the observation that the application would downgrade Abington Street. They asked John Hill if he thought it would have a negative effect on the street</p> <p>6.3 John Hill believed that the particular location was not suitable for the proposed development.</p> <p>6.5 The committee unanimously agreed that an amusement</p>	

	<p>arcade should not be situated within Northampton's most expensive real estate area.</p> <p>6.6 The committee voted to refuse the application.</p> <p><b>IT WAS RESOLVED:</b></p> <p>That the application be <b>REFUSED</b> as per the officers' recommendation.</p>	
	<p><b>Item 7 -</b></p> <p><b>Applicant:</b> Ablethird Ltd</p> <p><b>Application No:</b> 09/0114/COUWNN</p> <p><b>Description:</b> Change of use to an adult amusement centre</p> <p><b>Address:</b> 33 Abington Street, Northampton, NN1 2AW</p> <p><b>Ward:</b> Castle</p> <p>7.1 John Hill announced there were no updates for this item.</p> <p>7.2 As per the previous Item the committee unanimously agreed that an amusement arcade should not be situated within Northampton's most expensive real estate area.</p> <p><b>IT WAS RESOLVED:</b></p> <p>That the application be <b>REFUSED</b> as per the officers' recommendation.</p>	
	<p><b>8.</b> Future meeting dates were agreed to be</p> <ul style="list-style-type: none"> <li>• 15<sup>th</sup> December 2009</li> </ul>	
	<p><b>AOB</b></p> <p>There being no further business, the meeting closed at 19:50pm</p>	

	<p>Amy Sales</p> <p>Committee Assistant</p> <p>Signed by the Chairman</p> <hr/>	
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