



Report by:

Interim Director of  
Planning and  
Development Control

Applicant:

Northamptonshire  
Police Authority

Application No:

08/0283/FULWNN

Date Registered:

25/11/2008

Expiry Date:

24/02/2008

Grid Ref: 476515/258290

Ward: Nene Valley

# Northampton UDA Planning Committee Paper

Report by Interim Director of Planning and  
Development

Date of Committee Meeting: Tuesday 27<sup>th</sup> October 2009

Agenda Item: 4

**Description:** Criminal Justice Centre (Use Class C2a) with associated parking, landscaping and access (Full Application).

**Address:** Land at Pavilion Drive, Northampton, NN4 7YL

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## 1. Recommendation

- 1.1 The Interim Director of Planning and Development's recommendation remains as set out in the appended report which is to support the application for the reasons set out therein (see para. 1.1). However, in the event the Committee are minded to refuse the application pursuant to the two main principle concerns raised at the meeting on the 29<sup>th</sup> September 2009, which are set out in this report then an appropriate form of wording for two reasons for refusal are as follows:
- a. The proposed development fails to demonstrate that it would be of significant benefit to the local community therefore in being a use which sits outside the business use classes of the Town and Country Planning (Use Classes) Order 1987 is contrary to Policy B14 of the Northampton Local Plan.
  - b. The proposed development fails to demonstrate the securing of a robust detainee release policy and as such results in a degree of fear of crime that is to the detriment of the reasonable expectations of both the existing business community of Pavilion Drive and the residential community of the nearby Hardingstone.

## 2. Considerations

- 2.1 This application was presented to the Northampton UDA Planning Committee on 29<sup>th</sup> September 2009 with an officer recommendation to APPROVE subject to conditions and a S106 agreement. A copy of the report is appended for information.
- 2.2 The Committee considered the application and supporting information, including presentations from speakers both against and in support of the proposal and were minded to disagree with the officer recommendation, after a lengthy debate. In accordance with standing orders it was resolved to defer the application to enable the Interim Director of Planning and Development to prepare a further report, this report, specifically addressing the reasons provided by members at the last meeting for further consideration.
- 2.3 The concerns of the Committee centred on two key elements of the proposal. The failure of the application to demonstrate that the proposed use would be of 'significant benefit' to the local community. There appeared to be a general acceptance that the provision of this facility would bring benefits to the wider community of Northampton in meeting the modern day needs of Northamptonshire Police in dealing with persons whom they detain for whatever reason. However, Policy B14 of the Northampton Local Plan states that '*Within existing and proposed business areas, planning permission will not be granted for development outside the business use classes of the Town and Country (Use Classes) Order 1987, unless such development would be of significant benefit to the local community and would lead to substantial employment opportunities*'.
- 2.4 The proposed use does not sit within one of the business uses of the Town and Country Planning (Use Classes) Order 1987. Therefore for the proposal to be wholly compliant with the second half of the policy, which permits exceptions to 'business uses', one of the criteria to be satisfied is the proposed development will bring significant benefits to the local community. It was considered, by members of the Committee at the 29<sup>th</sup> September meeting, that the proposal would not comply with Policy B14 as it would not bring significant benefit to the local community. The main part of the related debated centred around that the committee not being convinced

that the benefit was sufficiently local and was much wider than the local area and Northampton.

- 2.5 If members maintain this view and it forms part of any reason for refusing the application then it is possible the Corporation will have to defend this position at appeal as this is what the applicant has indicated his course of action will be if the application is refused. Members should therefore give further consideration as to the reasoning behind adopting this position as it is this which will form the basis of any evidence that will need to be presented at any appeal to defend the Corporation's position. Failure to present a robust case at any subsequent appeal could likely result in potentially significant costs being awarded against the Corporation. This risk overall is considered low as the main element that will be tested at any appeal will be over subjective matters as to what is considered significant and what is considered local.
- 2.6 The second element of the proposal which the members concluded prevented them from supporting the recommendation to approve the application related to the fear of crime that would be experienced by both the existing business community and residential community of Hardington. This was based on the failure to develop a wholly robust detainee release policy which ideally would guarantee that all detainees that would be released from the facility will be transported away from the site. The statistical information presented by the applicant failed to persuade the Committee the degree of risk from those detainees that may choose to be released directly onto Pavilion Drive was sufficiently small to be acceptable and not give rise to any fear of crime or actual crime being undertaken in the immediate environs of the site by released detainees.
- 2.7 Again if members wish to confirm this concern as a reason for refusing the application then it will be necessary to expand upon the reasoning behind this and in particular state why they consider the proposed detainee release policy is so deficient that it gives rise to an undue level of fear of crime. Failure to do so will again put the Corporation at risk at any possible appeal of having a successful claim of costs made against it if it cannot robustly defend its reason for any refusal reason on this point. The Committee debated this point extensively although the fear of crime is based on a perception that something may happen. Again, this is a subjective matter and carries

less risk of costs, but in this case some evidence was discussed where it was reported that out of 10,000 detainees released last year from the existing facilities in Northampton, only 6 persons were reported as re-committed offenders of a crime in 24 hours of being released. When viewed as a percentage is only 0.0006%. This on the face of it would appear small and be difficult to defend as a reason for refusal. This is especially made more difficult to defend when those re-offending are in the category of petty crime. But this is still a serious matter for public concern when there are extensive people employed on the adjacent employment sites and local residents close by.

### **3. Conclusion**

- 3.1 It is for members to determine having considered the concerns further that they expressed at the last meeting, which are set out above, if they wish to still not accept the recommendation of the Interim Director Planning and Development to support the application. If that is the case then set out in the recommendation to this report are suggested reasons for refusal which reflect what will now be objections of the Committee to the planning application.