

## **NORTHAMPTON BOROUGH COUNCIL**

### **PLANNING COMMITTEE**

**Thursday, 13 May 2010**

**PRESENT:** Councillor Meredith (Deputy Chair); Councillors Church, J. Conroy, Golby, Malpas, Mason, Matthews and Woods

#### **1. APOLOGIES**

Apologies were received from Councillors Collins, Lane and M Hoare.

#### **2. MINUTES**

The minutes of the meeting of the Committee held on 6 April 2010 were signed by the Chair.

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

**RESOLVED:** (1) That Messrs Butler and Collins and Mrs Butler be granted leave to address the Committee in respect of Application No N/2010/0216 – Erection of 2 Bed Detached Dwelling at Land to Rear of 47 Park Avenue North.

(2) That Mr P Dooley and Mrs Brindisi and Mrs Patel be granted leave to address the Committee in respect of Application No N/2010/0259 – Demolition of Existing Garage and Erection of New Dwelling at 115A Fairway – Amendment to Previously Approved Planning Permission N/2010/0202.

#### **4. DECLARATIONS OF INTEREST**

Councillor Church declared a personal and prejudicial interest in Item 9B, N/2010/0286 – Installation of LED Feature Lighting Equipment at Extrastaff, 7 Market Square – Revised Application of Planning Permission N/2009/1014, as the Portfolio Holder for Planning and Regeneration.

Councillor Woods declared a personal interest in Item 9B, N/2010/0286 – Installation of LED Feature Lighting Equipment at Extrastaff, 7 Market Square – Revised Application of Planning Permission N/2009/1014, as a Board Member of WNDC, who had been a significant funder of the project.

Councillors Church and Woods declared a personal interest in Item 7, Development Control and Enforcement Performance, insofar as the discussion made reference to WNDC of which they were Board Members.

Councillors Malpas and Woods declared a personal interest in Item 10C, N/2010/0259 – Demolition of Existing Garage and Erection of New Dwelling at 115A Fairway – Amendment to Previously Approved Planning Permission N/2010/0202, insofar as reference was made to the nearby doctor's surgery of which they both attended.

**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 report that set out recent Appeals decisions and circulated a revised version and elaborated thereon. In answer to a question, the Head of Planning noted that the decision in respect of N/2009/0650 reflected appropriate design and materials at Upton and was not a decision against conservatories per se.

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

**7. OTHER REPORTS**

**(A) DEVELOPMENT CONTROL AND ENFORCEMENT PERFORMANCE**

The Head of Planning submitted a report, which set out Development Control and Enforcement Performance against national and local indicators for 2009/10. He specifically referred to the table on page 2 of the report and elaborated thereon. In answer to a question, the Head of Planning indicated that discussions were taking place with WNDP in respect of transitional arrangements in respect of the handover of the determination of town centre applications and residential developments of up to 200 units back to the Council.

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

**8. NORTHAMPTONSHIRE COUNTY COUNCIL APPLICATIONS**

None.

**9. NORTHAMPTON BOROUGH COUNCIL APPLICATIONS**

**(A) N/2010/0250- 1NO NON-ILLUMINATED BILLBOARD ON LAND AT THE CORNER OF BEDFORD ROAD AND CLIFTONVILLE ROAD.**

The Head of Planning submitted a report in respect of Application No N/2010/0250 and referred to the Addendum, which noted that the applicant had submitted a revised location plan showing the site positioned to the north of the scouting sculpture. The Head of Planning advised the Committee that there were some technical issues pending, concerning the application, and proposed that should the Committee be minded to approve the application, that the decision be delegated to the Head of Planning.

The Committee discussed the application.

**RESOLVED:** That subject to an extra condition being included so that advertisements be restricted to the promotion of Council sponsored

events, the Head of Planning be authorised to determine the application.

**(B) N/2010/0286- INSTALLATION OF LED FEATURE LIGHTING EQUIPMENT AT EXTRASTAFF, 7 MARKET SQUARE- REVISED APPLICATION OF PLANNING PERMISSION N/2009/1014**

Councillor Church left the meeting in accordance with his Declaration of Interest.

The Head of Planning submitted a report and advised the Committee that there were some technical issues pending, concerning the application, and proposed that should the Committee be minded to approve the application, that the decision be delegated to the Head of Planning.

The Committee discussed the application.

**RESOLVED:** That the Head of Planning be authorised to determine the application.

NB: Councillor Church rejoined the meeting.

**10. ITEMS FOR DETERMINATION**

**(A) N/2009/0306- APPLICATION TO PERMANENTLY DIVERT PUBLIC FOOTPATH AT FORMER HARDINGSTONE ALLOTMENTS. BLOOR HOMES FORMER ALLOTMENT SITE, NEWPORT PAGNELL ROAD**

The Head of Planning submitted a report in respect of Application No N/2009/0306 and elaborated thereon.

The Committee discussed the application.

**RESOLVED:** (1) That an order be made pursuant to Section 257 of the Town and Country Planning Act 1990 in respect of a proposal to permanently divert part of the public footpath at the former Hardingstone Allotments, Newport Pagnell Road, as shown for identification purposes on the attached plan.

(2) That in future instances of a similar nature, developers be encouraged to retain existing features such as footpaths as far as is practicable.

**(B) N/2010/0216- ERECTION OF 2 BED DETACHED DWELLING AT LAND TO REAR OF 47 PARK AVENUE NORTH**

The Head of Planning submitted a report in respect of Application No N/2010/0216 and elaborated thereon.

Mr Butler, a neighbour, commented that he believed that the Committee should take into account the strength of local feeling against the proposal. He referred to a petition that had been signed by forty residents against it. He stated that residents disputed the assumption that the proposal would not have a detrimental effect on neighbours or

residential amenity. On the contrary, he believed that the proposal would adversely affect the environment and that the proposal was not appropriate on a small plot that would have a small garden. He also noted that the current proposal did not include a garage as provided for in the existing planning permission and was a feature of all the neighbouring properties. He commented that the proposed dwelling would overlook the gardens of neighbours and that the building line was 1.5 metres in front of other properties in Broadway. There would not be any rendering, which was part of the local vernacular. He also noted that there had been no compliance with the requirement to provide visibility splays as part of the garaging arrangements. In answer to a question from Councillor Woods, Mr Butler commented that there was a great deal of local feeling against the proposed type of development.

Mrs Butler commented that the proposal would impinge on neighbours' privacy and she noted that her property had been burgled a number of times and that the garage, if provided as in the original planning consent, would provide some level of security as well as being a facility for the proposed dwelling. In principle she believed that garden space should not be treated as brown field land.

Mr Collins, the agent, noted that the current application contained minor amendments over the previous application. His client accepted the strength of local feeling and instead of providing a garage was proposing to erect fencing to the same height as the existing. He noted that a hard standing was more likely to be used for cars than a garage, which might just be used for storage.

The Head of Planning noted that the comments that Mr Butler had made in respect of the visibility display were correct, however the applicants had exercised their permitted development rights to provide the arrangement now existing. He also noted that it was within the applicant's permitted development rights to provide a hard standing and create an access to it at the rear of the plot. He stated that the provision of a garage had been conditioned in the original planning consent so as to secure off street parking.

The Committee discussed the application.

**RESOLVED:** That the application be approved subject to the conditions set out in the report, as the development of a residential dwelling in an existing residential area is an acceptable use in accordance with Policy H6 of the Northampton Local Plan. The development will not have an adverse impact on the character and appearance of the locality or have a detrimental effect on the amenities of the nearby residents in accordance with Policies H6 and E20 of the Northampton Local Plan.

**(C) N/2010/0259- DEMOLITION OF EXISTING GARAGE AND ERECTION OF NEW DWELLING AT 115A FAIRWAY- AMENDMENT TO PREVIOUSLY APPROVED PLANNING PERMISSION N/2010/0202**

The Head of Planning submitted a report in respect of Application No N/2010/0259 and referred to the Addendum, which set out clarification of Councillor Simpson's request for the application to be determined by the Committee and an amendment to paragraph 7.4 to read "On account of the very significant similarities between the appeal proposal and the current application combined with a limited passage of time

since the Appeal Decision, it is considered that refusal of this application on character grounds would be completely unreasonable and could not be sustained at Appeal.” The Head of Planning noted that the existing application had been allowed on appeal.

Mrs Brindisi, a neighbour, commented that she believed the proposal would have an adverse effect on her privacy, as it represented an over-development of the site and would also lead to a loss of light to her garden. She commented that there was already insufficient parking that, from time to time, caused problems in exiting from the rear onto the street. She noted that although the application was for a one bed property, she believed that the first floor study shown on the plans was capable of being converted into a second bedroom. She believed that the application was contrary to the Council’s planning policies and requested that the Committee refuse the application.

Mrs Patel, a neighbour, commented that she objected to the proposal as the parking provided by the double garage would be lost and that the situation would be made worse by the need for more parking created by the proposed dwelling itself. She commented that there were already parking issues in relation to the nearby shops, as well as deliveries to them, and that the double yellow lines were already contravened. Mrs Patel was also concerned that side windows would overlook her property and that the construction of the dwelling would create severe disruption to residents. She noted that the proposal would lead to three dwellings with small gardens and little amenity.

Mr Dooley noted that planning permission for dwelling had already been granted. His client would proceed with the development. This application was about demolishing the existing garage, but building a dwelling to the exact design and scale as that already agreed. It would be possible to build over the garage with a steel frame but this proposal would allow for a better standard of development.

The Head of Planning noted that the Inspector had felt that the proposal would present no adverse effect in terms of privacy of neighbours and had placed conditions on permitted development rights and provision of side windows. He confirmed that the dwelling would be to the same scale as that approved by the Inspector and that the Inspector had had no particular concerns about the layout of the first floor. The Inspector noted that the proposal would provide three car parking spaces, which she had found to be acceptable, and the Inspector had noted that the Highways Authority had made no adverse comments in respect of the application.

The Committee discussed the application.

**RESOLVED:** That the application be approved subject to the conditions set out in the report as the proposal, by reason of its design and appearance and with reference to the Inspector’s recent decision in respect of an appeal for similar development of this site, the proposed dwelling would have a neutral impact upon residential and visual amenity and would not harm interests of acknowledged importance. It therefore complied with the requirements of Policies E20 and H6 of the Northampton Local Plan and PPS3 – Housing.

## **11. ENFORCEMENT MATTERS**

None.

## **12. APPLICATIONS FOR CONSULTATION**

None.

The meeting concluded at 20.12 hours