

**NORTHAMPTON BOROUGH COUNCIL**

**PLANNING COMMITTEE**

YOUR ATTENDANCE IS REQUESTED AT A MEETING TO BE HELD AT  
THE GUILDHALL ON THURSDAY, 13 MAY 2010 AT 6:00 PM.

**D. KENNEDY**  
**CHIEF EXECUTIVE**

**AGENDA**

1. APOLOGIES
- .... 2. MINUTES
3. DEPUTATIONS / PUBLIC ADDRESSES
4. DECLARATIONS OF INTEREST
5. MATTERS OF URGENCY WHICH BY REASON OF SPECIAL CIRCUMSTANCES THE CHAIR IS OF THE OPINION SHOULD BE CONSIDERED
- .... 6. LIST OF CURRENT APPEALS AND INQUIRIES  
Report of Head of Planning (copy herewith) A.  
HOLDEN  
X 8466
7. OTHER REPORTS  
None.
- .... (A) DEVELOPMENT CONTROL AND ENFORCEMENT PERFORMANCE G. JONES  
X8999  
Report of Head of Planning  
(copy herewith)
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. E.  
WILLIAMS  
X 7812  
Report of Head of Planning  
(copy herewith)
- .... (B) N/2010/0286- INSTALLATION OF LED FEATURE LIGHTING EQUIPMENT AT EXTRASTAFF, 7 MARKET SQUARE- REVISED APPLICATION OF PLANNING PERMISSION N/2009/1014 B.  
CLARKE  
X 8916  
Report of Head of Planning  
(copy herewith)

**Ward: St Crispin**

**Ward: Castle**

10. ITEMS FOR DETERMINATION

An Addendum of further information considered by the Committee is attached.

- .... (A) N/2009/0306- APPLICATION TO PERMANENTLY DIVERT PUBLIC FOOTPATH AT FORMER HARDINGSTONE ALLOTMENTS. BLOOR HOMES FORMER ALLOTMENT SITE, NEWPORT PAGNELL ROAD B. CLARKE X 8916

Report of Head of Planning  
(copy herewith)

**Ward: Nene Valley**

- .... (B) N/2010/0216- ERECTION OF 2 BED DETACHED DWELLING AT LAND TO REAR OF 47 PARK AVENUE NORTH G. WYATT X 8912

Report of Head of Planning  
(copy herewith)

**Ward: Kingsley**

- .... (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 B. CLARKE X 8916

Report of Head of Planning  
(copy herewith)

**Ward: Kingsley**

11. ENFORCEMENT MATTERS

None.

12. APPLICATIONS FOR CONSULTATION

None.

13. EXCLUSION OF PUBLIC AND PRESS

THE CHAIR TO MOVE:

“THAT THE PUBLIC AND PRESS BE EXCLUDED FROM THE REMAINDER OF THE MEETING ON THE GROUNDS THAT THERE IS LIKELY TO BE DISCLOSURE TO THEM OF SUCH CATEGORIES OF EXEMPT INFORMATION AS DEFINED BY SECTION 100(1) OF THE LOCAL GOVERNMENT ACT 1972 AS LISTED AGAINST SUCH ITEMS OF BUSINESS BY REFERENCE TO THE APPROPRIATE PARAGRAPH OF SCHEDULE 12A TO SUCH ACT.”

## **SUPPLEMENTARY AGENDA**

**Exempted Under Schedule  
12A of L.Govt Act 1972  
Para No:-**

<TRAILER\_SECTION>  
A6179

# Agenda Item 2

## NORTHAMPTON BOROUGH COUNCIL

### PLANNING COMMITTEE

Tuesday, 6 April 2010

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

#### 1. APOLOGIES

An apology was received from Councillor M Hoare.

#### 2. MINUTES

The minutes of the meeting of the Committee held on 9 March 2010 were signed by the Chair.

#### 3. DEPUTATIONS / PUBLIC ADDRESSES

- RESOLVED:** (1) That M Wright, J Pidgen and Councillor Hollis be granted leave to address the Committee in respect of application no. N/2010/0162 – Installation of 2 no. 10 metre high floodlights at MUGA, Bondfield Avenue.
- (2) That Mr R Miller be granted leave to address the Committee in respect of application no. N/2008/0502 – Boat Restaurant and Bar and associated access at Midsummer Meadow, Bedford Road.

#### 4. DECLARATIONS OF INTEREST

Councillor Collins declared a personal interest in application no. N/2010/0162 as his partner was a Ward Councillor.

Councillor Woods declared a personal and prejudicial interest in application no. N/2010/0162 as a proponent of the scheme.

#### 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 and elaborated thereon. The Head of Planning reported that since publication of the report the appeals in respect of applications N/2009/0156, 2009/0644 and 2009/0650 had been dismissed by Inspectors appointed by the Secretary of State. An appeal in respect of application no. 2009/0230 had been allowed.

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

#### 7. OTHER REPORTS

None.

## **8. NORTHAMPTONSHIRE COUNTY COUNCIL APPLICATIONS**

None.

## **9. NORTHAMPTON BOROUGH COUNCIL APPLICATIONS**

### **(A) N/2010/0045 - ERECTION OF TEMPORARY HOARDING AT THE JUNCTION OF EASTERN AVENUE SOUTH AND KINGSTHORPE GROVE**

The Head of Planning submitted a report in respect of application no. N/2010/0045 and referred to the Addendum which indicated that further consultation with neighbouring residents was being undertaken and that this consultation had not yet been completed. It was recommended that determination of the application be delegated to the Head of Planning subject to there being no objections received on land use planning grounds.

The Committee discussed the application.

**RESOLVED:** That subject to no objections on land use planning grounds being received the determination of application no. N/2010/0045 be delegated to the Head of Planning.

### **(B) N/2010/0046 - ERECTION OF TEMPORARY HOARDING AT THE JUNCTION OF KENMUIR AVENUE AND WALLACE ROAD**

The Head of Planning submitted a report in respect of application no. N/2010/0046 and referred to the Addendum which indicated that further consultation with neighbouring residents was being undertaken and that this consultation had not yet been completed it was recommended that determination of the application be delegated to the Head of Planning subject to there being no objections received on land use planning grounds.

The Committee discussed the application.

**RESOLVED:** That subject to no objections on land use planning grounds being received the determination of application no. N/2010/0046 be delegated to the Head of Planning.

### **(C) N/2010/0162 - INSTALLATION OF 2NO. 10 METRE HIGH FLOODLIGHTS. MUGA, BONDFIELD AVENUE, NORTHAMPTON**

Councillor Woods left the room in accordance with his declaration of interest.

The Head of Planning submitted a report in respect of application no. N/2010/0162 and referred to the Addendum which referred to a further letter of objection from the original objector.

Mr Wright, a local resident, commented that his main objection to the proposal was the potential increase in anti-social behaviour. He noted that people already congregated around the existing shelter which was lit and remained there drinking until the early hours of the morning. He commented that elderly people lived in the nearby bungalows and that youths used the gravel from the drives to throw at satellite dishes. His preference would be for a different route to gain access to the MUGA. In answer to a question Mr Wright commented that there were four points of access to the MUGA. In answer to another question Mr Wright indicated that he was unaware of the local Safer Community Team.

Ms J Pidgen, the Neighbourhood Management Officer acknowledged the comments that had been made by Mr Wright. She commented that the issue of providing lighting to the MUGA had been highlighted both by the Police and the youngsters themselves. She noted that some of the facilities had only been available since the previous March and funding had only recently been made available to provide more. The issue of youths gathering outside the Newnham Road shops was a long standing problem and the facilities provided by the MUGA had been those wanted by the youths themselves. The Police had indicated that they would step up the level of patrols and preferred to manage the issue around the MUGA rather than at the shops. J Pidgen noted that bins had been ordered for the area and would be emptied as part of the normal rubbish collection rounds. She noted that Councillor Hollis had agreed to fund two years of the street football project. Local residents had agreed that something needed to be done to tackle the issue and had agreed that the MUGA was the best way forward. In answer to a question J Pidgen commented that the flats immediately adjoining the area would have fencing provided which would allow tenants to form their own gardens which had been welcomed.

Councillor Hollis, a Ward Councillor for the area, commented that the status quo was not acceptable. The St Davids Management Area had been working hard to provide facilities for young people and had been working in partnership with the Police. She noted that some fencing in the area had already been carried out. Currently there were no facilities for young people and they themselves had been surveyed and requested the MUGA and lighting. She noted that the County Council had closed the youth club and football club some years previously. In answer to questions Councillor Hollis noted that there was no similar facility in St Davids and that the issues of anti-social behaviour that Mr Wright had raised should be referred to the Joint Action Group for the Police to take action.

The Committee discussed the application.

**RESOLVED:** That the application be approved subject to the conditions set out in the report as the proposed floodlights were considered to be of acceptable appearance and would not unduly harm the living conditions of nearby residents and would provide a valuable leisure facility for the local community particularly young people during evening hours in the winter months. For these reasons proposals were considered to accord with saved Local Plan Policies L1, E20 and E40 and the Planning Out Crime SPD.

NB. Councillor Woods rejoined the meeting.

## **10. ITEMS FOR DETERMINATION**

### **(A) N/2008/0502 - BOAT RESTAURANT, BAR AND ASSOCIATED ACCESS AT LAND AT MIDSUMMER MEADOW**

The Head of Planning submitted a report in respect of application N/2008/0502 and referred to the Addendum which set out further correspondence from the Wildlife Trust and the planning officer's response. The Head of Planning clarified that the boat was technically a barge as it had no motorised power of its own so as to be able to manoeuvre. He also noted that a boardwalk to the car park would be created.

Mr Miller, a representative of the gay community and a journalist with the Lesbian and Gay Foundation commented that he believed that this matter was a big story. He did not believe that the Planning Committee was the right forum to be discussing this issue which he felt was more one of social and community cohesion. He commented that this part of Midsummer Meadow had been an established area for some fifty years for gay and homosexual people to meet. This proposal would substantially change the use of the area and perhaps move this section of the community on to another location. He commented that he did not feel that the Committee had an understanding of the issues and believed that the matter required far more extensive community consultation. Mr Miller commented that he believed that the report was homophobic and contrary to existing legislation and believed that the actions of the Committee would be challenged. In answer to a question Mr Miller commented that the gay community would not welcome the provision of a restaurant as it would destroy the anonymity of the area as a secluded meeting place.

The Chair adjourned the meeting which reconvened at 19.10 hours.

The Borough Solicitor commented that the Committee had to consider the application before them in its planning context within planning policies.

The Head of Planning in answer to questions confirmed that waste disposal and safety in case of flooding would be controlled through conditions.

The Committee discussed the application.

**RESOLVED:** That the application be approved subject to the conditions set out in a report as the proposed barge restaurant would enhance the River Nene Valley environment as a leisure destination which was in keeping with its surroundings and posed little or no threat to the vitality and viability of the town centre. The ecological and flood risk impacts could be suitably managed to avoid any harm to users who come from the local or wider environment complying with PPS25 – Development and Flood Risk, Saved Northampton Local Plan Policies L16, L17 and L29. The proposal was in a sustainable location and not unduly dependent on car borne trips in accordance with PPG 13 Transport. The proposals accorded with National Policy and Guidance the Development Plan and Emerging Local Policy Documents.

## **11. ENFORCEMENT MATTERS**

None.

## **12. APPLICATIONS FOR CONSULTATION**

None.

The meeting concluded at 19.13 hours.

**Directorate:** Planning and Regeneration  
**Head of Planning:** Susan Bridge



The Address for Planning Appeals is  
 Mr K Pitchers, The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN.

Appeal decisions can be viewed at -  
[www.planning-inspectorate.gov.uk](http://www.planning-inspectorate.gov.uk)  
 Local Government (Access to Information) Act 1985  
 Background Papers  
 The Appeal Papers for the appeals listed.

Author and Contact Officer  
 Mr Gareth Jones, Development Control Manager  
 Telephone 01604 838999  
 Planning and Regeneration  
 Cliftonville House, Bedford Road,  
 Northampton, NN4 7NR.

### List of Appeals and Determinations – 13<sup>th</sup> May 2010

#### Written Reps Procedure

Application	Del/PC	Description	Decision
<b>N/2009/0468</b> APP/V2825/A/09/2115868/NWF	DEL	Proposed erection of 2no. 1 bed apartments on land rear of 80 Hastings Road.	<b>DISMISSED</b>
<b>N/2009/0566</b> APP/V2825/A/10/2123568	DEL	Change of Use to 4no. bedsits at 1 Humber Close – Retrospective.	
<b>N/2009/0644</b> APP/V2825/D/10/2120231	PC	First floor extension above existing annex at 21 Huntsmead. (as amended by revised plans received on 11 September 2009).	



<b>N/2009/0650</b> APP/V2825/D/10/2119550	DEL	Retrospective application for the erection of rear conservatory 62 High Street, Upton.	
<b>N/2009/0791</b> APP/V2825/A/10/2121154/NWF	DEL	Change of use from Retail (Class A1) to Hot Food Take-away (Class A5) and installation of extraction flue to rear at 1B - 1C Sunnyside.	
<b>N/2009/1036</b> APP/V2825/H/10/2124588	DEL	Externally illuminated hoarding at Oddbins Wine Warehouse, St Peters Way.	

# Agenda Item 7a



**PLANNING COMMITTEE:** 13 May 2010

**DIRECTORATE:** Planning and Regeneration

**HEAD OF PLANNING:** Susan Bridge

**REPORT TITLE:** Development Control and Enforcement Performance.

---

## **1. RECOMMENDATION**

1.1 That the contents of the report be noted.

## **2. CASELOAD OVERVIEW**

2.1 Factors affecting the workload include the impact of WNDC as a local planning authority, the current economic climate and its effect on house building and the changes to householder permitted development rights. The number of applications and WNDC and other consultations received during the course of 2009/10 was 1,123 compared to 1,180 for the year 2008/09. The Section also continues to have a substantial workload of customer enquiries, planning condition discharges, appeals and enforcement cases.

## **3. PERFORMANCE**

3.1 This report sets out performance data on national and local indicators for the year 2009/10 and these are summarised in the table below alongside the previous year's figure. The DCLG figures for the year-end are not yet available, however, given that overall performance has been maintained throughout the year it is expected that NBC would remain within the top quartile as one of the higher performers within the region.

<b>Performance indicator</b>	<b>Code</b>	<b>Target</b>	<b>2008/09</b>	<b>2009/10</b>
<b>% Large Major apps within 13 weeks</b>	NI157(A)	60%	100%	no applications
<b>% Small Major apps within 13 weeks</b>	NI157(A)	60%	55%	100%
<b>% Minor apps within 8 weeks</b>	NI157(B)	65%	92%	83%
<b>% Other apps within 8 weeks</b>	NI157(C)	80%	96%	92%
<b>% Appeals allowed</b>	BV204	33%	46%	40%
<b>% Delegated apps</b>	PL188	90%	96%	95%
<b>Best Value checklist: Quality of service</b>	BV205	90%	67%	83%

### **Speed of Determination**

- 3.2 Processing of the applications within all three of the DCLG categories (Major, Minor and Other) comfortably exceeded the targets.
- 3.3 There were no 'large' Majors received during the year. This is due to the WNDG being the planning authority for vast majority of this type of planning application. In the previous year only one application was determined in the 'large' Major category. Although WNDG also deal with the majority of the 'small' Majors the Borough Council determined 3, all of which were determined within the statutory 13 week period. This 100% performance compared with 54.55% in the 2008/09.
- 3.4 During the year 168 Minor planning applications were determined, with 140 of these determined within the statutory 8 week period. This represents 83.33% compared to the target of 65%. In 2008/09 performance was 92.19%. This change in performance may in part be due to the increased proportion of applications being reported to the Planning Committee rather than being determined under the scheme of delegation.
- 3.5 723 Other planning applications, which include householder applications, were submitted. 667 of these applications were determined within 8 weeks, representing 92.25% compared to the target figure of 80%. In 2008/09 performance was slightly higher at 95.70%.

## Appeals

- 3.6 During the course of the year 25 appeals against decisions made by the Council were determined. 10 of these were allowed (i.e. lost by the Council), representing 40% compared to the target of 33% and the figure of 45% in 2008/09. Following a disappointing series of results concentrated in the 2<sup>nd</sup> and particularly during the 3<sup>rd</sup> quarters of 2009/10, the results for the final quarter of the year are very much improved with only 2 of the 7 appeals determined being allowed. This recent improvement in performance has coincided with changes to internal processes, which were introduced in January in response to the disappointing results during the preceding two quarters. It also follows the completion of bespoke training on appeals for the Development Control Team in February 2010. It is anticipated that with these measures, combined with the improvements that have been implemented to the wider decision making process, the improvements in the appeal performance will continue.

Year	Appeals determined	Total allowed	Total dismissed	Target	% allowed
2008/09	48	22	26		45%
2009/10	25	10	15	33%	40%

## Delegated Applications

- 3.7 The scheme of delegation largely influences performance against this indicator. Overall performance for the year was 94.52%. Of the 894 applications determined during the course of the year 845 were determined under delegated authority and the remaining 49 determined by Committee.

## Quality of Service Checklist

- 3.8 The Checklist comprises a number of components such as information on the planning website and access to professional advice / expertise. Upgrades of IT systems have brought improvements to the Checklist score during the year as have recent measures to secure in-house urban design expertise. Progress made during the year is reflected in the move from 78% to 83% performance.
- 3.9 Further improvements are still required particularly re the quality and contents of the website in respect of accessing details of current planning applications. This is particularly pressing in light of recent confirmation that these website requirements will become statutory rather than discretionary from 1 October 2010.

#### 4. ENFORCEMENT

4.1 The Council adopted an enforcement policy and associated priorities for action last year. In summary the four priority areas are as follows:

- **Priority One:** A serious threat to health / safety or permanent damage to the environment. Where a case is categorised as Priority One immediate action will be initiated to address the breach of control.
- **Priority Two:** Building work, which is unlikely to be given planning permission without substantial modification or unauthorised uses causing severe nuisance through noise, smells, congestion etc.
- **Priority Three:** A breach causing problems, which may be resolved by limited modification, or property whose condition adversely affects the amenity of the surrounding neighbourhood.
- **Priority Four:** Breaches of a minor nature raising minimal planning concerns.

4.2 Planning Enforcement statistics for the year 2009/10 are set out in the tables below. In summary at the start of the year there were 136 cases on hand from the year 2008/09. During the course of the year 2009/10 766 new cases were received and a total of 783 cases investigated and closed, leaving a total of 119 outstanding cases which have been carried over into 2010/11. The 766 new cases received during the year break down into Priority 1 - 4 as 42, 113, 237 and 374 respectively.

<b>Enforcement Investigations</b>	<b>TOTAL</b>
Outstanding cases as at 31.03.09	136
New cases 1.04.09 to 31.03.10	766
Cases closed 1.04.09 to 31.03.10	783
Outstanding cases as at 31.03.10	119

	<b>Priority</b>				<b>TOTAL</b>
	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	
New cases 1.4.09 to 31.03.10	42	113	237	374	766

**5. LEGAL IMPLICATIONS**

5.1 None.

**6. BACKGROUND PAPERS**

6.1 DCLG PS1 and PS2 planning statistics.

**7. SUMMARY AND LINKS TO CORPORATE PLAN**

7.1 In reaching the attached recommendation regard has been given to securing the objectives, visions and priorities outlined in the Corporate Plan together with those of associated Frameworks and Strategies. Monitoring performance is consistent with the objectives of securing an efficient and effective planning service.

<b>Position:</b>	<b>Name/Signature:</b>	<b>Date</b>
<b>DC Manager</b>	Gareth Jones	26/04/2010
<b>Head of Planning</b>	Sue Bridge	26/04/2010



**PLANNING COMMITTEE:** 13<sup>th</sup> May 2010  
**DIRECTORATE:** Planning and Regeneration  
**HEAD OF PLANNING:** Susan Bridge

**APP:** N/2010/0250  
Erection of 1no. non-illuminated billboard at Land at the Corner of Bedford Road and Cliftonville Road

**WARD:** St. Crispin

**APPLICANT:** Northampton Borough Council  
**AGENT:** Matt Parsons, Leisure & Culture Dept.

**REFERRED BY:** Head of Planning  
**REASON:** NBC application

---

## **APPLICATION FOR DETERMINATION:**

### **1. RECOMMENDATION**

1.1 **APPROVAL** of advertisement consent subject to conditions below.

### **2. THE PROPOSAL**

2.1 Permission is sought for the erection of a non-illuminated billboard measuring 2.44m wide and 1.22m deep, on legs 1.22m high. The frame of the sign is to be aluminium painted black.

### **3. SITE DESCRIPTION**

3.1 The proposed site is Borough-owned land on the corner of Cliftonville Road and Bedford Road, adjacent to Cliftonville House.

### **4. PLANNING HISTORY**

4.1 None relevant.

## **5. PLANNING POLICY**

### **5.1 National Policies**

PPG19: Outdoor Advertisement Control  
Circular 03/2007 – Control of Advertisements  
PPS1 – Delivering Sustainable Development

### **5.2 Northampton Borough Local Plan**

E20 – New Development

## **6. CONSULTATIONS/REPRESENTATIONS**

6.1 **NCC Highway Authority** – no observations.

## **7. APPRAISAL**

7.1 The Advertisement Regulations require that decisions be made only in the interests of amenity and, where applicable, public safety. Guidance on these two issues is given in Planning Policy Guidance (PPG) 19: Outdoor Advertisement Control, and this is a material consideration in determining applications for advertisement consent. Additional guidance is provided in Circular 03/2007 Control of Advertisements.

7.2 **Visual Amenity:** The recommendation to approve this sign is based on a negotiated amendment to the proposed location for the sign. At the time of writing this report, no amended siting plan has been received and the recommendation to approve is based on the understanding that revised drawing will be submitted prior to the Committee meeting. The proposed re-siting would result in the relocation of the sign northward, away from existing Scouting sculpture, thereby protecting views of this artwork. The amended location for the sign would be considered acceptable, as it will cause no harm to the amenity of the area due to its siting being set away from the highway and the sculpture and as the limited scale and general appearance of the sign is appropriate to its landscaped context. The existing wooden sign adjacent to the sculpture is to be removed. Members may also wish to note that the applicant has advised that the sign could be easily moved in the event that the Council vacates the Cliftonville House site.

7.3 **Public Safety:** NCC Highways has been consulted on this application, and no objections have been raised. The sign will be set back from the junction and it is considered that it will not have any adverse impact on public or highway safety.

## **8. CONCLUSION**

8.1 As the proposed sign, if re-sited, will not adversely impact upon amenity or public safety, it is recommended that this application be approved, subject to the following standard conditions.



## **9. CONDITIONS**

- (1) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
- (2) No advertisement shall be sited or displayed so as to:
  - a. endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
  - b. obscure or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air;
  - c. hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
- (3) Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
- (4) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
- (5) Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

## **10. LEGAL IMPLICATIONS:**

10.1 None.

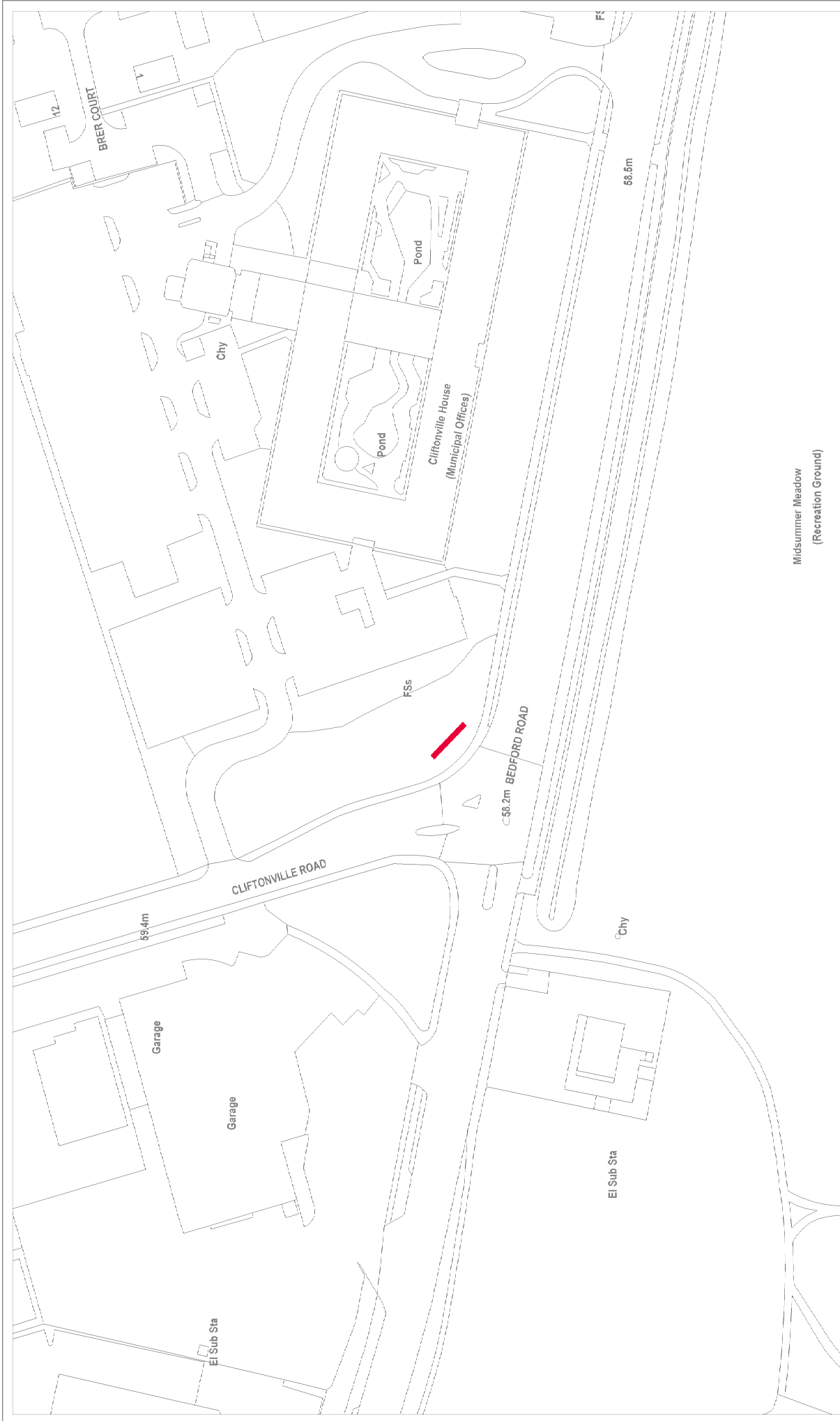
## **11. BACKGROUND PAPERS**

11.1 None.

## **12. SUMMARY AND LINKS TO CORPORATE PLAN**

12.1 In reaching the recommendation, regard has been given to securing the objectives, visions and priorities outlined in the Corporate Plan together with those of associated Frameworks and Strategies.

Position:	Name/Signature:	Date:
Case Officer	Ellie Williams	27/04/2010
Development Control Manager:	Gareth Jones	27/04/2010



Midsummer Meadow  
(Recreation Ground)

Title

# Land at the corner of Bedford Road & Cliftonville Road

Name: Committee May 13th  
 Date: 28th April 2010  
 Scale: 1:1250  
 Dept: Planning  
 Project: Location Plan

Produced from the 2009 Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright  
 Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100019655





**PLANNING COMMITTEE:** 13 May 2010  
**DIRECTORATE:** Planning and Regeneration  
**HEAD OF PLANNING:** Susan Bridge

**N/2010/0286:** 7 Market Square Northampton  
Installation of LED feature lighting equipment  
– revised application of Planning Permission  
N/2009/1014

**WARD:** Castle

**APPLICANT:** Mr S. Docker – Northampton Borough  
Council

**AGENT:** Mr T. Felstead – WSP UK

**REFERRED BY:** Head of Planning  
**REASON:** Northampton Borough Council Application

**DEPARTURE:** No

---

## **APPLICATION FOR DETERMINATION:**

### **1. RECOMMENDATION**

1.1 **APPROVAL IN PRINCIPLE**, subject to the referral of the application to Government Office and subject to conditions and for the following reason:

The proposal would not unduly impact upon the fabric, character and appearance of this Grade II Listed Building within Northampton's historic Market Square. Furthermore, the proposal would enhance the appearance of this Listed Building through a greater promotion of the building's distinctive architecture. The proposal therefore complies with PPS5 – Planning and the Historic Environment and Policies E20 and E26 of the Northampton Local Plan.

### **2. THE PROPOSAL**

2.1 Northampton Borough Council's Planning Committee considered the principle of installing LED lights on this building at January 2010

meeting, where permission was sought to install lights at eaves level of the building. Subsequent to this approval, it was established that the eaves of the building were not suitable for the installation of the lights and this has result in this amended scheme to install two up-lights above the buildings fascia.

### **3. SITE DESCRIPTION**

- 3.1 The application site contains a three storey, Grade II Listed Building, which dates from the mid 19<sup>th</sup> century with a stucco appearance. The building contains a bracketed cornice and sash windows to the upper floors. The shop front is of a more modern construction.

### **4. PLANNING HISTORY**

- 4.2 N/2009/1014 – Installation of LED feature lighting equipment – Approved

### **5. PLANNING POLICY**

#### **5.1 National Policies:**

PPS1 – Delivering Sustainable Development  
PPS5 – Planning for the Historic Environment

#### **5.2 East Midlands Regional Plan 2009**

Policy 2 – Promoting Better Design  
Policy 27 – Historic Environment

#### **5.3 Northampton Borough Local Plan**

E20 – New Development  
E26 – Development within Conservation Areas

### **6. CONSULTATIONS/REPRESENTATIONS**

- 6.1 **Town Centre Manager (NBC)** – No objections
- 6.2 **Town Centre Conservation Areas Advisory Committee** – No objections
- 6.3 At the time of preparing this report, the consultation process had yet to be completed and therefore any further representations will be reported to the Planning Committee by means of the addendum.

### **7. APPRAISAL**

- 7.1 As this is an application for listed building consent, the primary material consideration is the impact on the character, appearance and setting of the Listed Building concerned and not the wider planning issues that would normally be assessed when considering a planning application. As the proposal amounts to fixing lighting units and electrical wiring to

a special historic structure, the main considerations are whether the physical intrusion of attaching the lights and whether the alterations to the appearance of this building is acceptable.

- 7.2 The proposed lighting would be reasonably well screened from prominent views in the Market Square on account of the positioning of the lights above the modern shop front. As a result of this, the visual impact upon the Market Square of the development would be minimal. The positioning of the proposed lighting would also draw attention to the building's distinctive cornicing and fenestration arrangement and as a result of this, the proposal would assist in promoting a high quality environment within the Market Square and is compliant with the objectives of PPS5, including Policy HE7.4
- 7.3 The installation of electricity cables could have the potential to impact upon the character of the Listed Building. However, it is considered that the building's more modern shop front could be utilized 'mask' any necessary cable work. As such there would be a minimal impact upon the fabric of the various Listed Building concerned.
- 7.4 It is recognised that the installation of the lighting units could impact upon the fabric of the Listed Buildings. The supporting information states that the lights would be attached to the buildings through the use of an epoxy resin, albeit that it is recognised that amendments to this procedure may be required depending on the actual condition of the building. Therefore, it is considered necessary and reasonable to place a condition on any approval requiring that a method statement is submitted and approved by the Local Planning Authority. This method statement must include a bespoke assessment as to how each light would be attached to the host building. It is noted that the epoxy resin would be removed through the application of a salt solution and as such it is considered that the proposal would be reasonably reversible and would not damage the fabric of the Listed Building.

## **8. CONCLUSION**

- 8.1 It has been demonstrated that the proposal subject to conditional controls would not unduly impact upon the character and appearance of the Listed Building, as the proposed installation of the lighting equipment would be carried out in a sympathetic fashion. This would cause no harm to the special historic structure and maintain the character and appearance of the Listed Building and complies with PPS5 – Planning and the Historic Environment. The proposal would also contribute to the ongoing works to regenerate the Market Square.

## **9. CONDITIONS**

1. The works hereby permitted shall be begun before the expiration of three years from the date of this consent.

Reason: To comply with Section 18 of the Planning (Listed Building

and Conservation Areas) Act 1990.

2. Notwithstanding the submitted details, full details of all cable runs shall be submitted to and approved in writing by the Local Planning Authority. The works hereby permitted shall only be carried out in accordance with the approved details.

Reason: In the interests of maintaining the character and appearance of the Listed Buildings, in accordance with PPS5 – Planning for the Historic Environment.

3. Notwithstanding the submitted details, a detailed method statement for the installation of the proposed lighting including the precise method of fixing shall be submitted to and approved in writing by the Local Planning Authority. The works hereby permitted shall only be carried out in accordance with the approved details.

Reason: In the interests of maintaining the character and appearance of the Listed Buildings, in accordance with PPS5 – Planning for the Historic Environment.

**10. LEGAL IMPLICATIONS:**

10.1 None

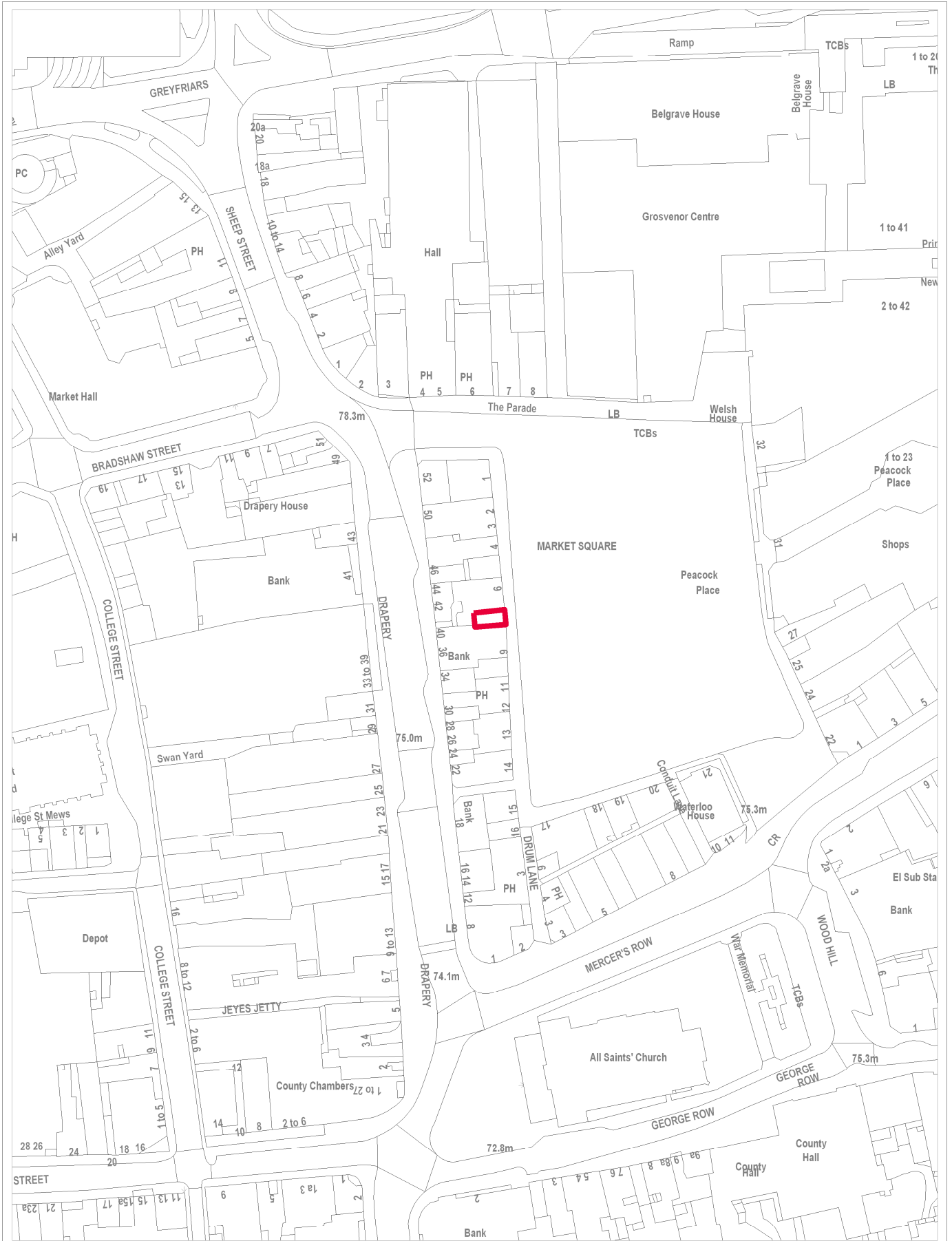
**11. BACKGROUND PAPERS**

11.1 N/2009/1014

**12. SUMMARY AND LINKS TO CORPORATE PLAN**

12.1 In reaching the attached recommendations regard has been given to securing the objectives, visions and priorities outlined in the Corporate Plan together with those of associated Frameworks and Strategies.

<b>Position:</b>	<b>Name/Signature:</b>	<b>Date:</b>
<b>Author:</b>	Ben Clarke	14/04/10
<b>Development Control Manager:</b>	Gareth Jones	15/04/10



Name: 04th May 2010  
 Date: 20th April 2010  
 Scale: 1:1250  
 Dept: Planning  
 Project: Location Plan

Title  
**7 Market Square**

Produced from the 2009 Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100019655



**NORTHAMPTON**  
BOROUGH COUNCIL  
Planning Committee

Tuesday 13<sup>th</sup> May 2010

## Addendum to Agenda Items

ITEM NO		Northampton Borough Council Applications
9	A	<p><b>N/2010/0250</b> - 1no. non-illuminated billboard on land at the corner of Bedford Road &amp; Cliftonville Road.</p> <p><b>N/2010/0286</b> - Installation of L E D feature lighting equipment at Extrastaff, 7 Market Square - Revised application of Planning Permission N/2009/1014.</p>
	B	
ITEM NO		Items for Determination
10	A	<p><b>N/2009/0306</b> - Application to permanently divert public footpath at former Hardingstone Allotments. Bloor Homes Former Allotment Site Newport Pagnell Road.</p>
	B	<p><b>N/2010/0216</b> - Erection of 2 bed detached dwelling at land to the rear of 47 Park Avenue North.</p>
	C	<p><b>N/2010/0259</b> - Demolition of existing garage and erection of new dwelling at 115A Fairway - Amendment to previously approved planning permission N/2009/0202.</p>
		<p>Cllr A. Simpson – Proving clarification regarding the reasons for requesting that this application be determined by the Planning Committee in that it is considered that the concerns regarding the impacts on the proposal on to the highways should be discussed.</p> <p>Amendment to Paragraph 7.4, which should read:</p> <p>On account of the very significant similarities between the appeal proposal and the current application combined with the limited passage of time since the appeal</p>



				decision, it is considered that refusal of this application on character grounds would be completely unreasonable and could not be sustained at appeal.
--	--	--	--	---

Directorate: Planning and Regeneration  
Head of Planning: Susan Bridge



**NORTHAMPTON**  
BOROUGH COUNCIL  
Planning Committee

**List of Appeals and Determinations – 13<sup>th</sup> May 2010**

**Written Reps Procedure**

Application	Del/PC	Description	Decision
N/2009/0468 APP/N/2825/A/09/2115868/NWF	DEL	Proposed erection of 2no. 1 bed apartments on land rear of 80 Hastings Road.	DISMISSED
N/2009/0566 APP/N/2825/A/10/2123568	DEL	Change of Use to 4no. bedsits at 1 Humber Close – Retrospective.	AWAITED
N/2009/0230 APP/N/2825/A/09/2117846/NWF	DEL	Proposed change of use from storage/distribution (B8) to general industry (B2) at Unit D, 409 Harlestone Road	ALLOWED
N/2009/0650 APP/N/2825/D/10/2119550	DEL	Retrospective application for the erection of rear conservatory 62 High Street, Upton.	DISMISSED
N/2009/0791 APP/N/2825/A/10/2121154/NWF	DEL	Change of use from Retail (Class A1) to Hot Food Take-away (Class A5) and installation of extraction flue to rear at 1B - 1C Sunnyside.	DISMISSED
N/2009/1036 APP/N/2825/H/10/2124588	DEL	Externally illuminated hoarding at Former Oddbins Wine Warehouse, St Peters Way.	AWAITED
N/2009/0644 APP/N/2825/D/10/2120231	PC	First floor extension above existing annex at 21 Huntsmead.	DISMISSED
N/2009/0156 APP/N/2825/A/09/2115516	DEL	Non-compliance with condition to allow takeaway in addition to existing restaurant at 38A Main Road, Duston	DISMISSED

The Address for Planning Appeals is  
Mr K Pitchers, The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN.  
Local Government (Access to Information) Act 1985  
Background Papers for the appeals listed

Author and Contact Officer  
Mr Gareth Jones, Development Control Manager  
Telephone 01604 838999  
Planning and Regeneration  
Cliftonville House, Bedford Road,  
Northampton, NN4 7NR.

Appeal decisions can be viewed at -  
[www.planning-inspectorate.gov.uk](http://www.planning-inspectorate.gov.uk)



**PLANNING COMMITTEE:** 13 May 2010  
**DIRECTORATE:** Planning and Regeneration  
**HEAD OF PLANNING:** Susan Bridge

**N/2009/0306:** Application to permanently divert public footpath  
Former Hardingstone Allotments, Newport Pagnell Road, Northampton

**WARD:** Nene Valley

**APPLICANT:** JS Bloor (Northampton) Ltd  
**AGENT:** N/A

**REFERRED BY:** N/A  
**REASON:** Determination of applications for the diversion of footpaths are not delegated

**DEPARTURE:** No

---

**APPLICATION TO PERMANENTLY DIVERT PUBLIC FOOTPATH TO ENABLE DEVELOPMENT TO OCCUR:**

**1. RECOMMENDATION**

1.1 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. THE PROPOSAL**

2.1 This application has been submitted under the provision of Section 257 of the Town and Country Planning Act 1990 to permanently divert a footpath at the above site in order to implement a Planning Permission. The West Northamptonshire Development Corporation granted planning permission on 3<sup>rd</sup> March 2010 to erect 71 dwellings. Part of the approved proposal showed that approximately 215m of the footpath

would be relocated in an easterly direction in order to provide for sufficient amenity space for the development.

### **3. SITE DESCRIPTION**

- 3.1 The site is located to the north of Newport Pagnell Road and to the south of Martins Lane. Relatively recent residential development has occurred to the east and south of the site. Of additional note is that two schools are located adjacent to the site. The site was formerly the Hardingstone Allotments. The land is reasonably flat; there are a small number of trees located on the Newport Pagnell Road boundary. None of these trees are protected by Tree Preservation Order.
- 3.2 The footpath in question runs on a north-south alignment between Newport Pagnell Road and Martins Lane and is immediately adjacent to the westerly boundary.

### **4. PLANNING HISTORY**

- 4.1 07/0357/FULWNN – Residential development of 71no. dwellings with associated roads, car parking, public open spaces and access to Newport Pagnell Road - Approved
- 4.2 The above application was considered by Northampton Borough Council's Planning Committee (as a consultee) on 16<sup>th</sup> January 2008. The Committee and resolved not to raise any objection to the proposal but requested that WNDC consider issues relating to affordable housing, land contamination, noise attenuation, allotment provision and waste storage.

### **5. PLANNING POLICY**

- 5.1 **National Policies:**  
PPS1 – Delivering Sustainable Development  
PPG 13 – Transport
- 5.2 **East Midlands Regional Plan 2009**  
Policy 2 – Promoting Better Design  
Policy 46 - A Regional Approach to Behavioural Change
- 5.3 **Northampton Borough Local Plan**  
H7 & H11 – Housing Development  
E40 – Crime and Vandalism

### **6. CONSULTATIONS/REPRESENTATIONS**

- 6.1 **Hardingstone Parish Council** – No objections
- 6.2 **Ramblers Association** – The footpath is well used and the diversion will mean a part extinguishment of this right of way.

6.3 Further statutory consultation will be carried out as part of the order making process.

## **7. APPRAISAL**

7.1 On account of the development of this site for residential purposes already benefiting from planning permission, the primary purpose of this application is to establish whether a diversion of the footpath is necessary in order to implement this planning permission. As a result of this, the need to provide for suitable amenity space means that it would not be possible to implement a satisfactory standard of development without diverting the path.

7.2 If the path were to remain in its current position, it is likely that the requisite boundary treatment required for the development's garden spaces would create a 'corridor' effect on each side of the footpath. This is likely to create an unattractive environment that would be potentially unsafe on account of the lack of surveillance of the footpath. This would conflict with the requirements of Policy E40 of the Northampton Local Plan, which seeks to create safe places. It is likely that if this arrangement were to occur, the footpath would not see a significant amount of use as pedestrians as pedestrians would be likely to favour safer alternatives, thereby also undermining attempts to encourage more sustainable means of transport.

7.3 When dealing with the planning application, WNDC considered securing revisions to the scheme in order to create more surveillance of the footpath in its existing position. However, this was not pursued on the basis that any increased surveillance would also result in increased overlooking of the adjacent school.

7.4 It is acknowledged that the footpath in its existing location does have some historical significance, however, the section that is to be diverted is relatively short in length (approximately 215m) and therefore the overall impact on the character of the greater footpath would be negligible. As the application seeks to divert the footpath over a short distance as opposed to closing the existing path, it is considered that there would be a minimal impact on the degree of accessibility of the area to pedestrians and walkers.

7.5 The proposed alignment of the footpath was shown on the plans considered by Northampton Borough Council's Planning Committee on the 16<sup>th</sup> January 2008, to which no objections were raised.

## **8. CONCLUSION**

8.1 The proposed diversion of the footpath is necessary to implement the development on account of it being a requisite to securing a satisfactory standard of development. If the footpath were to remain in

its current position, it is likely that it would not represent a safe or widely used route and attempts to increase the amount of surveillance of the current alignment would be likely to have a detrimental impact upon the amenities of surrounding properties. As a diverted route can be accommodated within the layout of the approved development permitted development with the minimum of disruption, it is considered that the proposed diversion is acceptable.

## **9. LEGAL IMPLICATIONS**

9.1 Completion of an Order is required to permanently divert the footpath.

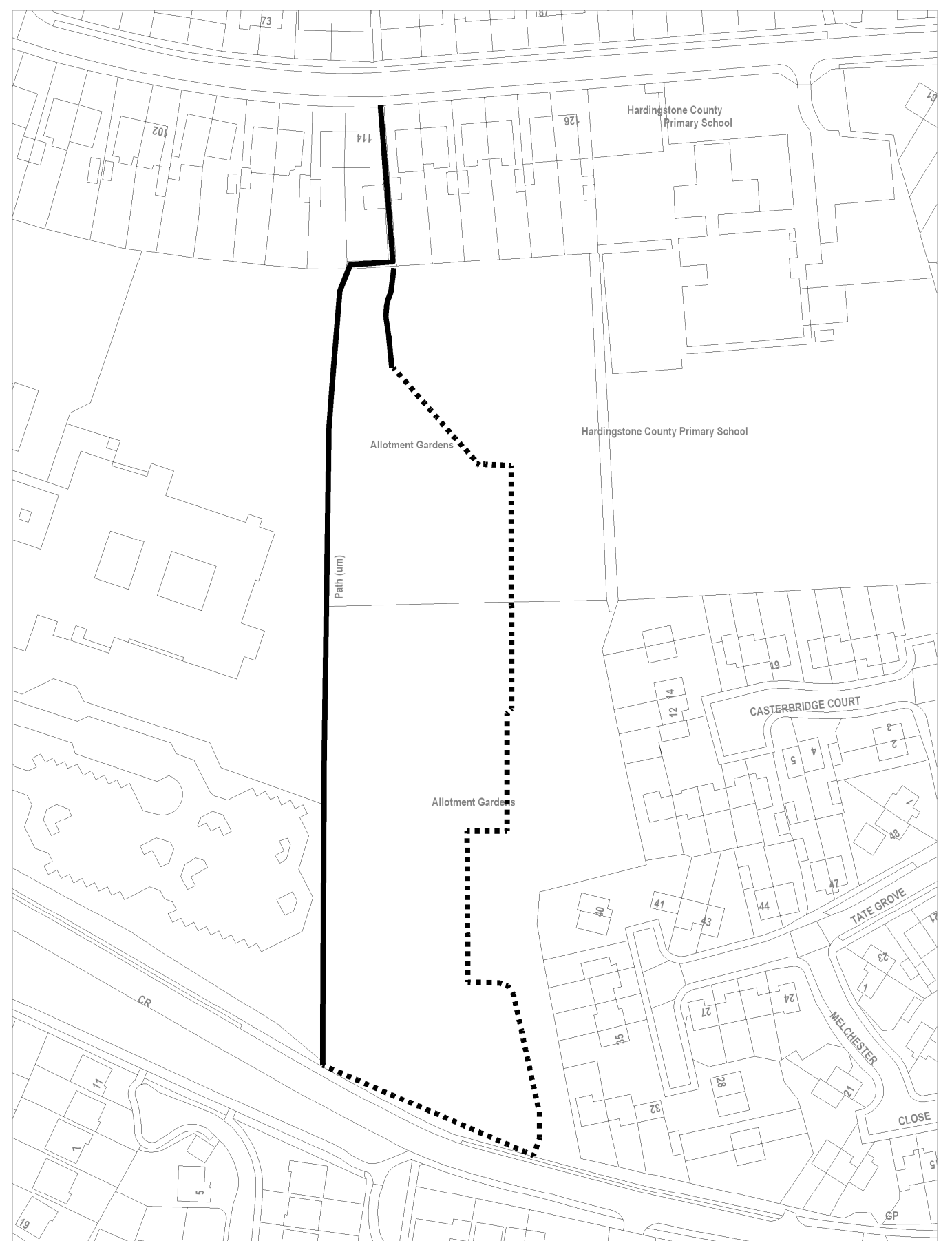
## **10. BACKGROUND PAPERS**

10.1 Item 12a from the Planning Committee meeting of the 16<sup>th</sup> January 2008

## **11. SUMMARY AND LINKS TO CORPORATE PLAN**

11.1 In reaching the attached recommendations regard has been given to securing the objectives, visions and priorities outlined in the Corporate Plan together with those of associated Frameworks and Strategies.

<b>Position:</b>	<b>Name/Signature:</b>	<b>Date:</b>
<b>Author:</b>	Ben Clarke	13/4/10
<b>Development Control Manager:</b>	Gareth Jones	15/4/10



Name: Committee May 13th  
 Date: 28th April 2010  
 Scale: 1:1250  
 Dept: Planning  
 Project: Location Plan

Title

## Former Hardingstone Allotments, Newport Pagnell Road

Produced from the 2009 Ordnance Survey mapping with the permission of the  
 Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction  
 infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100019655

# Agenda Item 10b



**NORTHAMPTON**  
BOROUGH COUNCIL

**PLANNING COMMITTEE:** 13 May 2010  
**DIRECTORATE:** Planning and Regeneration  
**HEAD OF PLANNING:** Susan Bridge

**APP: N/2010/0216**                      **Erection of 2 bed detached dwelling.  
Land to the rear of 47 Park Avenue North**

**WARD:** Kingsley

**APPLICANT:** Mr C. Nunn.  
**AGENT:** Mr D. Collins.

**REFERRED BY:** Cllr Simpson  
**REASON:** Development out of character with the  
locality and detrimental effect on nearby  
residents

**DEPARTURE:** No

---

## **APPLICATION FOR DETERMINATION:**

### **1. RECOMMENDATION**

1.1 **APPROVAL** subject to conditions and for the following reason:

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.

### **2. THE PROPOSAL**

2.1 The erection of a two storey dwelling with a frontage onto Broadway and a parking space accessed via the adjacent service road.

### **3. SITE DESCRIPTION**

3.1 The application site is comprised of the rearmost part of the rear garden of No 47 Park Avenue North and measures 20 metres by 6 metres. The site contained a garage but this has recently been



demolished. A rear access road serving the garages to the nearby dwellings runs along its western boundary. A garage and part of the rear garden of No 49 Park Avenue North lies to the immediate north of the site.

#### **4. PLANNING HISTORY**

- 4.1 672/65 - Bungalow in garden approved in 1965
- 4.2 N/2007/0212 - Two storey dwelling approved by Planning Committee on 11 April. This permission is extant and has recently been commenced.

#### **5. PLANNING POLICY**

##### **5.1 Development Plan**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The current Development Plan comprises of the East Midlands Regional Plan, the saved policies of the Northamptonshire County Structure Plan and Northampton Local Plan 1997.

##### **5.2 National Policies:**

PPS 1 – Delivering Sustainable Development  
PPS 3 – Housing  
PPG 13 – Transport  
PPS23 Planning and Pollution Control.  
PPG 24 – Planning and Noise

##### **5.3 East Midlands Regional Plan 2009**

Policy 2 – Promoting Better Design  
Policy 13b – Housing Provision within Northamptonshire

##### **5.4 Northampton Borough Local Plan**

E20 – New Development  
E19 – Implementing Development  
H6 - Housing Development within Primarily Residential Areas

##### **5.5 Supplementary Planning Guidance**

Northamptonshire County Parking Standards SPG 2003  
Planning out Crime in Northamptonshire SPG 2004

#### **6. CONSULTATIONS/REPRESENTATIONS**

##### **6.1 Cllr Simpson objection**

Loss of trees and greenspace  
Lack of adequate amenity space  
Will result in an increase in traffic  
Will result in overlooking  
Will create security issues  
Out of character with the locality

- 6.2 **53 Park Avenue North** objection  
 Rear gardens not suitable for development  
 Reduce level of privacy and result in overlooking  
 Out of keeping with the locality  
 More vehicles may be parked on the road  
 Lower walls will reduce security  
 Each extra dwelling will reduce the amount of green space
- 6.3 **49 Park Avenue North** objection  
 Siting out of position with the surrounding dwellings and will result in overlooking  
 Significant effect on levels of light  
 Small area of amenity space  
 Reduced garden area for No47 due to new vehicular access  
 Removed trees were significant features  
 Will exacerbate parking problems  
 Reduce levels of security  
 Design not in keeping and in front of building line
- 6.4 **55 Park Avenue North** objection  
 Dwelling extends beyond the building line  
 Concerns over security  
 Will create increase in parking problems  
 Will result in overlooking
- 6.5 **57 Park Avenue North** objection  
 Not in keeping with the character of the area  
 Will impact on privacy of nearby residents  
 Will create road safety problems  
 Rear parking space appears inadequate  
 Development not in harmony with the environment
- 6.6 **79 Broadway** objection  
 Change to building environment  
 Loss of garden and green space  
 Increase in traffic and parking  
 Increase in noise and loss of light
- 6.7 **Anonymous** objection  
 Covenants prevent any further development  
 Development opposed by Councillor Simpson in 2007 due to loss of garden, loss of trees and layout.  
 Dwelling to be positioned contrary to all others in the block, will have outlook over

neighbouring gardens.  
Will affect light to rear aspects of 81 Broadway and 49 Park Avenue North.  
Not in keeping with locale as significantly smaller.  
Significantly reduces garden area of 47 Park Avenue North.  
Trees removed in anticipation of permission.  
Removed tree would have prevented overlooking.  
Will add to parking problems in the area.  
Will reduce security due to lower gated access.  
Not in keeping with neighbouring properties.  
Not on the building line  
Only benefits will be developer will make money and Committee will reduce quota by one.  
Committee may be aware of movement by MPs to stop classification of gardens as brownfield sites.  
Inappropriate use of garden / greenspace in an established area.  
Similar application at 15 Park Avenue North was refused.

6.8 **Petition of 40 names** against the proposal.

## 7. APPRAISAL

- 7.1 This application is an amendment to the previously approved scheme of 2007. The differences between the two schemes are:
- a) Smaller application site as the parking area and new vehicular access for the existing dwelling at no. 47 is not included within the site. The new vehicular access shown in the approved scheme for no. 47 has already constructed as permitted development.
  - b) Garage to the rear approved as part of the 2007 scheme is not included in the current proposal and is replaced by a proposed parking space
  - c) A bay window has been added to part of the first floor front elevation of the current scheme
  - d) A chimney shown on the approved scheme has been omitted from the current scheme.
- 7.2 The principle of residential development for one dwelling is well established by the extant 2007 approval, which has recently been commenced.
- 7.3 The detail of the amended scheme is also considered acceptable as the proposal still includes on site parking provision and the alteration

to the front elevation is considered to represent an improvement to the design and overall appearance of the dwelling. The footprint of the building is unaltered and located in the same position. The area of rear garden space also remains unaltered.

- 7.4 Most of the objections to the scheme relate to the principle of the erection of a dwelling on part of the rear garden or to aspects of the development that are unchanged compared to the scheme approved under the extant planning permission. The new proposal will not have any significant effect on highway safety or security to nearby properties, as there would be one parking space provided with 1.8 metre high gates.

## **8. CONCLUSION**

- 8.1 The proposed dwelling is acceptable as it is a relatively small amendment to the approved extant planning permission and will not have any significant impact on the character of the area or amenity of nearby residents beyond that of the extant scheme.

## **9. CONDITIONS**

- (1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- (2) Prior to the commencement of development details and/or samples of all proposed external facing materials shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and to ensure that the development will harmonise with its surroundings in accordance with Policy E20 of the Northampton Local Plan

- (3) Prior to the first occupation of the dwelling hereby approved the front boundary walls shall be erected in accordance with the details shown on the approved plan, and shall be retained thereafter.

Reason: To protect the character of the street scene in accordance with Local Plan Policy E20.

- (4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no additional windows shall be installed at first floor level or roof level in any elevations of the proposed development without the prior approval of the Local Planning Authority.

Reason: To protect the privacy of the occupiers of the adjacent residential properties in accordance with Local Plan Policies E20 and H6.

- (5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-

enacting that Order with or without modification), no porches, extensions or outbuildings shall be erected to the residential development hereby permitted without the prior written consent of the Local Planning Authority.

Reason: To prevent overdevelopment of the site, in the interests of protecting the character of the area and the amenity of the adjacent residents in accordance with Local Plan Policies E20 and H6

(6) Prior to the occupation of the dwelling, the first floor window in the western elevation of the dwelling shall be glazed in obscure glass, and permanently retained in this manner thereafter.

Reason: To protect the privacy of the occupants of the adjacent dwelling in accordance with Local Plan Policies E20 and H6

(7) Prior to the occupation of the dwelling, the parking space to serve the new dwelling shall be formed and completed, and shall be retained thereafter.

Reason: In the interests of highway safety in accordance with PPG13.

(8) The remediation works recommended in Listers Geotechnical Consultants report reference 09-10-017 shall be implemented prior to the occupation of the development. Confirmation of the full implementation of the scheme and validation reports shall be submitted to the local planning authority within 2 weeks of completion of the required works.

Reason: To ensure the effective investigation and remediation of the site and in the interests of health and safety and the quality of the environment in accordance with the advice contained in PPS23 Planning and Pollution Control.

(9) Prior to the commencement of any development on site a construction management scheme, detailing the method of dealing with noise, vibration and dust shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall then be followed during the development process.

Reason: To protect the amenity of local residents in accordance with Local Plan Policies E20 and H6

## **10. LEGAL IMPLICATIONS:**

10.1 None.

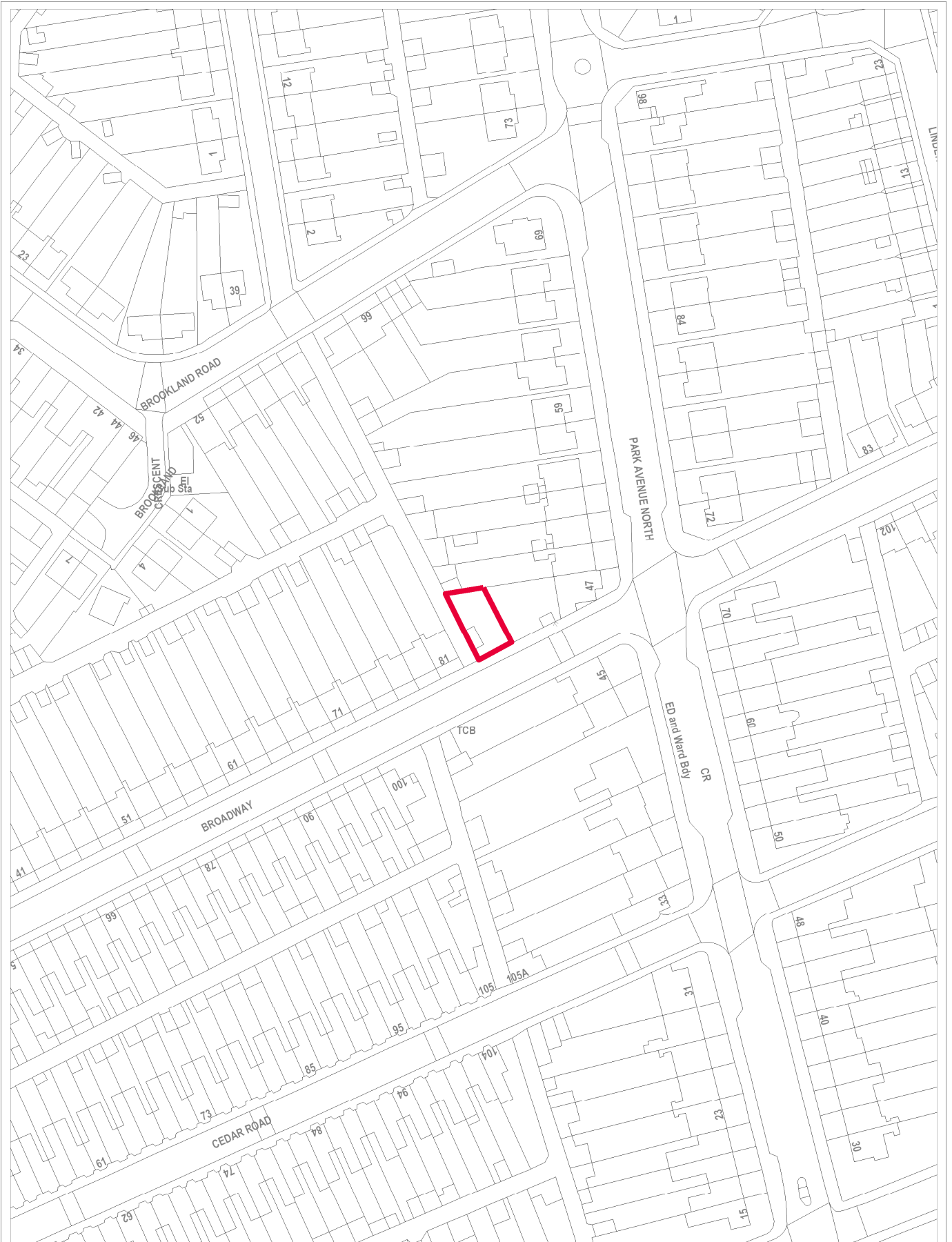
## **11. BACKGROUND PAPERS**

11.1 N/2007/0212 & N/2010/0216

## **12. SUMMARY AND LINKS TO CORPORATE PLAN**

12.1 In reaching the attached recommendations regard has been given to securing the objectives, visions and priorities outlined in the Corporate Plan together with those of associated Frameworks and Strategies.

<b>Position:</b>	<b>Name/Signature:</b>	<b>Date:</b>
<b>Author:</b>	Geoff Wyatt	26/04/10
<b>Development Control Manager:</b>	Gareth Jones	27/04/10



Name: Committee May 13th  
 Date: 28th April 2010  
 Scale: 1:1250  
 Dept: Planning  
 Project: Location Plan

Title

## Land to the rear of 47 Park Avenue North

Produced from the 2009 Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100019655

# Agenda Item 10c



**PLANNING COMMITTEE:** 13 May 2010  
**DIRECTORATE:** Planning and Regeneration  
**HEAD OF PLANNING:** Susan Bridge

**N/2010/0259:** Demolition of existing garage and erection of new dwelling – amendment to previously approved planning permission N/2009/02002  
Land to the rear of 115 Fairway, Northampton

**WARD:** Kingsley

**APPLICANT:** Mr P. Boyd – Carn Building Solutions Ltd  
**AGENT:** Mr P. Dooley – Architectural Solutions

**REFERRED BY:** Cllr. A. Simpson  
**REASON:** On account of the level of concerns raised

**DEPARTURE:** No

---

## **APPLICATION FOR DETERMINATION:**

### **1. RECOMMENDATION**

1.1 **APPROVAL** subject to conditions and for the following reason:

By reason of its design and appearance and with reference to the Inspector's recent decision in respect of an appeal for similar development at 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 complies with the requirements of Policies E20 and H6 of the Northampton Local Plan and PPS3 – Housing.

### **2. THE PROPOSAL**

2.1 This application seeks planning permission to erect a two storey, one bedroom dwelling on the site of a double garage that serves the two existing dwellings at the site. Three off-street car parking spaces are proposed to be provided to serve the three dwellings. A comparable proposal was allowed on appeal earlier in 2010. This approval permitted the erection of an additional storey to the existing detached garage. However, the applicant now seeks permission to demolish the



garage and erect a new building. Aside from this difference, the scale and design of the proposal is identical to that approved by the Inspector earlier this year.

### **3. SITE DESCRIPTION**

- 3.1 The application site is located within an existing residential area. The property originally comprised of a single semi-detached dwelling. Planning Permission was granted in 2007 for an additional dwelling attached the 115 Fairway. The existing detached garage located at the rear of the garden, would provide car parking for the two dwellings and this would be accessed from Greenview Drive.
- 3.2 Within the vicinity, there is a mixture of building types ranging from the terraced and semi detached dwellings prevalent within Fairway to the more modern buildings of a variety of types within Greenview Drive. Opposite the application site is a low level, modern building containing a brick built surgery.

### **4. PLANNING HISTORY**

- 4.1 90/0719 – Reposition conservatory to rear and erect new conservatory to side – Approved  
N/2007/0810 – Demolition of side extension of no. 115 and erection of detached dwelling – Refused, dismissed on appeal  
N/2007/1282 – Demolition of existing extension to side of 115 Fairway and erection of new dwelling – Approved  
N/2009/0202 – Proposed extension and conversion of existing garage to create new 1 bedroom dwelling with associated parking – Refused, allowed on appeal.
- 4.2 The site originally contained a single semi detached dwelling. Planning permission was originally sought for the development of one detached dwelling. This scheme was refused planning permission but a revised proposed for an attached dwelling gained planning permission in 2007. In 2009, an application to construct an additional storey on the detached garage to form a further new dwelling was refused as it was considered that this would adversely impact upon the character of the area. However, this proposal was subsequently allowed on appeal in January 2010 and a copy of the decision notice is attached to this report as an appendix.

### **5. PLANNING POLICY**

#### **5.1 Development Plan**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The current Development Plan comprises of the East Midlands Regional Plan, the saved policies of the Northamptonshire County Structure Plan and Northampton Local Plan 1997.

**5.2 National Policies:**

PPS 1 – Delivering Sustainable Development

PPS 3 – Housing

PPG 13 – Transport

PPS23 – Planning and Pollution Control

PPG 24 – Planning and Noise

**5.3 East Midlands Regional Plan 2009**

Policy 2 – Promoting Better Design

Policy 13b – Housing Provision within Northamptonshire

**5.4 Northampton Borough Local Plan**

E20 – New Development

E19 – Implementing Development

H6 - Housing Development within Primarily Residential Areas

**5.5 Supplementary Planning Guidance**

Northamptonshire County Parking Standards SPG 2003

Planning out Crime in Northamptonshire SPG 2004

**6. CONSULTATIONS/REPRESENTATIONS**

6.1 **Cllr A. Simpson** – Requesting that the application be determined by the Planning Committee on account of the concerns raised

6.2 **Public Protection (NBC)** – Would request a condition requiring a study of land contaminants.

6.3 Letters from **60 Brookfield Road, 91 and 113 Fairway, 1 and 43 Greenview Drive and 129 Hazeldene Road** as well as a petition signed by 132 individuals has been received. Comments can be summarised as:

- The design of the building is out of keeping with the surrounding area
- The first floor study could be used as an additional bedroom
- The proposal will result in overlooking and a loss of privacy, as well as adversely impacting upon light levels.
- The proposal would result in an overdevelopment of the site
- The parking provision of the development is insufficient
- On street parking is limited
- Double yellow lines exist to the front and sides of 115 and 115a Fairway, which further reduces car parking
- The alleyway has experienced problems with anti-social behaviour
- The surrounding roads experience a high level of traffic and congestion would be created by this development
- Further comments made regarding drains and sewerage

## 7. APPRAISAL

### Principle of the Development

- 7.1 As the site is identified as a being located within an existing residential area and as planning permission was recently granted for similar development at the site it is considered that the principle of this development.
- 7.2 In terms of the design of the development, it is considered that this is suitable given the traditional suburban context in which the site is located. The applicant has submitted details of materials, which would ensure that the proposal harmonises with its surroundings and a condition is proposed to ensure that the development is carried out with these materials.
- 7.3 It is recognised that this would represent the introduction of a third dwelling onto a plot that originally contained one semi detached dwelling. However, it must be bourn in mind that the proposal under consideration is identical in terms of scale to that allowed on appeal. In considering this matter at the appeal, the Inspector concluded that this arrangement is acceptable. In Paragraph 7 of the appeal decision he states:
- ‘...The appeal site is part of the original garden of 115 which has already been subdivided, allowing for the erection of an additional house at the corner of the two roads. Although allowing this appeal would result in three houses being formed on the site of one original house, such subdivision is not in itself objectionable if an acceptable form of development would result. I have found that the appeal proposal would result in a dwelling, which is compatible with its surroundings and that it would provide a satisfactory form of accommodation.’*
- 7.4 On account of the very significant similarities between the appeal proposal and the current application combined with the limited passage of time since the appeal decision, it is considered that refusal of this application on character grounds would be completely reasonable and could not be sustained at appeal.
- 7.5 The garden size of the proposed development is small, however, it is to serve a one-bedroom dwelling. In addition, the Inspector at the previous appeal considered this arrangement acceptable as set out in Paragraph 7 of the appeal decision, where it is stated that the private amenity space is satisfactory as it provided sufficient room for the sitting outside and the drying of clothes. Therefore, it is considered that the proposal complies with the requirements of PPS3 in this regard.

### Impact on neighbouring properties

- 7.6 By reason of the separation distances between the proposed dwelling and those that surround the site, there would not be any undue detrimental impact upon the amenities of the surrounding properties with respect to the levels of light, outlook and privacy. Owing to the significant similarities between this and the proposal considered appeal, significant weight should be placed upon the Interceptor's findings on these matters as detailed within Paragraph 8 of the appeal decision.

*'I have considered the relationship of the proposed dwelling neighbouring properties. The position of the proposed house and its windows would not overlook the adjoining houses or their gardens and would therefore ensure that the living conditions, including the privacy of the neighbouring occupiers are preserved.'*

- 7.7 It is recognised that future developments may increase the impact on surrounding residents. Therefore in line with the Inspector's decision it is prudent to place conditions on permission removing permitted development rights for the installation of windows on the southern and western elevations and future extensions and dormer windows.

### Highways

- 7.8 It is recognised that a number of observations have been made regarding the impact upon the highway system including the impact on parking provision. However, this is unchanged from the previous application, where this was deemed by the Inspector to be acceptable. Therefore the proposal is compliant with PPG13.

## **8. CONCLUSION**

- 8.1 On account of the numerous and significant similarities between the scheme under consideration and that allowed on appeal earlier in 2010, it is considered that the proposal is acceptable and that refusal of this scheme could not be sustained at appeal.

## **9. CONDITIONS**

(1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

(2) Unless otherwise agreed in writing by the Local Planning Authority, the external facing materials of the development hereby permitted shall be All About Bricks - Banbury Red/Textured bricks and Redland 49 roof tile

Reason: In the interests of visual amenity and to ensure that the development will harmonise with its surroundings in accordance with Policy E20 of the Northampton Local Plan.

(3) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed prior to the development being first occupied. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual and residential amenity in accordance with Policy E20 of the Northampton Local Plan.

(4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions or other form of enlargement to the dwelling hereby approved or its roof shall be erected

Reason: To prevent overdevelopment of the site in accordance with Policy E20 of the Northampton Local Plan.

(5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no additional windows/dormer windows shall be constructed on the south or western elevations.

Reason: In the interests of residential amenity and to secure a satisfactory level of privacy in accordance with Policy E20 of the Northampton Local Plan.

## **10. LEGAL IMPLICATIONS:**

10.1 None

## **11. BACKGROUND PAPERS**

11.1 N/2009/0202

## **12. SUMMARY AND LINKS TO CORPORATE PLAN**

11.1 In reaching the attached recommendations regard has been given to securing the objectives, visions and priorities outlined in the Corporate Plan together with those of associated Frameworks and Strategies.

<b>Position:</b>	<b>Name/Signature:</b>	<b>Date:</b>
<b>Author:</b>	Ben Clarke	23/04/10
<b>Development Control Manager:</b>	Gareth Jones	23/04/10

## Appendix – Appeal Decision



### Appeal Decision

Site visit made on 25 January 2010

by **Elaine Benson BA (Hons) Dip TP MRTPI**

an Inspector appointed by the Secretary of State  
for Communities and Local Government

The Planning Inspectorate  
4/11 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

☎ 0117 372 6372  
email: [enquiries@pins.gsi.gov.uk](mailto:enquiries@pins.gsi.gov.uk)

**Decision date:**  
**23 February 2010**

#### **Appeal Ref: APP/V2825/A/09/2111538**

#### **Land to rear of No 115 Fairway, Northampton NN2 7JY**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Paul Boyd, Carn Building Solutions Ltd against the decision of Northampton Borough Council.
- The application Ref N/2009/202, dated 24 March 2009, was refused by notice dated 19 May 2009.
- The development proposed is extension and conversion of existing garage to create new 1 bedroom dwelling with associated parking space.

#### **Decision**

1. I allow the appeal, and grant planning permission for extension and conversion of existing garage to create new 1 bedroom dwelling with associated parking space at land to rear of No 115 Fairway, Northampton in accordance with the terms of the application, Ref N/2009/202, dated 24 March 2009 and the plans submitted with it, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
  - 3) No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building is occupied. Development shall be carried out in accordance with the approved details.
  - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows shall be constructed on the south or west elevations.
  - 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no extensions or other form of enlargement to the house hereby approved or its roof shall be erected.

- 6) The development hereby permitted shall be carried out in accordance with the following approved plans: 07/B128/99, 07/B128/105A, 07/B128/106 and Plan 4 (Site Plan).

**Main issue**

2. I consider that the main issue in this case is the effect of the proposed development on the character and appearance of the surrounding area.

**Reasons**

3. The proposed house would be at the end of the rear garden of 115 and next to a vehicle access which leads to garages at the end of gardens. The ground level slopes down from the houses on Fairway towards a recently extended row of flat roofed shops with flats above on the opposite side of this access. The proposed dwelling would be lower than the Fairway houses, but on a similar level and closer to the shops. As a result I consider that the most relevant visual context of the proposed house is that formed by the buildings on Greenview Drive, which it would front. Development on Greenview Drive is characterised by a variety of building types and uses of differing scales and proportions. It has no distinctive or repeated design elements.
4. In an appeal decision relating to the demolition of a side extension at No 115 and erection of a detached dwelling which is referred to by the Council (ref APP/V2825/A/08/206501); the Inspector indicates that terraced and semi-detached dwellings form a strong design feature within the street scene and make a positive contribution to the character and appearance of the area. I agree that development on the Fairway frontage can appropriately be described in that way. However, I disagree with the Council's view that this is also an accurate description of the appeal site's context, which is as I have set out above.
5. The Council has raised no objection in principle to residential development on this site. The proposed house would be formed by an extension and alterations to a garage which is of little architectural merit. The Council has not objected to the resulting appearance of the proposed house. I find that it would be in keeping with those on the Fairway frontage and not out of character with the design variety found on Greenview Drive. The front of the house would align with that of the shops, its eaves height would be similar to the height of the flat roofs and its width would be close to that of the individual shop units. I conclude that the proposed house would be in scale with its neighbours.
6. The garage and the vehicle access to it are already on the site. Its conversion and extension would not result in a measurable loss of garden space, although there would be some loss resulting from the provision of replacement car parking spaces. However, I do not consider that this would be sufficient to warrant dismissing the appeal in a mixed residential and commercial area which has parking bays at the front of the shops and a large open car park at the medical centre. I therefore consider that the development would not harm visual amenities.
7. Notwithstanding that the proposed garden would be small, it would provide adequate sitting out and clothes drying space. In my opinion sufficient amenity space for No 115 and the recently constructed dwelling would also be retained.

Furthermore, the Council has identified no conflict with internal or external space standards and I am not convinced by the evidence before me that this development would amount to unacceptable overdevelopment. The appeal site is part of the original garden of 115 which has already been subdivided, allowing for the erection of an additional house at the corner of the two roads. Although allowing this appeal would result in three houses being formed on the site of one original house, such subdivision is not in itself objectionable if an acceptable form of development would result. I have found that the appeal proposal would result in a dwelling which is compatible with its surroundings and that it would provide a satisfactory form of accommodation.

8. I have therefore identified no conflict with policy E20 of the Northampton Local Plan (LP) which requires new buildings to adequately reflect the character of its surroundings in terms of layout, siting, form, scale and use of appropriate materials or the relevant part of policy H6 of the LP which among other things allows development in primarily residential areas, except where it would be at a scale and density which would be detrimental to the character of the area or result in an over-intensive development of the site.
9. In respect of other matters raised, I have considered the relationship of the proposed dwelling with neighbouring properties. The position of the proposed house and its windows would not overlook the adjoining houses or their gardens and would therefore ensure that the living conditions, including the privacy, of the neighbouring occupiers are preserved. Concern has been raised about the level of parking provision proposed. I saw that the medical centre and most commercial uses in the area have their own parking provision and that there is on street parking available, albeit that there is none on the corner of Fairway and Greenview Drive where there are double yellow lines. I note that the highways authority raises no objection to the proposed development and there are no convincing reasons put forward as to why I should not concur.
10. For the reasons given above and having regard to all other matters raised, which do not outweigh the considerations I have found paramount, I conclude that the appeal should be allowed.

#### Conditions

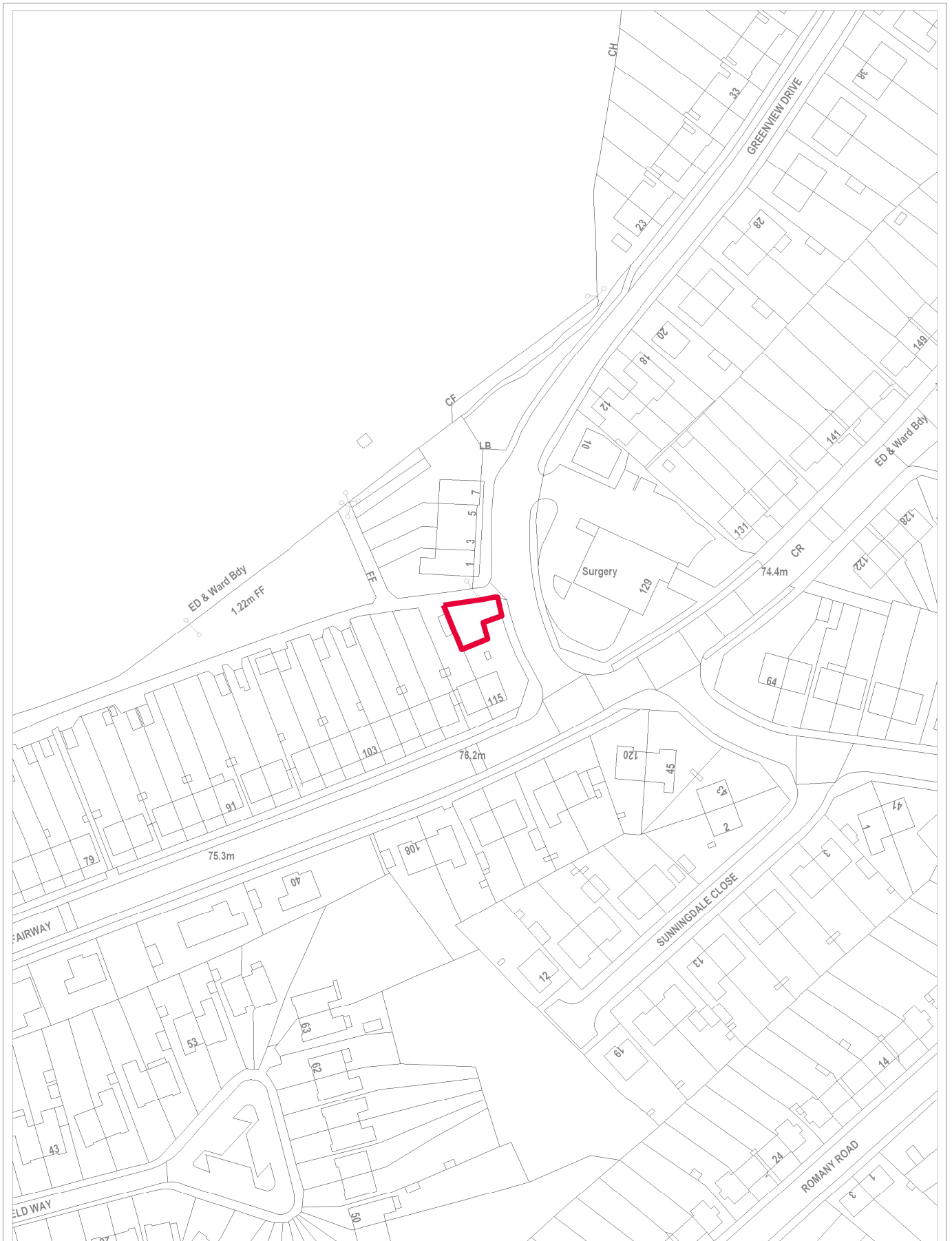
11. In order to protect the character and appearance of the surrounding area, a condition requiring details of the external materials to be used is necessary. For the same reason and to protect the living conditions of neighbouring occupiers, details of the boundary treatment are needed. Having regard to the extent of the site that will be covered by the house, I consider it appropriate to remove permitted development rights for any further extensions to the approved dwelling to prevent the overdevelopment of the site. To prevent overlooking and loss of privacy to the adjacent occupiers of 113 and 115 Fairway and the new dwelling next to 115, it is reasonable to prevent windows being installed in the southern and western elevations and roof of the house, other than those shown on the approved drawings. For the avoidance of doubt and in the interests of proper planning I have specified the approved plan numbers. Where necessary I have amended the Council's suggested wording to more closely reflect Circular guidance.



12. I have not prevented the erection of outbuildings, storage tanks, gates or fences under permitted development rights as suggested. Little justification for these limitations has been provided and I consider that such restrictions would unreasonably restrict the residential rights of future occupiers. I have not imposed the Council's suggested condition requiring details of the provision for the storage of refuse and materials for recycling. Such a condition is unnecessary because details of bin storage are indicated in the garden on the approved drawing and in the detail of the submitted application.

*Elaine Benson*

INSPECTOR



Name: Committee May 13th  
 Date: 27th April 2010  
 Scale: 1:1250  
 Dept: Planning  
 Project: Location Plan

Title  
**115a Fairway**

Produced from the 2009 Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100019655