

NORTHAMPTON BOROUGH COUNCIL

PLANNING COMMITTEE

YOUR ATTENDANCE IS REQUESTED AT A MEETING TO BE HELD AT
THE GUILDHALL ON TUESDAY, 29 JUNE 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.
 8. NORTHAMPTONSHIRE COUNTY COUNCIL APPLICATIONS
None.
 9. NORTHAMPTON BOROUGH COUNCIL APPLICATIONS
None.
 10. ITEMS FOR DETERMINATION
None.
 11. ENFORCEMENT MATTERS
 - (A) E/2008/0230- BREACH OF PLANNING CONTROL AT 125 HARLESTONE ROAD
Report of Head of Planning (copy herewith) J.
WILLOUGH
HBY
X 7847
 - (B) E/2009/0352- BREACH OF PLANNING CONTROL AT 120 HINTON ROAD
Report of Head of Planning (copy herewith) C.
TUCKLEY
X 8914
- Ward: Old Duston**
- Ward: Boughton Green**

.... (C) E/2009/0724- BREACH OF PLANNING CONTROL AT 40
AYNHO CRESCENT C.
TUCKLEY
X 8914
Report of Head of Planning
(copy herewith)

Ward: Boughton Green

.... (D) E/2009/0725- BREACH OF PLANNING CONTROL AT 77
HINTON ROAD C.
TUCKLEY
X 8914
Report of Head of Planning
(copy herewith)

Ward: Boughton Green

12. APPLICATIONS FOR CONSULTATION

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>
A6202

Agenda Item 2

NORTHAMPTON BOROUGH COUNCIL

PLANNING COMMITTEE

Tuesday, 1 June 2010

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

1. APOLOGIES

Apologies were received from Councillors Hawkins and Hill.

2. MINUTES

Subject to Minute 7a being amended to reflect the fact that future reports would include both percentages and actual figures, the minutes of the meeting held on 13 May 2010 were signed by the Chair.

3. DEPUTATIONS / PUBLIC ADDRESSES

RESOLVED: (1) That Messrs Kavakez and Alti be granted leave to address the Committee in respect of Item 10a, N/2010/0375 – Change of Use of Post Office (Class A1) to Educational, Cultural and Community Centre (Class D1) at 26-28 Newnham Road.

(2) That Messrs Kingston and Bottwood and Councillor P D Varnsberry be granted leave to address the Committee in respect of Item 12a – N/2010/0301 – 80 Residential Units With Associated Garages, Roads and Sewers at Land off South Meadow Road.

4. DECLARATIONS OF INTEREST

Councillor Meredith declared a personal and prejudicial interest in Item 12a – N/2010/0301, as being a member of the WNDC's Northampton Planning Committee.

Councillors Church and Woods declared a personal interest in Item 12a – N/2010/0301, as Board members of WNDC.

Councillor Matthews declared a personal interest in Item 12a – N/2010/0301, being referred to by his Co-Ward Councillors in their objection to the application.

Councillor Golby declared a personal interest in Item 12a – N/2010/0301, as being known to one of the speakers.

5. MATTERS OF URGENCY WHICH BY REASON OF SPECIAL CIRCUMSTANCES THE CHAIR IS OF THE OPINION SHOULD BE CONSIDERED

The Chair was of the opinion that the following item be discussed as a matter of urgency due to the undue delay if consideration of it were deferred:

Planning Summer School at York – September 2010

RESOLVED: That subject to there being sufficient budget, Councillors Collins and Woods attend the Planning Summer School at York in September 2010.

6. LIST OF CURRENT APPEALS AND INQUIRIES

The Head of Planning submitted a report and elaborated thereon.

RESOLVED: That the report be noted.

7. OTHER REPORTS

None.

8. NORTHAMPTONSHIRE COUNTY COUNCIL APPLICATIONS

None.

9. NORTHAMPTON BOROUGH COUNCIL APPLICATIONS

None.

10. ITEMS FOR DETERMINATION

(A) N/2010/0375- CHANGE OF USE OF POST OFFICE (CLASS A1) TO EDUCATIONAL, CULTURAL, AND COMMUNITY CENTRE (CLASSD1) AT 26-28 NEWNHAM ROAD

The Head of Planning submitted a report in respect of Application N/2010/0375 and referred to the Addendum, which set out the response from the Police Crime Prevention Design Advisor.

Mr Kavakez commented that the UK Turkish Islamic Cultural Centre Trust provided similar facilities to those proposed in this application in other cities such as Leicester and Manchester. The primary purpose of the centre would be to look after the children of their community and to provide a bridge between the schools and themselves. The Trust had sought the help of the Council, who had suggested this property. The Centre would also provide a meeting place for the ladies of the Turkish Islamic Community, where they could share experiences and attend classes to help them integrate into the British way of life. Mr Kavakez noted that the Centre would cater for approximately twenty children from all over the Borough and it was hoped that it would build upon the good work with local schools and help their children with schooling, English and their ethnic identity. In answer to a question, Mr Kavakez commented that he would normally expect people to travel to the Community Centre by car but, in the longer term, they would hope to supply a minibus to pick up and drop off people as they had done in other places. He anticipated that parking would be on the local roads

where there were no current restrictions. In answer to another question, Mr Kavakez commented that the Centre would be open to anyone to use but was mainly for the Turkish community.

Mr Alti stated that there were few opportunities for the Turkish community to socialise and this Centre would allow them to do so whenever they wanted to. He commented that the Centre would be open to community use. In answer to a question, Mr Alti commented that they would prefer a closing time of 10:00 pm, however would work with 9:00 pm if that was the Committee's decision. He also commented that there would be no objection to a condition in respect of no amplified music. In answer to another question, Mr Alti commented that the basement would be used for storage and that the premises would be adequate for current anticipated use.

The Head of Planning noted that the Highways Authority had not raised any concerns and that the building regulation process would determine what works would be necessary to make the premises safe for community use and the numbers that could be accommodated there at any one time. He also noted that the proposed condition to limit opening to 21:00 hours arose out of concerns of a large number of people leaving the premises at the same time.

The Committee discussed the application.

RESOLVED: That the application be approved subject to the conditions set out in the report and as amended in respect of Condition 3 to amend the opening hours to 08 30 to 22:00 Mondays to Saturdays, as the proposal would bring a vacant building back into use supporting the vitality and viability of the local centre and provide a community facility without harm to the amenity of nearby residents in accordance with Policies E20 and R9 of the Northampton Local Plan and the aims and objectives of PPS4 and PPG24.

11. ENFORCEMENT MATTERS

(A) E/2010/207- BREACH OF PLANNING CONTROL AT GROOVE NIGHT CLUB, 8-10 GOLD STREET

The Head of Planning submitted a report in respect of E/2010/207 and elaborated thereon.

The Committee discussed the report.

RESOLVED: (1) That the Borough Solicitor be authorised to issue an Enforcement Notice requiring the removal of the timber enclosure to the front of the site with a compliance period of twenty eight days pursuant to Section 181A(1)(a) of the Town and Country Planning Act 1990 (as amended).

(2) That the Borough Solicitor be authorised to issue a Listed Building Enforcement Notice requiring removal of the timber enclosure to the front of the site and the unauthorised banner advertisement attached to the front of the listed building with a compliance period of twenty eight days pursuant to Section 9(1) of the Conservation

and Listed Building Act 1990

- (3) That in the event of non-compliance with either Notice, to take any other necessary appropriate and proportionate enforcement action pursuant to the provisions within the Town and Country Planning Act 1990 (as amended) and/or the Conservation and Listed Building Act 1990 in order to bring about compliance with the Notice(s).

12. APPLICATIONS FOR CONSULTATION

(A) N/2010/0301- 80 RESIDENTIAL UNITS WITH ASSOCIATED GARAGES, ROADS AND SEWERS AT LAND OFF SOUTH MEADOW ROAD

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

The Head of Planning submitted a report in respect of Application N/2010/0301 and elaborated thereon and referred to the Addendum, which set out an objection from Councillor P D Varnsberry and a suggested amendment to the recommendation so that the Council submit a holding objection to WNDP pending resolution of a series of issues. The Head of Planning noted that development of this site had previously been agreed in principle by WNDP. The proposed access to the site would be across public open space and would potentially also serve other sites. He also noted that as the Highways Authority's comments were not yet available, this had given rise to amending the recommendation. He commented that there were also concerns over the layout of part of the development and also its effect on the nature of the existing bridleway. The Head of Planning also noted that although not relevant to this application, several of the objectors had referred to the Hospital building, which it was understood was to be sold to another developer. The Head of Planning also referred to the map of the previously approved master plan, which had been circulated, and the printed version of the application site layout, which had also been circulated.

Mr Kingston commented that he believed Taylor-Wimpey had blighted the area by its failure to complete the existing Section 106 Agreements and had left the Hospital site derelict and had also not surfaced roads or maintained sewers. He commented that the roads were narrow and congested and referred to the congestion outside St Lukes School twice a day and the blind bend close to it. He believed that the site would generate an extra 480 vehicle movements each day; and he believed that the developer's comments about a modal shift in terms of transport use had not been implemented anywhere else in the country and were unlikely to be here. Mr Kingston was pleased that the Council was taking the issue of landslip seriously. He commented that the St Crispin development should be a showpiece but it was rapidly becoming a slum. He noted that whilst the Committee was being directed to make its decision within planning policy, he felt the Council needed to accept a moral responsibility for what was going on and should work with residents to restore it.

Mr Bottwood, a local resident and Vice Chair of Upton Parish Council, commented that WNDP had not notified the Parish Council of this application. He commented upon the congestion at St Lukes School and caused by residents and noted that though he understood roads were classed as "C" roads, it was also a bus route. He noted that prior to 300 houses being built, a second link road should have been completed and

that there were now 1,000 on site. He believed that this proposal would generate a further 160 vehicle movements on South Meadow View, which in his view would be ludicrous. He understood the issues of offset in terms of public open space but commented that people had bought their homes in the knowledge of the amenity land in its current location and form. He stated that he believed that the County Council had a verbal agreement with the Environment Agency that the water run-off figures that the developer was using were inaccurate.

Councillor P D Varnsvery commented that the consultations were difficult and that the Committee was only seeing part of the picture. He hoped that the Committee would register a strong objection. He concurred with earlier speakers in respect of traffic flows through the day and believed that this application was piggybacking on an existing access to an intolerable degree. The application, he believed, would worsen the situation and there was no proposed infrastructure offset. He commented that the situation with the former hospital building was symbolic of what was wrong with the whole of the St Crispin development and queried why the developer would want to acquire permission on a new site when the hospital building was already available to it. He commented that there was information missing from the Committee report and that he had little confidence in the Highways Authority. In answer to a question, Councillor Varnsvery commented that he believed that under the master plan, the point of access to this site would be from Sandy Lane.

The Committee discussed the application.

RESOLVED: That the Council submit a holding objection with strong reservations as set out below:

- The access to the site is proposed across an area of public open space to be transferred to this Council under the terms of the Section 106 Agreement for the greater St Crispin development dated 2nd November 2002 as varied by Deed dated 7th October 2005. Suitable compensatory arrangements should be agreed prior to consent being granted.
- The loss of mature trees/hedgerow adjacent to the established bridleway in the South East corner of the site would adversely affect the setting of this bridleway to the detriment of its users. Retention of this area may represent an opportunity to offset the loss of open space referred to above.
- The proposed layout would result in a poor residential environment in part of the development; specifically, the view at the end of one of the main access points to the site is dominated by boundary treatment to the detriment of the street scene. The design of the housing layout in relation to the existing bridleways is also poor, resulting in these becoming back alleys with the potential to encourage crime and anti-social behaviour as well as diminishing the quality of their setting for legitimate users.
- It is not acceptable for the flat proposed within the development to form part of the provision of affordable housing, as this is not

representative of the overall mix of housing.

- WNDC must be confident of the stability of the land before granting planning permission.
- WNDC must be satisfied in consultation with the Highways Authority that the road network of the existing St Crispin estate is sufficient to cope with the increased demand from the proposed development.
- The additional information requested by the Council's Arboricultural officer to be obtained and submitted for his further comments, which must be taken into account, prior to any decision.
- Any permission must be subject to a Section 106 Agreement to secure 35% affordable housing.
- A condition regarding dealing with unexpected contamination must be attached to any permission in line with the advice of the Council's Public Protection Service.
- The Committee expressed grave concerns about the access arrangements to the proposed development through the greater St Crispins development and have strong reservations about this site coming forward for development outwith the Upton Lodge / Norwood Farm development which is subject to a comprehensive masterplan.
- The Committee therefore formally requests that it has the opportunity to re-consider the application on receipt of the above information, especially the views of the County Council as Highway Authority prior to the application being considered by your Northampton Planning Committee.

The meeting concluded at 19.44 hours.

Agenda Item 6

Directorate: Planning and Regeneration
Head of Planning: Susan Bridge



List of Appeals and Determinations – 29th June 2010

Written Reqs Procedure

Application	Del/PC	Description	Decision
N/2009/0566 APP/V2825/A/10/2123568	DEL	Change of Use to 4no. bedsits at 1 Humber Close – Retrospective.	AWAITED
N/2009/1036 APP/V2825/H/10/2124588	DEL	Externally illuminated hoarding at Former Oddbins Wine Warehouse, St Peters Way.	AWAITED
N/2009/1063 APP/V2825/H/10/2126377	DEL	Retention of free standing sign at 21 Main Road.	AWAITED
N/2010/0137 & 0138 APP/V2825/E/10/2128341/NWF	DEL	Erection of high level, first floor glazed link corridor to eastern elevation (Newton Block) at Kingsley Park Middle School building, St Georges Avenue.	AWAITED
N/2010/0171 APP/2825/A/10/2128510/WF	DEL	Erection of two bed detached bungalow and attached garage at 23 Weston Way. (resubmission of N/2009/1064).	AWAITED

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
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.



PLANNING COMMITTEE: 29 June 2010
DIRECTORATE: Planning and Regeneration
HEAD OF PLANNING: Susan Bridge

E/2008/0230 125 Harlestone Road,
Northampton

WARD: Duston

REFERRED BY: Head of Planning
REASON: Breach of Planning control

DEPARTURE: N/A

ENFORCEMENT MATTER:

1. RECOMMENDATION

- 1.1** That the Borough Solicitor be authorised to issue an Enforcement notice in respect of the unauthorised change of use of the 125 Harlestone Road from a hostel to a mixed use of residential, office, light industrial and warehouse requiring the use to cease with a compliance period of 6 months pursuant to Section 171A(1)(a) of Town and Country Planning Act 1990, (as amended).
- 1.2** That in the event of non compliance with the Notice, the Borough Solicitor take any other necessary, appropriate and proportionate enforcement action pursuant to the provisions within the Town and Country Planning Act 1990, (as amended) to bring about compliance with the Notice.

2. THE BREACH OF PLANNING CONTROL

- 2.1** That without planning permission a material change of use of the property from a hostel (Use class C2), to a mixed use comprising residential, offices and warehouse, (Sui Generis), has taken place.

3. SITE DESCRIPTION

3.1 The property is a large three storey building with a detached two storey converted stable block to the side elevation. It is situated on the corner of Harlestone Road and Bants Lane, approximately 1.2 miles from the Town Centre, and is within an area of predominantly residential premises as identified within the Northampton Local Plan.

3.2 The ground floor of the main building and the converted stable block are currently used for offices, light industrial and warehousing. The first and second floors of the main building are currently used as residential flats.

4. PLANNING HISTORY

4.1 In May 2008 the Council were made aware of the change of use of 125 Harlestone Road from a hostel to offices and storage and distribution centre without the benefit of planning permission.

4.2 A letter was sent to the owner of 125 Harlestone Road advising that a site inspection was required. Council Planning Enforcement Officers visited the property in July 2008 and met with the owner advising that planning permission is required for the material change of use.

4.3 Despite the advice given during the site meeting with the owner and numerous subsequent letters and conversations, the unauthorised use continued and the Council did not receive a retrospective planning application as requested.

4.4 In March 2009 Council Planning Enforcement Officers met the owner and reiterated the advice previously given. However, during the course of the site meeting it became apparent that since the previous visit the use had evolved further into a mixed use of residential, offices, light industrial and warehouse.

4.5 In November 2009 the Council issued a Planning Contravention Notice (requisition for information) to the owner requesting further information to clarify the exact uses on the site. The owner returned the requisition for information confirming the unauthorised uses.

4.6 Despite the Council's efforts to resolve the matter, the owner appears to be unwilling to regularise or resolve the matter.

5. PLANNING POLICY

5.1 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 Policies T11, B19 of the Northampton Local Plan are relevant to this case.

T11 states that planning permission for development of commercial uses in a primarily residential area will be conditional upon the provision of adequate waiting, manoeuvring and parking facilities subject to their being no adverse effect on the primarily residential area.

B19 states that within primarily residential areas, planning permission will not be granted for:

- A) The extension of existing business premises or the intensification of existing business uses where the development would have a significant adverse effect on residential amenity.
- B) Development of storage and distribution (B8) uses where the floor space exceeds 235 square metres
- C) General industrial B2 uses or any special industrial uses
- D) Uses involving notifiable quantities of hazardous materials or uses involving the collection and disposal of waste materials.

In addition to the Local Plan, National Policy PPG13 (Transport) is pertinent to this case.

6. CONSULTATIONS/REPRESENTATIONS

- 6.1** The County Council as Highway Authority has been consulted and at this stage have raised no significant concerns. However, they have indicated that they would have concerns if the use intensifies. It should be noted that if the unauthorised use continues without control for a period of 10 years it would then become immune from enforcement action and the Council would relinquish control.

7. APPRAISAL

- 7.1** The Council are not in receipt of any complaints from neighbours and it may be the case that the use in its current form may be acceptable. However, the owner has not been prepared to apply for retrospective planning permission despite the best efforts of officers.
- 7.2** Officers are concerned, nonetheless, because if the use is left unchecked for a period of ten years it would become lawful. In which case there would be no controls in place and the use could become more evolved/intense leading to potential harm to neighbour amenity and highway safety. Therefore it is considered expedient to take enforcement action to secure adequate control in order to prevent the

use developing into an uncontrollable and potentially problematic use. This is particularly important given the site's sensitive location in a residential area and at the junction of two heavily trafficked roads in respect of neighbour amenity and highway safety respectively

8. CONCLUSION

The issue of an enforcement notice is the only avenue available to the Council to control the unauthorised use in perpetuity in accordance with the aims and objectives of the Local Plan Policies T11 and B19 and PPG13.

9. HUMAN RIGHTS IMPLICATIONS

9.1 The Human Rights Act 1998 introduces a number of rights contained in the European Convention on Human Rights. Public bodies such as the Council have to ensure that the rights contained in the Convention are complied with. However, many of the rights are not absolute and can be interfered with if sanctioned by law and the action taken must be proportionate to the intended objective. In this particular case Officers' views are that seeking to take action in respect of a perceived loss of amenity to nearby residents and occupiers is compliant with the Human Rights Act 1998 because the harm to the wider community clearly outweighs the harm (in human rights terms) to the owner or occupiers.

10. LEGAL IMPLICATIONS:

10.1 Usual costs of issue, service and any resultant appeal will be met from within the existing budget. In the event of the Notice not being complied with, a costs application can be made to the Courts in respect of any prosecution proceedings.

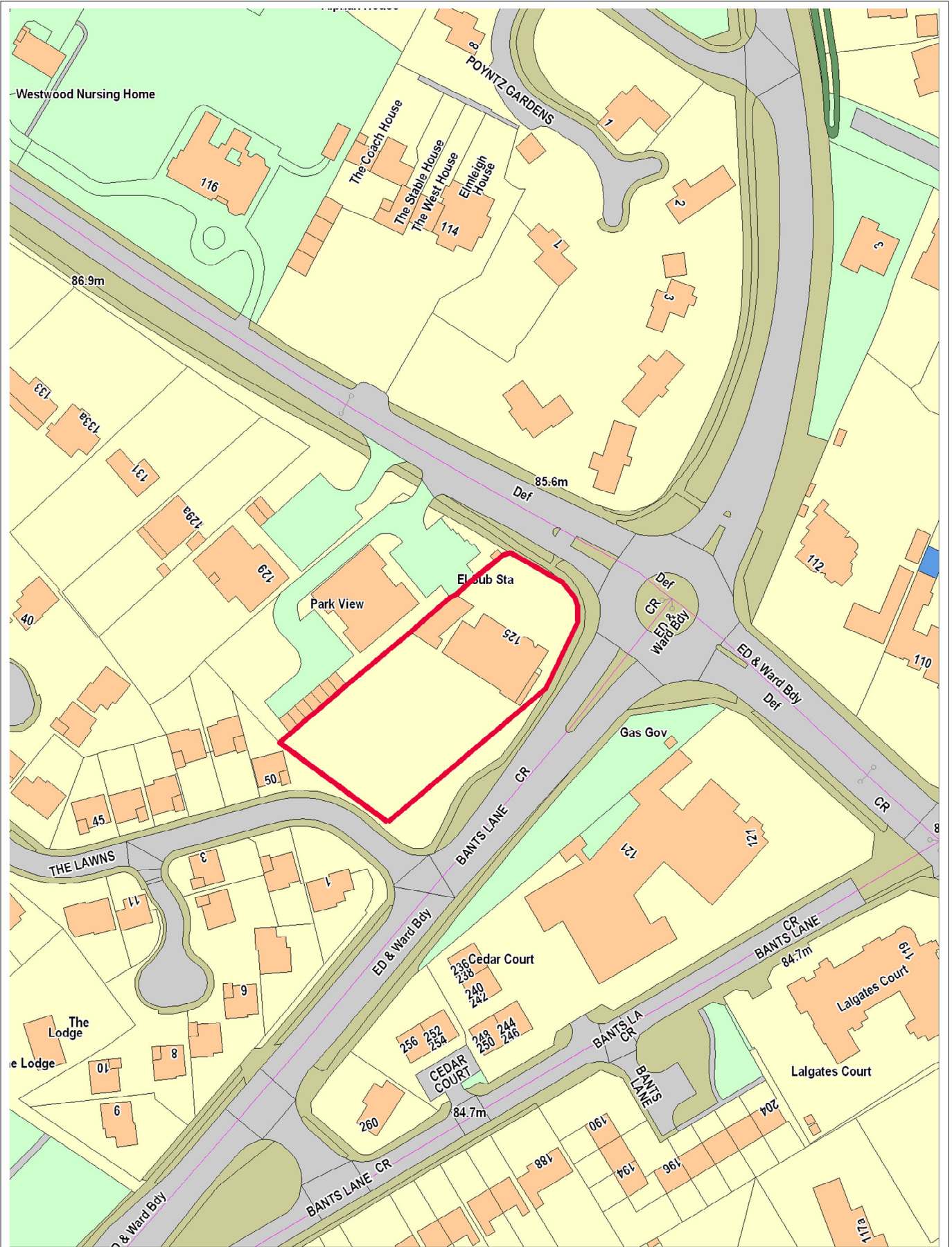
11. BACKGROUND PAPERS

11.1 E/2008/230

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.

Position:	Name/Signature:	Date:
Author:	James Willoughby	14/06/2010
Development Control Manager:	Gareth Jones	14/06/2010



Name: Planning
 Date: 17th June 2010
 Scale: 1:1250
 Dept: Planning
 Project: Location Plan

Title
125 Harlestone Road

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Agenda Item 11b



PLANNING COMMITTEE: 29 June 2010
DIRECTORATE: Planning and Regeneration
HEAD OF PLANNING: Susan Bridge

E/2009/0352 **120 Hinton Road**
Kingsthorpe
Northampton

WARD: Boughton Green

REFERRED BY: Head of Planning
REASON: Breach of Planning Control

DEPARTURE: N/A

ENFORCEMENT MATTER:

1. RECOMMENDATION

- 1.1 That the Borough Solicitor be authorised to issue an Enforcement Notice requiring cessation of the use of the property as a house in multiple occupation with a compliance period of 6 months pursuant to Section 171A(1)(a) of Town and Country Planning Act 1990, (as amended).
- 1.2 That in the event of non compliance with the Notice, the Borough Solicitor take any other necessary, appropriate and proportionate enforcement action pursuant to the provisions within the Town and Country Planning Act 1990, (as amended) to bring about compliance with the Notice.

2. THE BREACH OF PLANNING CONTROL

- 2.1 That without planning permission, the use of the property has materially changed from a dwellinghouse as defined by Class C3 of the Town and Country Planning Use Classes Order (UCO), to a house in multiple occupation as defined by Class C4 of the UCO.
- 2.2 In April 2010 the Government amended the Town and Country Planning (Use Classes) Order 1987 (the UCO) to include a new class, C4 which covers small shared dwelling houses occupied by unrelated individuals who share basic amenities. In effect this results in shared student accommodation no longer falling within Class C3 (Dwellinghouses) in most cases. Class C3 (a) now confines use within this Class as those living together as a single household as defined by the Housing Act, basically a family.

3. SITE DESCRIPTION

- 3.1 The property is a semi detached dwellinghouse situated on a residential estate. The property has been substantially extended.

4. PLANNING HISTORY

- 4.1 The Council's attention was originally drawn to the development by way of complaints about this and other properties in the area by the Ward Councillor.
- 4.2 Officers from the Planning Enforcement Team have been in close liaison with the owner but to date have been unable to secure compliance.
- 4.3 Following contact with the Planning Enforcement Team the owner submitted a retrospective planning application for a "Change of use from a single residential dwelling to a house in multiple occupation with 9 bedrooms" which was refused on 22 January 2010. (Ref: N/2009/0992) for the following reasons:
 - 1) The use of the property as a house in Multiple Occupation has a detrimental effect upon the amenity of the occupiers of nearby properties due to the increase in demand for on street parking and the resulting highway safety problems contrary to Policy H30 of the Northampton Local Plan.
 - 2) By reason of an increase in noise and general disturbance resulting from the over intensive use of the property, the house in Multiple Occupation use has a detrimental effect upon the character and amenities of this established primarily single family residential area contrary to Policy H30 of the Northampton Local Plan.

5. PLANNING POLICY

- 5.1 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 The unauthorised use is considered to be unacceptable for the reasons stated above in the Council's reasons for refusal to grant planning permission.
- 5.3 Policy H30 of the Northampton Local Plan seeks to allow multi occupation only where there is no detriment to the locality or its residents and where it would not create a substantial demand for on street parking. It is not considered that this unauthorised use fulfils the aims and objectives of the Policy
- 5.4 In addition to Local Plan Policy, National Policy PPG13 (Transport) is pertinent to this case.

6. CONSULTATIONS / REPRESENTATIONS

- 6.1 None

7. APPRAISAL

- 7.1 The property comprises nine bedrooms with a communal area. However, as reflected in the owners submission of planning application N/2009/0992 to regularise the unauthorised use, the house has become considerably more intensive than that of a family home. The intensity of the use of the property has resulted in a use which is out of character with the existing single family households within the estate.
- 7.2 The resulting noise, activity and general disturbance associated with the use of the property is considered to be detrimental to the amenities of neighbouring residents contrary to Policy H30 of the Northampton Local Plan.
- 7.3 The excessive intensity of the use has resulted in parking problems around the locality as this property has limited on site parking provision. Furthermore, there is a significant increase in the number of people coming to and from the property, which has a detrimental impact on the amenity of nearby residents contrary to Policy H30 of the Northampton Local Plan.

8. CONCLUSION

- 8.1 The unauthorised development is considered to be unacceptable for the reasons stated above and the formal action recommended is considered necessary and appropriate.

9. HUMAN RIGHTS IMPLICATIONS

- 9.1 The Human Rights Act 1998 introduces a number of rights contained in the European Convention on Human Rights. Public bodies such as the Council have to ensure that the rights contained in the Convention are complied with. However, many of the rights are not absolute and can be interfered with if sanctioned by law and the action taken must be proportionate to the intended objective. In this particular case Officers' views are that seeking to take action in respect of a perceived loss of amenity is compliant with the Human Rights Act 1998 because the harm to the wider community clearly outweighs the harm (in human rights terms) to the owner and the occupiers.

10. LEGAL IMPLICATIONS:

- 10.1 Usual costs of issue, service and any resultant appeal will be met from within the existing budget. If the event of the Notice not being complied with a costs application can be made to the Courts in respect of any prosecution proceedings.

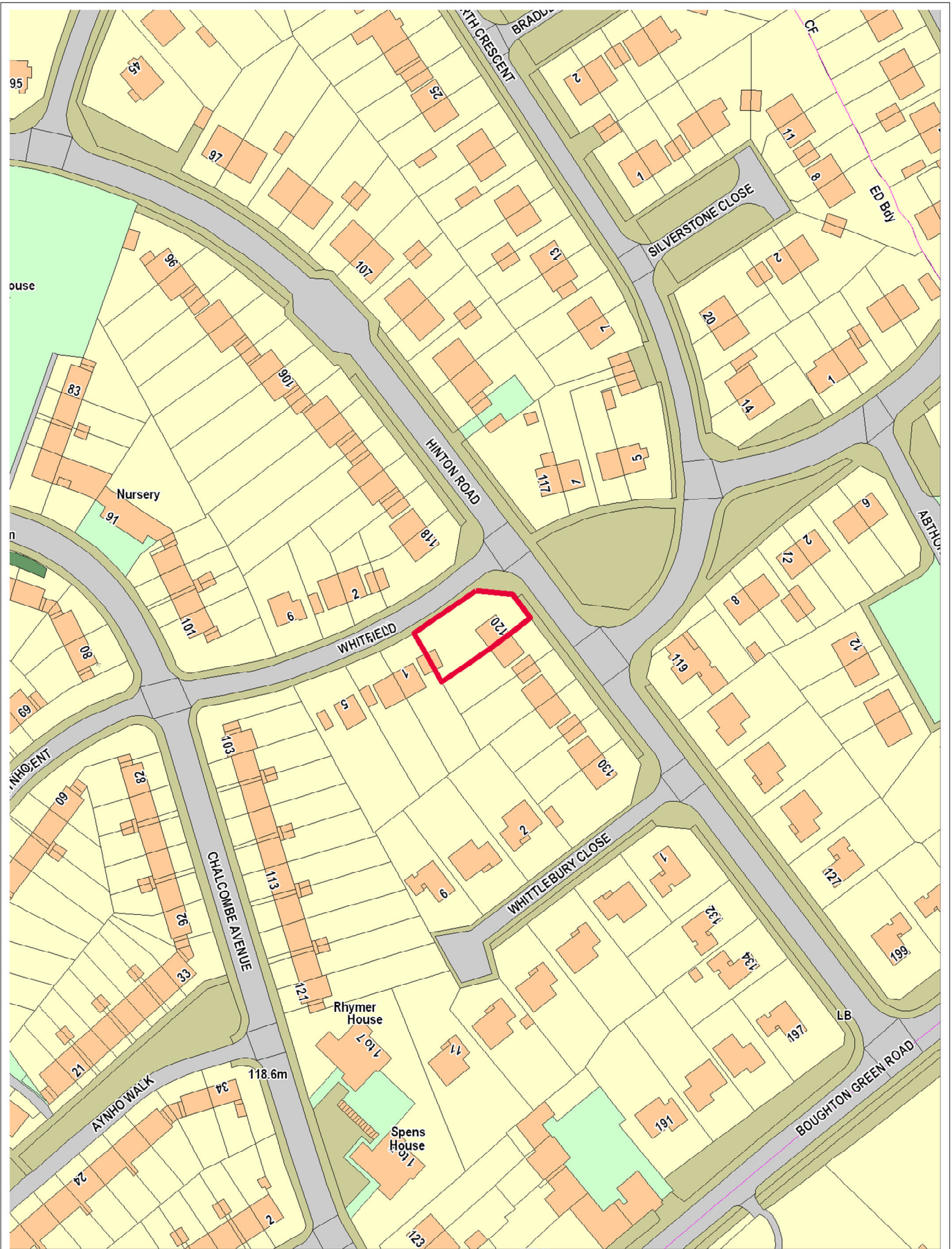
11. BACKGROUND PAPERS

- 11.1 N/2009/0992 & E/2009/0352

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.

Position:	Name/Signature:	Date:
Author:	Carol Tuckley	14.06.2010
Development Control Manager:	Gareth Jones	14.06.2010



Name: Planning
 Date: 17th June 2010
 Scale: 1:1250
 Dept: Planning
 Project: Location Plan

Title
120 Hinton Road

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PLANNING COMMITTEE: 29 June 2010
DIRECTORATE: Planning and Regeneration
HEAD OF PLANNING: Susan Bridge

E/2009/0724 **40 Aynho Crescent**
Kingsthorpe
Northampton

WARD: Boughton Green

REFERRED BY: Head of Planning
REASON: Breach of Planning Control

DEPARTURE: N/A

ENFORCEMENT MATTER:

1. RECOMMENDATION

- 1.1 That the Borough Solicitor be authorised to issue an Enforcement Notice requiring cessation of the use of the property as a house in multiple occupation with a compliance period of 6 months pursuant to Section 171A(1)(a) of Town and Country Planning Act 1990, (as amended).
- 1.2 That in the event of non compliance with the Notice, the Borough Solicitor take any other necessary, appropriate and proportionate enforcement action pursuant to the provisions within the Town and Country Planning Act 1990, (as amended) to bring about compliance with the Notice.

2. THE BREACH OF PLANNING CONTROL

- 2.1 That without planning permission, the use of the property has materially changed from a dwellinghouse as defined by Class C3 of the Town and Country Planning Use Classes Order (UCO), to a house in multiple occupation as defined by Class C4 of the UCO.
- 2.2 In April 2010 the Government amended the Town and Country Planning (Use Classes) Order 1987 (the UCO) to include a new class, C4 which covers small shared dwelling houses occupied by unrelated individuals who share basic amenities. In effect this results in shared student accommodation no longer falling within Class C3 (Dwellinghouses) in most cases. Class C3 (a) now confines use within this Class as those living together as a single household as defined by the Housing Act, basically a family.

3. SITE DESCRIPTION

- 3.1 The property is a semi detached 1960's dwellinghouse situated on a residential estate. The property has had a recent two storey side and rear extension which benefits from planning permission.

4. PLANNING HISTORY

- 4.1 The Council's attention was originally drawn to the development by way of complaints about this and other properties in the area.
- 4.2 Officers from the Planning Enforcement Team have been in close liaison with the owner but to date have been unable to secure compliance.
- 4.3 Following contact with the Planning Enforcement Team the owner submitted a retrospective planning application for a "Change of use from a single residential dwelling to a house in multiple occupation with 7 bedrooms" which was refused on 17 February 2010. (Ref: N/2009/0994) for the following reasons:
 - 1) The use of the property as a house in Multiple Occupation has a detrimental effect upon the amenity of the occupiers of nearby properties due to the increase in demand for on street parking and the resulting highway safety problems contrary to Policy H30 of the Northampton Local Plan.
 - 2) By reason of an increase in noise and general disturbance resulting from the over intensive use of the property, the house in Multiple Occupation use has a detrimental effect upon the character and amenities of

this established primarily single family residential area contrary to Policy H30 of the Northampton Local Plan.

5. PLANNING POLICY

- 5.1 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 The unauthorised use is considered to be unacceptable for the reasons stated above in the Council's reasons for refusal to grant planning permission.
- 5.3 Policy H30 of the Northampton Local Plan seeks to allow multi occupation only where there is no detriment to the locality or its residents and where it would not create a substantial demand for on street parking. It is not considered that this unauthorised use fulfils the aims and objectives of the Policy
- 5.4 In addition to Local Plan Policy, National Policy PPG13 (Transport) is pertinent to this case.

6. CONSULTATIONS / REPRESENTATIONS

- 6.1 None

7. APPRAISAL

- 7.1 The property comprises seven bedrooms with a communal area. However, as reflected in the owners submission of planning application N/2009/0994 to regularise the unauthorised use, the house has become considerably more intensive than that of a family home. The intensity of the use of the property has resulted in a use which is out of character with the existing single family households within the estate.
- 7.2 The resulting noise, activity and general disturbance associated with the use of the property is considered to be detrimental to the amenities of neighbouring residents contrary to Policy H30 of the Northampton Local Plan.
- 7.3 The excessive intensity of the use has resulted in parking problems around the locality as this property has limited on site parking provision. Furthermore, there is a significant increase in the number of people coming to and from the property, which has a detrimental

impact on the amenity of nearby residents contrary to Policy H30 of the Northampton Local Plan.

8. CONCLUSION

- 8.1 The unauthorised development is considered to be unacceptable for the reasons stated above and the formal action recommended is considered necessary and appropriate.

9. HUMAN RIGHTS IMPLICATIONS

- 9.1 The Human Rights Act 1998 introduces a number of rights contained in the European Convention on Human Rights. Public bodies such as the Council have to ensure that the rights contained in the Convention are complied with. However, many of the rights are not absolute and can be interfered with if sanctioned by law and the action taken must be proportionate to the intended objective. In this particular case Officers' views are that seeking to take action in respect of a perceived loss of amenity is compliant with the Human Rights Act 1998 because the harm to the wider community clearly outweighs the harm (in human rights terms) to the owner and the occupiers.

10. LEGAL IMPLICATIONS:

- 10.1 Usual costs of issue, service and any resultant appeal will be met from within the existing budget. If the event of the Notice not being complied with a costs application can be made to the Courts in respect of any prosecution proceedings.

11. BACKGROUND PAPERS

- 11.1 N/2009/0994 & E/2009/0724

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.

Position:	Name/Signature:	Date:
Author:	Carol Tuckley	14.06.2010
Development Control Manager:	Gareth Jones	14.06.2010



Name: Planning
 Date: 17th June 2010
 Scale: 1:1250
 Dept: Planning
 Project: Location Plan

Title
40 Aynho Crescent

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Agenda Item 11d



PLANNING COMMITTEE: 29 June 2010
DIRECTORATE: Planning and Regeneration
HEAD OF PLANNING: Susan Bridge

E/2009/0725 **77 Hinton Road**
Kingsthorpe
Northampton

WARD: Boughton Green

REFERRED BY: Head of Planning
REASON: Breach of Planning Control

DEPARTURE: N/A

ENFORCEMENT MATTER:

1. RECOMMENDATION

- 1.1 That the Borough Solicitor be authorised to issue an Enforcement Notice requiring cessation of the use of the property as a house in multiple occupation with a compliance period of 6 months pursuant to Section 171A(1)(a) of Town and Country Planning Act 1990, (as amended).
- 1.2 That in the event of non compliance with the Notice, the Borough Solicitor take any other necessary, appropriate and proportionate enforcement action pursuant to the provisions within the Town and Country Planning Act 1990, (as amended) to bring about compliance with the Notice.

2. THE BREACH OF PLANNING CONTROL

- 2.1 That without planning permission, the use of the property has materially changed from a dwellinghouse as defined by Class C3 of the Town and Country Planning Use Classes Order (UCO), to a house in multiple occupation as defined by Class C4 of the UCO.
- 2.2 In April 2010 the Government amended the Town and Country Planning (Use Classes) Order 1987 (the UCO) to include a new class, C4 which covers small shared dwelling houses occupied by unrelated individuals who share basic amenities. In effect this results in shared student accommodation no longer falling within Class C3 (Dwellinghouses) in most cases. Class C3 (a) now confines use within this Class as those living together as a single household as defined by the Housing Act, basically a family.

3. SITE DESCRIPTION

- 3.1 The property is a semi detached dwellinghouse situated on a residential estate. The property has been substantially extended.

4. PLANNING HISTORY

- 4.1 The Council's attention was originally drawn to the development by way of complaints about this and other properties in the area.
- 4.2 Officers from the Planning Enforcement Team have been in close liaison with the owner but to date have been unable to secure compliance.
- 4.3 Following contact with the Planning Enforcement Team the owner submitted a retrospective planning application for a "Change of use from a single residential dwelling to a house in multiple occupation with 8 bedrooms" which was refused on 22 January 2010 (Ref: N/2009/0996) for the following reasons:
 - 1) The use of the property as a house in Multiple Occupation has a detrimental effect upon the amenity of the occupiers of nearby properties due to the increase in demand for on street parking and the resulting highway safety problems contrary to Policy H30 of the Northampton Local Plan.
 - 2) By reason of an increase in noise and general disturbance resulting from the over intensive use of the property, the house in Multiple Occupation use has a detrimental effect upon the character and amenities of this established primarily single family residential area contrary to Policy H30 of the Northampton Local Plan.

5. PLANNING POLICY

- 5.1 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 The unauthorised use is considered to be unacceptable for the reasons stated above in the Council's reasons for refusal to grant planning permission.
- 5.3 Policy H30 of the Northampton Local Plan seeks to allow multi occupation only where there is no detriment to the locality or its residents and where it would not create a substantial demand for on street parking. It is not considered that this unauthorised use fulfils the aims and objectives of the Policy
- 5.4 In addition to Local Plan Policy, National Policy PPG13 (Transport) is pertinent to this case.

6. CONSULTATIONS / REPRESENTATIONS

- 6.1 None

7. APPRAISAL

- 7.1 The property comprises eight locked bedrooms with a communal lounge/kitchen area. However, as reflected in the owners submission of planning application N/2009/0996 to regularise the unauthorised use, the house has become considerably more intensive than that of a family home. The intensity of the use of the property has resulted in a use which is out of character with the existing single family households within the estate.
- 7.2 The resulting noise, activity and general disturbance associated with the use of the property is considered to be detrimental to the amenities of neighbouring residents contrary to Policy H30 of the Northampton Local Plan.
- 7.3 The excessive intensity of the use has resulted in parking problems around the locality as this property has limited on site parking provision. Furthermore, there is a significant increase in the number of people coming to and from the property, which has a detrimental impact on the amenity of nearby residents contrary to Policy H30 of the Northampton Local Plan.

8. CONCLUSION

- 8.1 The unauthorised development is considered to be unacceptable for the reasons stated above and the formal action recommended is considered necessary and appropriate.

9. HUMAN RIGHTS IMPLICATIONS

- 9.1 The Human Rights Act 1998 introduces a number of rights contained in the European Convention on Human Rights. Public bodies such as the Council have to ensure that the rights contained in the Convention are complied with. However, many of the rights are not absolute and can be interfered with if sanctioned by law and the action taken must be proportionate to the intended objective. In this particular case Officers' views are that seeking to take action in respect of a perceived loss of amenity is compliant with the Human Rights Act 1998 because the harm to the wider community clearly outweighs the harm (in human rights terms) to the owner and the occupiers.

10. LEGAL IMPLICATIONS:

- 10.1 Usual costs of issue, service and any resultant appeal will be met from within the existing budget. If the event of the Notice not being complied with a costs application can be made to the Courts in respect of any prosecution proceedings.

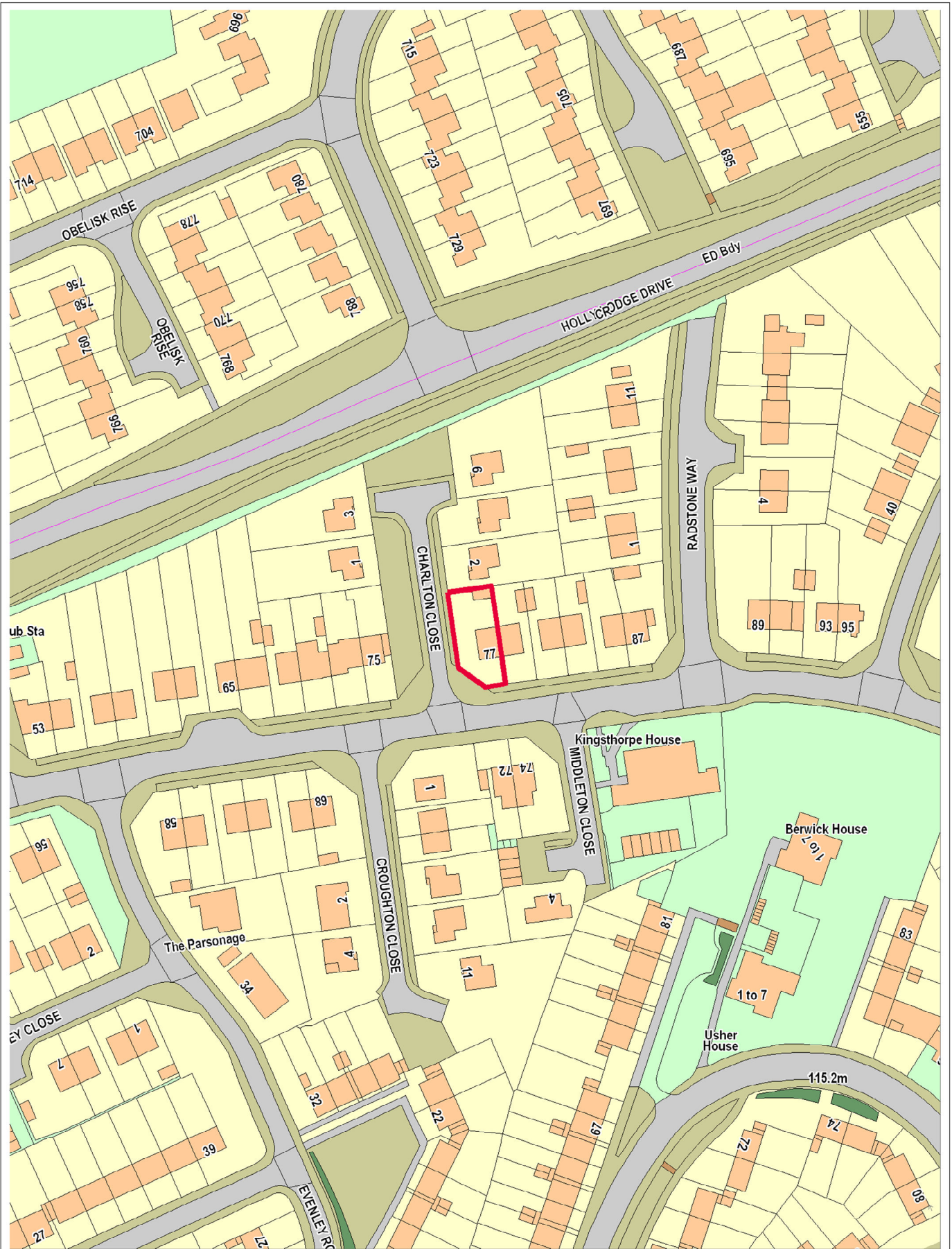
11. BACKGROUND PAPERS

- 11.1 N/2009/0996 & E/2009/0725

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.

Position:	Name/Signature:	Date:
Author:	Carol Tuckley	14.06.2010
Development Control Manager:	Gareth Jones	14.06.2010



Name: Planning
 Date: 17th June 2010
 Scale: 1:1250
 Dept: Planning
 Project: Location Plan

Title
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