

**NORTHAMPTON BOROUGH COUNCIL**

**PLANNING COMMITTEE**

YOUR ATTENDANCE IS REQUESTED AT A MEETING TO BE HELD AT THE JEFFREY ROOM, GUILDHALL ON TUESDAY, 24 AUGUST 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  
An Addendum of further information considered by the Committee is attached.  
  
(A) N/2010/0472 - CHANGE OF USE FROM RETAIL (USE CLASS A1) TO HOT FOOD TAKEAWAY (USE CLASS A5) INCLUDING INSTALLATION OF EXTRACTION FLUE SYSTEM AT 16 BUSHLAND ROAD. (AS AMENDED BY REVISED PLANS RECEIVED 15/07/2010). G WYATT  
X 8912  
  
Report of the Head of Planning  
(Copy herewith)  
  
**Headlands Ward**  
  
(B) N/2010/0611 - SINGLE STOREY REAR EXTENSION AND FIRST FLOOR EXTENSION ABOVE EXISTING GARAGE TO CREATE 2 SEMI-DETACHED DWELLINGS AT 48 GREENFIELD AVENUE, NORTHAMPTON R  
SIMPSON  
X 7848

**Eastfield Ward**

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:-**

# Agenda Item 2

## NORTHAMPTON BOROUGH COUNCIL

### PLANNING COMMITTEE

Tuesday, 29 June 2010

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

#### 1. APOLOGIES

Apologies for absence were received from Councillor Hill.

#### 2. MINUTES

The minutes of the meeting held on 1 June 2010 were signed by the Chair.

#### 3. DEPUTATIONS / PUBLIC ADDRESSES

**RESOLVED:** (1) That Mr Hameed and Councillors Crake and Yates  
be granted leave to address the Committee in respect  
of the reports in respect of E/2009/0352, E/2009/0724  
and E/2009/0725.

#### 4. DECLARATIONS OF INTEREST

There were none.

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

There were none.

#### 6. LIST OF CURRENT APPEALS AND INQUIRIES

The Head of Planning submitted a List of Current Appeals and Inquiries 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

None.

## **11. ENFORCEMENT MATTERS**

### **(A) E/2008/0230- BREACH OF PLANNING CONTROL AT 125 HARLESTONE ROAD**

The Head of Planning submitted a report in respect of E/2008/0230, elaborated thereon and further commented that during a site inspection on 28 June 2010 nine parked cars had been observed at the front of the property within the curtilage of the site. In answer to a question the Head of Planning confirmed that it was usual for the conversion of a hostel to residential use to require planning permission.

The Committee discussed the report.

**RESOLVED:** (1) That the Borough Solicitor be authorised to issue an Enforcement Notice in respect of the unauthorised change of use of the premises from a hostel to a mixed use of residential, office, light industrial and warehouse with a compliance period of 6 months pursuant to Section 171A(1)(a) of Town and Country Planning Act 1990, (as amended).

(2) That in the event of non compliance with the requirements of the Notice, the Borough Solicitor be authorised take any other necessary, appropriate and proportionate enforcement action pursuant to the provisions of the Town and Country Planning Act 1990 (as amended).

### **(B) E/2009/0352- BREACH OF PLANNING CONTROL AT 120 HINTON ROAD**

The Head of Planning submitted a report in respect of E/2009/0352 and in particular noted paragraph 2.2: the changes to the Town and Country Planning (Use Classes) Order 1987 to create a new C4 class which covered small shared dwelling houses occupied by unrelated individuals who share basic amenities. In answer to questions, the Head of Planning noted that these changes did not effect owner/ occupiers who had lodgers and that the existing extension to the property had planning permission. The Head of Planning reported that the property had nine bedrooms which irrespective of the changes to the Use Classes Order in April made the property a HIMO. A planning application submitted by the owner for a HIMO had been refused in January 2010. The owner had not appealed this decision.

Mr Hameed, the owner, noted that he had received planning permission for an extension in 2009. He had more than six student tenants and did not realise that he needed a different permission. He had subsequently submitted a new planning application which had been refused. Subsequently, he decided to reduce the numbers of bedrooms and make the necessary internal alterations as suggested by the Planning Officers. This had been agreed before the change to the Use Classes Order. He intended to carry out the works after 30 June when the current tenancies ended. At a recent meeting with the Head of Planning he had been advised that because of the changes to the Use Classes Order that he needed to make a planning application for C4 use. He did not believe that this was necessary as he had agreed to have six or less students but would do so if it was required. In answer to a question Mr Hameed

confirmed that the property currently had five ensuite bedrooms, four bedrooms, a bathroom, a kitchen and a sitting room.

Councillor Yates, as a ward Councillor, commented that Boughton Green was a quiet residential area, close to the university and therefore attractive as an area of student accommodation. He believed that Mr Hameed's development of the property was an abuse of the housing system, a commercial enterprise cashing in on the university. He had received many e-mails from residents complaining about this property. He had concerns in respect of the six month compliance period suggested in the report. In answer to questions Councillors Yates noted that there was no dropped kerb to the property and that only two vehicles could be parked within the curtilage of the site; that at present there were few vehicles parked there because most students had now left the university for the summer and the road was presently being resurfaced; residents had not expressed concerns to him when planning permission for the existing extension had been applied for; and that residents had reported to him the possibility of more than nine students living there.

Councillor Crake, as a ward Councillor, commented that she had been made aware of the problems associated with this property about 18 months previously. She had discussed the situation with the Planning Officers. The area was generally characterised by family housing. The conversion of properties into bedsits changed the dynamic of the area. Residents had reported to her that 15 people might be sleeping at this property. Parking on the pavements had cracked the slabs and there had been problems with the builders lorries blocking the pavements when the extension works had been carried out. There were also concerns about the amount of waste/ recycling that was being generated from the property given that it only had the same bins as a normal domestic property. In answer to a question, Councillor Crake confirmed that she had witnessed an increase in car parking since the property was being used in its current way.

The Head of Planning commented that a six month compliance period was recommended as tenancies were often for six month periods and an Inspector at any future appeal was likely to view a lesser period as unreasonable. Before 6 April when the changes to the Use Classes Order came into effect, Mr Hameed could have applied for a Certificate of Lawfulness but this could not be granted if it was impeded by an unlawful use. The property still had nine bedrooms with all the existing petitions in place. To bring the property back within C3 use bedrooms and occupation needed to be reduced to six.

The Committee discussed the report.

- RESOLVED:**
1. That the Borough Solicitor be authorised to issue an Enforcement Notice in respect of the unauthorised change of use of the dwelling house to use 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).
  2. That in the event of non compliance with the requirements of the Notice, the Borough Solicitor be authorised to take any other necessary, appropriate and proportionate enforcement action pursuant to the provisions of the Town and Country Planning Act

1990 (as amended).

**(C) E/2009/0724- BREACH OF PLANNING CONTROL AT 40 AYNHO CRESCENT**

The Head of Planning submitted a report in respect of E/2009/0724 and in particular noted paragraph 2.2: the changes to the Town and Country Planning (Use Classes) Order 1987 to create a new C4 class which covered small shared dwelling houses occupied by unrelated individuals who share basic amenities. In answer to a question, the Head of Planning noted that these changes did not effect owner/ occupiers who had lodgers. The Head of Planning reported that a planning application submitted by the owner for a change of use had been refused in February 2010. The owner had not appealed this decision.

Mr Hameed, the owner, noted that there had been six student tenants in the property in September 2009. He had been advised that if he had a single contract with six people that this would be regarded as a family. He had agreed to reduce the number of bedrooms to six and make the necessary internal alterations as suggested by the Planning Officers. He intended to carry out the works after 30 June when the current tenancies ended. He would submit an application for C4 use if this was necessary. There was off road parking. In answer to questions Mr Hameed confirmed that the property currently had six bedrooms, the seventh now being a sitting room; the property had been occupied by a single family since September 2009; his tenants were advised about rubbish/ recycling collections and if necessary he would do this himself; and he had not received any complaints by neighbours in respect of noise.

Councillor Yates, as a ward Councillor, commented that Boughton Green was a quiet residential area, close to the university and therefore attractive as an area of student accommodation. He believed that Mr Hameed's development of the property was an abuse of the housing system, a commercial enterprise cashing in on the university. He had received many e-mails from residents complaining about this property. He had concerns in respect of the six month compliance period suggested in the report.

Councillor Crake, as a ward Councillor, commented that she had been made aware of the problems associated with this property about 18 months previously. She had discussed the situation with the Planning Officers. The area was generally characterised by family housing. The conversion of properties into bedsits changed the dynamic of the area. On one occasion she had been unable to reach the front door because of the parked cars at the front of the property. In answer to questions, Councillor Crake confirmed that residents were not against HIMO's per se but just wanted them properly control and with more appropriate numbers.

The Head of Planning commented that a six month compliance period was recommended as tenancies were often for six month periods and an Inspector at any future appeal was likely to view a lesser period as unreasonable. It was understood that three of the occupants were related but that they did not know the other people there.

The Committee discussed the report.

- RESOLVED:** 1. That the Borough Solicitor be authorised to issue an Enforcement Notice in respect of the unauthorised change of use of the dwelling to use 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).
2. That in the event of non compliance with the requirements of the Notice, the Borough Solicitor be authorised to take any other necessary, appropriate and proportionate enforcement action pursuant to the provisions of the Town and Country Planning Act 1990 (as amended).

**(D) E/2009/0725- BREACH OF PLANNING CONTROL AT 77 HINTON ROAD**

The Head of Planning submitted a report in respect of E/2009/0724 and in particular noted paragraph 2.2: the changes to the Town and Country Planning (Use Classes) Order 1987 to create a new C4 class which covered small shared dwelling houses occupied by unrelated individuals who share basic amenities. In answer to a question, the Head of Planning noted that these changes did not effect owner/ occupiers who had lodgers. The Head of Planning reported that a planning application submitted by the owner for a change of use to a HIMO had been refused in January 2010. The owner had not appealed this decision.

Mr Hameed, the owner, noted that there had been six student tenants in the property and only six bedrooms. He had agreed to make the necessary internal alterations as suggested by the Planning Officers. He intended to carry out the works after 30 June when the current tenancies ended. He would submit an application for C4 use if this was necessary but did not believe that it was in this case. There was off road parking.

Councillor Yates, as a ward Councillor, commented that Boughton Green was a quiet residential area, close to the university and therefore attractive as an area of student accommodation. He believed that Mr Hameed's development of the property was an abuse of the housing system, a commercial enterprise cashing in on the university. He had received many e-mails from residents complaining about this property. He had concerns in respect of the six month compliance period suggested in the report.

Councillor Crake, as a ward Councillor, commented that she had been made aware of the problems associated with this property about 18 months previously. She had discussed the situation with the Planning Officers. The area was generally characterised by family housing. The conversion of properties into bedsits changed the dynamic of the area.

The Head of Planning commented that a six month compliance period was recommended as tenancies were often for six month periods and an Inspector at any future appeal was likely to view a lesser period as unreasonable.

The Committee discussed the report.

**RESOLVED:** 1. That the Borough Solicitor be authorised to issue an Enforcement Notice in respect of the unauthorised use of the dwelling 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).

2. That in the event of non compliance with the requirements of the Notice, the Borough Solicitor be authorised to take any other necessary, appropriate and proportionate enforcement action pursuant to the provisions of the Town and Country Planning Act 1990 (as amended).

## **12. APPLICATIONS FOR CONSULTATION**

None.

The meeting concluded at 19.25 hours.

# Agenda Item 6

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



## List of Appeals and Determinations – 24<sup>th</sup> August 2010

Written Reps Procedure			
Application	Del/PC	Description	Decision
<b>N/2009/0566</b> APP/V2825/A/10/2123568	DEL	Change of Use to 4no. bedsits at 1 Humber Close – Retrospective.	<b>AWAITED</b>
<b>N/2009/0961</b> APP/V2825/A/10/2130607	DEL	Two storey rear extension, single storey side extension, installation of rear dormer, new access and railings to front basement at 201 Abington Avenue.	<b>DISMISSED</b>
<b>N/2009/0974</b> APP/V2825/E/10/2131445/NWF	DEL	Replacement windows to front elevation at 155 Harborough Road.	<b>AWAITED</b>
<b>N/2009/1036</b> APP/V2825/H/10/2124588	DEL	Externally illuminated hoarding at Former Oddbins Wine Warehouse, St Peters Way.	<b>DISMISSED</b>
<b>N/2009/1063</b> APP/V2825/H/10/2126377	DEL	Retention of free standing sign at 21 Main Road.	<b>AWAITED</b>
<b>N/2010/0137 &amp; 0138</b> 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.	<b>AWAITED</b>
<b>N/2010/0171</b> 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).	<b>AWAITED</b>

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 - <a href="http://www.planning-inspectorate.gov.uk">www.planning-inspectorate.gov.uk</a>
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.



## Addendum to Agenda Items Tuesday 24<sup>th</sup> August 2010

### Items for Determination

#### **Item 10 A**

**N/2010/0472 - Change of use from retail (Use Class A1) to hot food takeaway (Use Class A5) including installation of extraction flue system at 16 Bushland Road.**

There is are **typographical errors**:

- In the final line of paragraph 7.6, which should read: *The County Council as Highway Authority has raised **no** objections to the proposal;* and
- In condition 2 which should read: *The premises shall be open only between the hours of 1100 and 2130 Mondays to Saturdays and at no time on Sundays.*

The **Highway Authority** has provided further more details comments:

*Bushland Road is 7.3m wide and allows parking outside the commercial premises for the coming and going vehicles. There is a degree of flexibility of parking arrangements when local centres are considered. There is less demand for parking for the retail store (Co-op) in the mid to late evening period when the parking for the proposed take-away would have an increase in patronage. Parking is not a significant problem in the vicinity of the site with additional capacity available in the adjoining Bush Hill. Bollards have been erected on both sides of Bushland Road to restrict indiscriminant parking.*

#### **Item 10 B**

**N/2010/0611 - Single storey rear extension and first floor extension above existing garage to create 2 semi-detached dwellings at 48 Greenfield Ave.**

Letter received from **46 Greenfield Ave** – considers development not in keeping with the character of the house and surrounding area and would increase traffic and noise pollution.

Further comments received from **50 Greenfield Ave** – The application that was submitted last year was to provide 4 flats with a total of 9 bedrooms. This was refused and dismissed at appeal as it was regarded as over intensive development. If the current application for 2x 3 bedroom houses is approved loft conversions would provide 2 further bedrooms without planning permission being required, thus converting them to 2x 5 bedroom dwellings. The LPA has recognised the possibility of dormer conversions and imposed restrictive conditions, however these could be overcome by using flush type roof skylights to provide illumination and ventilation. The net outcome would be that the floor area of the building at no. 48 would be almost doubled and the bedroom count would rise from 4 to 10. This must constitute a case of over intensive development. A building of this size with 10 bedrooms and perhaps occupied by 12 or more people would severely impact on the amenity of the area and being only 1 metre away from no. 50 would have a devastating impact on our lives due to increased levels of activity. I therefore ask the Planning Authority to take all steps possible to stop this nightmare scenario happening.

# Agenda Item 10a



**PLANNING COMMITTEE:** 24 August 2010  
**DIRECTORATE:** Planning and Regeneration  
**HEAD OF PLANNING:** Susan Bridge

**N/2010/0472** Change of use from retail (Use Class A1) to hot food takeaway (Use Class A5) including installation of extraction flue system.

**WARD:** Headlands

**APPLICANT:** Mr. B Mehta  
**AGENT:** Mr R. Kilsby

**REFERRED BY:** Councillor B Markham  
**REASON:** Detrimental impact of development on nearby residents and highway / parking impact

**DEPARTURE:** No

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## **APPLICATION FOR DETERMINATION / CONSULTATION BY:**

### **1. RECOMMENDATION**

- 1.1 **APPROVAL** subject to conditions and for the following reason:  
The principle of a takeaway use in a local centre is acceptable and in accordance with Policy R9 of the Northampton Local Plan. By reason of the site's relationship with neighbouring residential properties and the adequacy of the local highway network and subject to controls limiting the hours of the use and collection, treatment and dispersal of cooking smells, the proposed use would not have a detrimental impact on the amenity of nearby and adjoining residents or highway safety in accordance with Policy R9 of the Northampton Local Plan and aims and objectives of PPG13 and PPG24.

### **2. THE PROPOSAL**

- 2.1 It is proposed to convert an existing vacant retail shop to a hot food takeaway and install a fume extraction system to the rear.

### **3. SITE DESCRIPTION**

- 3.1 Vacant former post office situated in a local centre as identified in the Local Plan. There are residential dwellings to the south and on the

opposite side of Bushland Road. A Coop store is located to the north of the site. There is no on-site parking provision to the front but parking is allowed outside the premises in Bushland Road. There is a garage located at the rear of the site accessed off a private road.

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

4.1 None.

#### **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 saved policies of the Northamptonshire County Structure Plan and Northampton Local Plan 1997.

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

PPS1 – Delivering Sustainable Development

PPG24 – Planning and Noise

PPS13 - Transport

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

E20 – New Development

R9 – Local Centres

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

Northamptonshire County Parking Standards SPG 2003

Planning out Crime in Northamptonshire SPG 2004

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

##### ***Consultees***

6.1 **Public Protection (NBC)** - No objections with conditions relating to the control of noise emissions and hours of operation.

6.2 **Northamptonshire Police** – No objections

6.3 **Highways Authority (NCC)** - No objections

##### ***Councillors***

6.4 **Cllr B Markham** – the noise and fumes from the extraction system will have a detrimental effect on the amenity of the occupiers of nearby properties in particular those living in the flats at 18 Bushland Road and 193 to 205 Bush Hill. The change of use would also add to parking problems in Bushland Road and road safety concerns at the junction of Bushland Road and Bush Hill, which has poor visibility exiting Bush Hill

due to parked cars. The road is narrow with a shortage of car parking and a large number of traffic movements. Parking / movement of vehicles associated with the use will be detrimental to the amenity of residents due to car engines, slamming doors and arguments over selfish parking behaviour. Although it is acknowledged that the unit could be brought back into use as a shop and that this would result in some vehicle movements, this contrasts a hot food take-away use as the majority of customers arrive by car even when it is providing a service for local people. My primary objection however relates to the effect on the environmental amenity of neighbouring residents.

### ***Neighbours***

- 6.5 **19 Bushland Road** - will cause traffic problems  
**1 Bushland Road** - will create parking and litter problems, potential of cooking smells  
**3 Bushland Road** – will exacerbate the blocking of private driveways, increase of litter problems, will encourage youths to gather in the vicinity of the site.  
**11 Bushland Road** - will result in road safety issues  
**191 Bush Hill** - food waste issue, encourage the congregation of youths, increase in noise pollution, exacerbate parking problems.  
**13 Bushland Road** - will create noise problems, increase pollution and result in parking problems.  
**The owner of flats 1, 2 & 3 at 18 Bushland Road and 195, 197, 199, 201, 203 and 205 Bush Hill** - will increase noise and nuisance problems, cause more parking and road safety problems, increase smells, litter and grease in the locality, enough takeaways already within half a mile of the site.  
**22 Bushland Road** - already subject to heavy traffic, will result in problems with litter and smells  
**7 Bushland Road** - could result in an increase in noise, traffic and litter. This is a residential area and this commercial use will not benefit the local area.  
**2 Bushland Road** - will exacerbate existing parking and letter problems potential of cooking smells.

## 7. **APPRAISAL**

- 7.1 A takeaway use situated in a local centre is acceptable in principle as long as it does not impact on residential amenity, lead to unacceptable traffic problems or be detrimental to the character of the centre.

### ***Character of the Local Centre***

- 7.2 The shop has remained been vacant for most of the last 10 years. The building has been used on a short term let as a charity shop but became unviable. Therefore, the new use is considered acceptable as it would bring a vacant building back into use bringing activity to the local centre and help prevent the building from entering a state of

disrepair. Furthermore, the takeaway would provide a sustainable use as there are limited hot food take-away uses in the immediate vicinity.

### ***Residential Amenity***

- 7.3 There should be no significant impact on the amenity of the occupiers of adjoining dwellings by way of fumes and odours as the proposed revised fume extraction system has been accepted by the Council's environmental health service (Public Protection) and will not create an odour problem. The fume extraction system is relatively high but is situated at the rear of the premises facing the adjoining Co-op store and as such would have a limited visual impact. A further condition is recommended to control any noise emissions from the building. It is proposed to close the premises at 2130 (9.30 pm) and this is considered acceptable and should not create any significant noise and disturbance problems to nearby residents. The Council's Public Protection Manager has also advised that these hours of opening would be acceptable.
- 7.4 Although sympathetic to the concerns of local residents over potential litter and the use resulting in the congregation of youths these matters are not considered to be sufficient to warrant refusal of the application given the limited scale of the proposed development and controlled hours of opening.
- 7.5 The Police have confirmed that there is very little reported crime in the vicinity of the site and there is no evidence that this should increase if the takeaway is allowed.

### ***Highway Safety and Parking***

- 7.6 Although Bushland Road is relatively narrow allowing parking on one side of the road only, there is parking normally available within close proximity of the premises either on Bushland Road or Bush Hill. Furthermore, the existing lawful use of the premises as a retail shop would be likely to result in similar on-street parking demand to that of the proposed takeaway use. The County Council as Highway Authority has raised no objections to the proposal.

## **8. CONCLUSION**

- 8.1 The proposed use is considered acceptable in a local centre and should not be detrimental to residential amenity or highway safety.

## **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. The premises shall be open only between the hours of 2130 and 1100 Mondays to Saturdays and at no time on Sundays.

Reason: In the interests of the amenities of the occupiers of nearby properties in accordance with Policy R9 of the Northampton Local Plan.

3. A scheme shall be submitted to and approved in writing by the Local Planning Authority which specifies the sources of noise on the site whether from fixed plant or equipment or noise generated within the building and the provisions to be made for its control and the approved scheme shall be implemented prior to the commencement of the use hereby permitted and retained thereafter.

Reason: To protect the amenities of nearby occupants from noise and vibration amenity in accordance with the advice contained in PPG24 Planning and Noise.

4. The scheme for the collection, treatment and dispersal of cooking smells submitted on 15 July shall be implemented prior to the premises being used for the permitted purpose and thereafter retained.

Reason: In the interests of the amenities of the occupiers of nearby properties in accordance with Policy R9 of the Northampton Local Plan.

5. Details of the provision for the storage of refuse and materials for recycling shall be submitted to and approved in writing by the Local Planning Authority, implemented prior to the premises being used for the permitted purpose and retained thereafter.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with PPS1.

## **10. BACKGROUND PAPERS**

10.1 N/2010/0472.

## **11. LEGAL IMPLICATIONS**

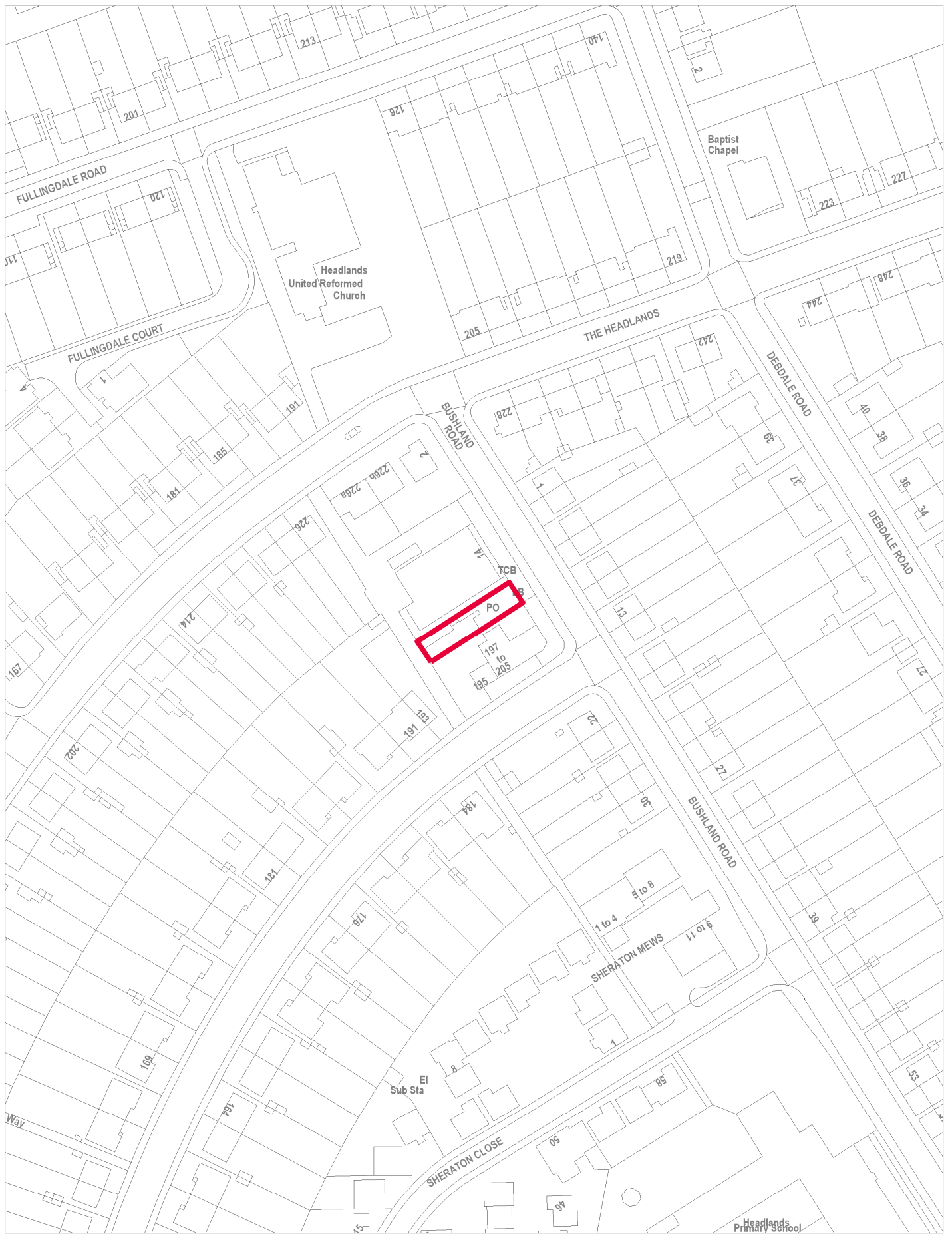
11.1 None.

## **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	9/8/2010
<b>Development Control Manager Agreed:</b>	Gareth Jones	11/8/2010





Name: Location Plan  
Date: 11th August 2010  
Scale: 1:1250  
Dept: DC  
Project: Committee

Title  
**16 Bushland Road**  
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**NORTHAMPTON**  
BOROUGH COUNCIL

**PLANNING COMMITTEE:** 24 August 2010  
**DIRECTORATE:** Planning and Regeneration  
**HEAD OF PLANNING:** Susan Bridge

**N/2010/0611**                      **Single storey rear extension and first floor extension above existing garage to create 2 semi-detached dwellings at 48 Greenfield Avenue, Northampton**

**WARD:** Eastfield

**APPLICANT:** Mr Nimalathasn  
**AGENT:** Arcteck Designs

**REFERRED BY:** Councillor Jane Hollis  
**REASON:** Highway concerns

**DEPARTURE:** No

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**APPLICATION FOR DETERMINATION:**

**1. RECOMMENDATION**

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

The siting, size and design of the proposed development will not adversely affect the character of the area nor adversely affect the amenity of neighbouring properties or highway safety in accordance with Policies E20 and H6 of the Northampton Local Plan and Planning Policy Statement 3 (Housing) and Planning Policy Guidance Note 13 (Transport).

**2. THE PROPOSAL**

2.1 Full planning permission is sought for the erection of a single storey rear extension and first floor extension above the existing garage to create 2 semi-detached dwellings.

### **3. SITE DESCRIPTION**

- 3.1 The application site is located on the corner of Greenfield Avenue and St. Alban's Road within a primarily residential area. The application property consists of a 2 storey, 4 bedroom detached dwelling with an attached flat roofed single garage and rear extension. The property has a front garden with a block-paved driveway leading onto Greenfield Avenue. To the rear the garden is enclosed by a 2m high fence. The property is surrounded by a mixture of detached and semi-detached dwellings with some terraced properties to the east and west. To the rear of the site is an area of open grass.

### **4. PLANNING HISTORY**

- 4.1 60/445 – Development of pasture land for residential.  
61/56 – Erection of 28 houses and 26 bungalows.  
61/197 – Erection of 32 houses and 23 bungalows.  
66/686 – Conversion of garage to room and erection of another garage.  
N/2009/0290 – Proposed two storey side and rear extensions and change of use to 4 no. individual flats - Refused

Application N/2009/0290 to extend the property and convert it to four flats was refused and dismissed at appeal as it was considered to be an over intensive use, detrimental to the character and appearance of the area, the living conditions of neighbouring property and highway safety.

### **5. PLANNING POLICY**

#### **5.1 Development Plan**

Section 36(8) 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 saved policies of the Northamptonshire County Structure Plan and Northampton Local Plan 1997.

#### **5.2 National Policies**

PPS1 – Delivering Sustainable Development  
PPS3 – Housing  
PPG13 – Transport

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

E20 – New Development  
H6 – Housing Development within Primarily Residential Areas

#### **5.4 Supplementary Planning Guidance**

Northamptonshire County Parking Standards SPG 2003

## 6. CONSULTATIONS/REPRESENTATIONS

6.1 **Public Protection (NBC)** – No comments

6.2 **Highway Authority (NCC)** – No objections

6.3 **47, 50, 53 Greenfield Avenue and 43 St. Albans Road** – object as follows:

- Overdevelopment
- Road Access close to junction
- Highway safety
- Traffic generation
- Adequacy of parking
- Character and appearance – out of keeping with area
- Overbearing
- Noise and disturbance resulting from use
- Comment on the applicants claim that the housing would provide affordable housing

## 7. APPRAISAL

### *Main Issues*

7.1 The principal considerations of this proposal are the impact on:

- The character and appearance of the area;
- The impact on the amenity and living conditions of neighbouring properties; and
- The impact on highway safety.

### *Policy Context*

7.2 The recently revised PPS3 Housing excludes garden space from the definition of previously development. Nonetheless the site lies within a primarily residential area as identified in the Northampton Local Plan and lies within the established urban fabric of the town and is in an area relatively well served by existing facilities. Within primarily residential areas in planning policy terms the principle of development is normally acceptable providing the scheme is of an appropriate scale and density and in keeping with the character of the area, does not have an adverse impact on residential amenity and is acceptable in highway terms.

### *Site and Surroundings*

7.3 The application site consists of a large two storey detached dwelling with a front garden approximately 9m deep consisting of a lawn area and a block paved driveway leading to a single garage. The rear garden of the property is 26m long and 15m wide and is surrounded by

a 2 metre high garden fence. To the south of the site is an open grassed area.

### ***Character and Appearance***

- 7.4 The property is surrounded by other residential dwellings of varying design and the wider area is residential in character. Properties in the immediate vicinity are detached dwellings but others nearby in St Albans Road and Greenfield Avenue are semi-detached or terraced. The proposal would provide two semi-detached dwellings with floor areas of 102 and 109 sq. metres. The dwellings would have a shared driveway with off-street parking for 4 vehicles to the front and rear gardens of approximately 22metres in depth. It is not considered that the introduction of two semi-detached dwellings on the site to replace the existing detached dwelling will be out of character with the pattern of development in the area due to the size of the plot, the scale of the proposed development and the existing degree of variety in the streetscene. Moreover, although the proposed development would represent a substantial addition to the host building, its design is very in keeping with the existing house and would result in a balanced pair of semis.

### ***Design***

- 7.6 The existing dwelling is built with traditional facing brickwork and dual pitched tile roofs. The shape of the property is rather unusual with a recessed wall and flat roofed areas to the side and rear which do not enhance the appearance of the dwelling. The proposals would restore an even roof design and remove the flat roofed areas to the side and rear. A single storey extension to the rear (3.8 metres in depth) would have a sloping roof and extend along the width of the dwelling. The internal alterations would form two 3-bedroom dwellings. It is considered that the proposed design actually improves the appearance of the existing dwelling and reflects the design characteristics of surrounding dwellings and is therefore acceptable in this regard.

### ***Impact on Neighbours***

- 7.7 Due to the location of the property on a corner there is only one immediate neighbour, no. 50 Greenfield Avenue. No. 48 is located 1.3 metres from the boundary with this property. The proposed single storey rear extension at 3.8 metres in depth is within the current permitted development guidelines (i.e. would not of itself require planning permission) and is therefore not considered to be detrimental to neighbouring amenity. The proposed two storey extension would be built above the existing garage adjacent to the boundary with St. Albans Road and would not therefore impact on no. 50. Objections have been received to say that the two storey element of the extension would be overbearing adjacent to the footpath, however the dwelling

would be located 1.3 metres away from the boundary with the footpath and is therefore considered to be acceptable.

### **Highways**

- 7.8 At the front of the property it is proposed to extend the existing vehicle crossover width together with the existing hardstanding to provide off street parking for up to 4 cars. Objections have been received regarding the adequacy of parking and dangers with the access being so close to a busy junction. As there are no objections from the Highway Authority it is not considered that the application could be refused for these reasons. A condition can be applied to ensure hardstanding is provided and visibility at the access to the dwellings is maintained. It is also noteworthy that these alterations to the existing access and hardstanding could be carried out as permitted development.

## **8. CONCLUSION**

- 8.1 It is considered that, subject to the imposition of conditions, the site is acceptable for residential development. The proposal would have an acceptable impact on the character of the area, is sympathetic to the host building, would not adversely affect the amenity of neighbouring properties or highway safety and complies with Development Plan Policy.

## **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) Full details of the method of the treatment of the boundaries of the site shall be submitted to and approved by the Local Planning Authority and implemented prior to the occupation of the dwelling hereby permitted and retained thereafter.  
Reason: To ensure that the boundaries of the site are properly treated so as to secure a satisfactory standard of development in accordance with Policy E20 of the Northampton Local Plan.

(4) Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no dormers shall be constructed in the roof of the dwellings hereby permitted without the prior written consent of the Local Planning Authority.

Reason: To safeguard the privacy of neighbouring residents in accordance with Policy E20 of the Northampton Local Plan

(5) Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows shall be installed in the dwellings hereby approved without the prior written consent of the Local Planning Authority.

Reason: To safeguard the privacy of neighbouring residents in accordance with Policy E20 of the Northampton Local Plan

(6) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority details of proposed off street parking to the front of the site.

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

(7) Pedestrian visibility splays of 2.4 x 2.4m shall be provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority prior to the commencement of development hereby permitted. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the proposed development does not prejudice the free flow of traffic or conditions of highway safety in accordance with Policy H6 of the Northampton Local Plan.

## **10. LEGAL IMPLICATIONS:**

10.1 None

## **11. BACKGROUND PAPERS**

11.1 N/2009/0290

## **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>	Rowena Simpson	11/8/2010
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Name: Location Plan  
 Date: 11th August 2010  
 Scale: 1:1250  
 Dept: DC  
 Project: Committee

Title  
**48 Greenfield Avenue**

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