

# NORTHAMPTON BOROUGH COUNCIL

## PLANNING COMMITTEE

Tuesday, 23 August 2011

**PRESENT:** Councillor Flavell (Chair); Councillor Golby (Deputy Chair);  
Councillors N. Choudary, Davies, Hallam, Hibbert, Lynch, Markham,  
Mason, Oldham and Aziz

### 1. APOLOGIES

Apologies for absence were received from Councillor Meredith.

### 2. MINUTES

The minutes of the meeting held on 19 July 2011 were agreed and signed by the Chair.

### 3. DEPUTATIONS / PUBLIC ADDRESSES

**RESOLVED:** That Councillor Strachan and Messrs Conrad and Clarke be granted leave to address the Committee in respect of application number N/2011/0305.

That Councillor Hill and Messrs Sellers, Underwood, Brice and Johnson be granted leave to address the Committee in respect of application number N/2011/0437.

That Councillor King, Mrs S. Andrews, Miss Betts and Mr Waine be granted leave to address the Committee in respect of application no N/2011/0588.

### 4. DECLARATIONS OF INTEREST

Councillor Flavell declared a Personal and Prejudicial interest in item 12A, N/2011/0558 as being a member of WNDC's Northampton Planning Committee.

Councillor Golby declared a Personal and Prejudicial interest in item 12A, N/2011/0558 as being a member of WNDC's Northampton Planning Committee.

Councillor Davies declared a Personal and Prejudicial interest in item 12A, N/2011/0558 as having made representations to WNDC on this application.

Councillor Hallam declared a Personal interest in item 12A, N/2011/0558 as being a substitute member of WNDC's Northampton Planning Committee.

**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**

**(A) DEVELOPMENT CONTROL AND ENFORCEMENT PERFORMANCE QUARTER 1 (2011-12)**

The Head of Planning submitted a report that set out a summary of Development Control and Enforcement Performance for the first quarter of 2011/12 and elaborated thereon.

**RESOLVED:** That the report be noted and that the Development Control and Enforcement officers be congratulated upon the performance results for Quarter 1 (2011-12).

**10. ITEMS FOR DETERMINATION**

**(B) N/2011/0437- ERECTION OF FIVE DWELLINGS - OUTLINE APPLICATION LAND TO THE REAR OF 29-31 AND 33 ASH LANE, COLLINGTREE, NORTHAMPTON**

The Head of Planning submitted a report in respect of application number N/2011/0437 elaborated thereon and referred to the Addendum that set out an objection from Mrs T Crake and further comments from the occupiers of 27 Ash Lane.

Mr Sellers, a neighbour, expressed concern that he had to ask for information about this application and had only found out about the Committee meeting earlier in the day. He believed that the Committee had to consider the impact of the proposal on residents and the village. The planners had judged the application as a minor matter but there had been three recent applications for this site and it had only come to the Committee because of the concerns of the Ward Councillor. The Motorway had grown busier and buffers of open space were therefore, precious. The Parish Council had opposed the infill development at Collingtree Court and their fears about the non-adoption of the access road and protected trees being felled had been realised. Air quality was an issue in this area further development should not make this worse. He was aware that residents opposite the site already had existing breathing problems. He also noted that Ash Lane was the only route through the village and that the Police had recorded average traffic speeds of 36mph.

Mr Underwood, a neighbour, commented that the site was immediately north of the M1 and that land further to the north had been CPO'd by the Highways Agency for widening of the M1, but had subsequently released the land and it had now been developed. The M1 was and would remain a major factor as part of the major road network. A previous application had been made for five houses right up to the M1 boundary. Noise and air quality reports indicated that the levels were too high and the application had been reduced to three houses. Given the prevailing winds from the north and the high noise and pollution he believed that the site was only boarder line developable. If the winds moved from the South West then the boundary was pushed back. Mr Underwood observed that the mitigation on page 19 of the report that construction vehicles would turn their engines off would mean that there would be no power to the site.

Mr Brice, Chairman of Collingtree Parish Council, commented that the current application was for five dwellings on a smaller site than previously. The Parish Council had concerns in respect of the density of the site. In terms of air quality pollution would travel from the M1 towards these houses. He queried the effectiveness of the mitigation measures. Junction 15 of the M1 already had poor air quality issues and a local doctor had previously stated that there should be no children living that close to the motorway. He felt that to say that this land was suitable for development was ludicrous. Mr Brice noted that they was no indication as to what would happen to the small area of land adjacent to the boundary of the motorway. He speculated that as this was an outline application whether another application would be subsequently made for more houses. He believed that the report did not reflect the environmental issues that had been raised. He suggested that the traffic issues were similar to the situation at Glebe Farm Close and that a 20mph speed limit should be imposed. The cost of those measures had been £68,000.

For clarification the Head of Planning noted that a previous application for five dwellings on a larger site that took the development nearer the motorway had been withdrawn.

Councillor Hill, as Ward Councillor, commented that the residents were willing to accept suitable developments, however, there were issues such as noise. The Parish Council were seeking to get a noise reduction surface put on the M1. He had used County Councillor funding for speed cameras in Ash Lane. He felt it unlikely that air quality would improve. He believed that the proposal would be out of character with the area and noted that the site already had permission for three houses. He believed that five dwellings represented overdevelopment. If the Committee were minded to approve the application he asked that trees on the site be protected.

Mr Johnson, the agent, thanked the Officers for what he believed was a considered report and the site visit that had been arranged. This application was for outline permission. The principle of development on the site had already been established. The extant permission was for three larger houses. The indicative layout in the current application showed just one way that the dwellings might be laid out. The proposal reduced the scale of the development and would be less visually intrusive and would have less impact on neighbours. The dwellings would be of a comparable design to the neighbours and at a similar density. In terms of air quality and noise no objections had been raised nor had issues been raised about trees. He believed that

the application was within planning policy and hoped that the Committee would approve it. In answer to questions Mr Johnson stated that in terms of air quality the proposal was not to develop to the boundary of the site, no trees would be removed and reasonable large gardens would be retained; the development complied with Highways Authority (HA) requirements: he did not agree with the Environmental Health comments; and confirmed that the strip of land between the site and the M1 boundary was not included in the site boundary.

The Head of Planning commented that in respect of the Environmental Health comments that these reflected a professional debate. There had not been any changes to Guidance or Policy in respect of air quality. The site already had residential use as garden land. He also noted that the HA had not requested a traffic scheme for Ash Lane.

The Committee discussed the application.

The Chair moved and Councillor Golby seconded "That the recommendation in the report be approved."

Upon a vote the motion was lost.

Councillor Hibbert moved and Councillor Oldham seconded "That insufficient information had been provided in support of the application to demonstrate that five dwellings could be satisfactorily accommodated on the site whilst adequately reflecting the character of the surrounding area in terms of layout, siting, form and scale in accordance with Policies E20 and H6(a) of the Northampton Local Plan. In particular the development needed to demonstrate that an acceptable relationship could be secured between the proposed dwellings and that sufficient garden space would be provided in accordance with the requirements of Policies E20 and H6 of the Northampton Local Plan."

Upon a vote the motion was agreed.

**RESOLVED:** That insufficient information had been provided in support of the application to demonstrate that five dwellings could be satisfactorily accommodated on the site whilst adequately reflecting the character of the surrounding area in terms of layout, siting, form and scale in accordance with Policies E20 and H6(a) of the Northampton Local Plan. In particular the development needed to demonstrate that an acceptable relationship could be secured between the proposed dwellings and that sufficient garden space would be provided in accordance with the requirements of Policies E20 and H6 of the Northampton Local Plan.

**(A) N/2011/0305- CONVERSION OF A SINGLE DWELLING INTO THREE FLATS: ONE TWO-BEDROOM AND TWO ONE-BEDROOM (AS AMENDED BY REVISED PLAN RECEIVED ON 4 JULY 2011) AT 22 WATKIN TERRACE.**

The Head of Planning submitted a report in respect of application number N/2011/0305 elaborated thereon and referred to the Addendum that set out an objection from 32 Watkin Terrace and the response to it.

Mr Conrad, a neighbour and on behalf of 50 residents, commented that he could not agree that there would be no car parking impact. Previously, the house had been occupied by a large family that had had one car. He believed that the situation in respect of rubbish was an environmental one and was therefore a planning matter. Putting rubbish in the gardens was not practicable, they were really large yards, and in any case he believed, would attract rats. He queried why policy H23 was being ignored and stated that the property was a four bedroom house and not eight as described in the report. He commented that the house had been consistently occupied by a single family. Mr Conrad believed that that the proposal was contrary to Policy H21 and prejudicial to the area. In answer to questions Mr Conrad commented that 50 residents had signed a petition and that others had objected too and that black sacks of rubbish in gardens would just attract vermin.

County Councillor Clarke, on behalf of residents, expressed concern that County Councillors did not have a right of address at the Committee. He believed that the application should be refused, as the previous agenda item had been. He understood that the density of this proposal equated to 120 per hectare. He questioned the accuracy of the report- it was not an eight bedroom house; the discussion in respect of policies H21 and H23 was, he believed, questionable and the statement that the street was part of a residents parking scheme was disputed. County Councillor Clarke believed that there were serious planning issues concerning noise and nuisance and that the proposed bin store was a red herring in respect of the rubbish issues; it would not work. He believed that the report was not helpful to the Committee.

Councillor Strachan, as Ward Councillor, commented that he would be disappointed if members of the Committee did not have copies of the residents petition in front of them. The Northampton Plan was the guiding document. Residents disagreed with the content of the report and had made their comments in great detail; they had submitted floor plans of the properties already in multi occupancy. He believed that the application would not have even been considered if the Council's policy had been stuck to: Policy H23 said that the minimum floor space of dwelling units had to be 100sq mtres; so why was the application being considered at all? Policy H25 said that off road parking must be provided but this proposal provided none. Councillor Strachan urged the Committee to refuse the application.

The Head of Planning commented that the floor plans indicated that the property was an eight bedroom house. Policy H23 was unusually prescriptive and had been designed to deal with a particular problem concerning the division of small terraced properties. Applications had to be determined in accordance with the development plans unless there were other material considerations. Although this property had a narrow frontage this was balanced by the fact that it was a large three storey building and had a basement and developed roof space. The material considerations were set out in the report and that the recommendation was that in this case, these other considerations outweighed a strict interpretation of Policy H23. In respect of car parking, the Highways Authority had advised that the street was within a designated residents parking area and that residents could request that it be implemented.

Maximum parking standards were now in place but in any case the provision of off street parking in terraced streets could not be insisted upon. He confirmed that the issues raised about rubbish were not a planning consideration over and above the proposed condition requiring the provision of a bin store. The area had a mix of different property types and therefore the proposal would not prejudice the character of the area in compliance with Policy H21. In answer to questions, the Head of Planning commented that the owner could, at present, rent rooms up to six unrelated people without requiring planning permission and with the current application there would only be four bedrooms; that he was not aware of a response from the Secretary of State to the residents letter referred to in paragraph 6.9 of the report; and that other properties in the area had been developed along similar lines.

The Committee discussed the application.

**RESOLVED:** That the application be approved subject to the conditions set out in the report as the proposed conversion to three self-contained flats would not cause substantially more harm to the amenity of the area than the permitted uses of the house, would bring a vacant property back into use and would not prejudice the established character of the area in accordance with Policies H24, H3, H6, E26 and H21 of the Northampton Local Plan and PPS3 – Housing.

**(C) N/2011/0588- CHANGE OF USE OF PART OF DOCTORS SURGERY (USE CLASS D1) TO PHARMACY (USE CLASS A1 ABINGTON HEALTH COMPLEX, BEECH AVENUE, NORTHAMPTON**

The Head of Planning submitted a report in respect of application number N/2011/0588 elaborated thereon and referred to the Addendum that set out an amendment to paragraph 7.2 of the report and an objection from Mr C Richardson.

Mrs Andrews, on behalf of local residents commented that the proposal was for a proper commercial pharmacy and not just a dispensary. The operation of the pharmacy would impact on residents and the contract applied for included a needle exchange scheme. She believed that there were issues of security that were not compatible with the residential nature of the area and the school adjacent to the site. Mrs Andrews queried the car parking provision for the pharmacy out of hours and believed that this commercial use would impact unfavourably on the nearby local centre as would the loss of a consulting room at the existing doctors' surgery. The proposal would be a loss of amenity to residents.

Miss Betts, a neighbour, commented that the health complex already attracted a lot of visitors for which the existing car park was inadequate. When the Normed Service had been located there the situation had been unacceptable in terms of noise and anti social behaviour from youngsters. She believed that the proposal would attract similar problems. The existing pharmacy provided a good service and there were other pharmacies for out of hours needs in non residential areas of the Town. She had already found discarded methadone bottles and questioned the suitability of the

proposal given the close proximity of the school. She supported the refusal of the application. In answer to questions Miss Betts commented that the existing pharmacy had started a petition against the proposal and that she had lived at her current address for 24 years and could easily recall the problems caused by Normed that had abated once that service had moved to a different location.

Councillor King, the Ward Councillor, stated that the majority of residents had objected to the proposal and she confirmed the anti social behaviour problems caused by youngsters when the Normed service had been at the site. Residents did not want a return to this. She did not believe that there was the need for another 100hour opening pharmacy when there was an existing one only 1.2 miles away and buses to Weston Favell Centre running to 21.23hours. The existing pharmacy served the community providing consultations etc which the proposal might adversely effect.

Mr Waine, the agent, commented that the recommendation for refusal in the report was based upon issues raised by Environmental Health and in particular about late night customers. National advice about noise in residential areas defined daytime as 07.00 to 23.00 when heavy traffic was acceptable. The location was not suburban at it was just three kilometres from the Town Centre. The car park was private and the situation would not be the same as for a night club, for example. There had not been an objection from the Police and the situation was not comparable to when the Normed service had operated from the site. He suggested that the Committee consider if the refusal was focussed and whether the reasons were robust. No noise study had been completed. The proposal would be a local facility and bring local benefits with it. In answer to questions Mr Waine commented that he believed that clear cut reasons had not been given for a refusal; and that the situation with Normed which had involved Doctors and Nurses was very different from this situation.

The Head of Planning commented that the Police had not made any comments about any anti social behaviour but would offer advice to the applicant if the application were to be approved. The proximity of another pharmacy to the site was not a planning matter. The question of needles was a site management matter. The PCT monitored sites on this type of issue. It was felt that the potential benefits of the proposal did not outweigh the loss of amenity to the residents.

The Committee discussed the application.

**RESOLVED:** That the application be refused by reason of the proposed operating hours, intensification of use and proximity of the site to residential properties, the proposed development would have a significant detrimental impact upon residential amenity as a result of increased noise and disturbance. The proposal therefore fails to comply with the requirements of PPG24 – Planning and Noise.

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

None.

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

### **(A) N/2011/0545- CHANGE OF USE FROM SHOP (USE CLASS A1) TO TAKEAWAY/RESTAURANT (USE CLASS A3/A5) AND INSTALLATION OF EXTRACTION DUCTING FLUE SYSTEM AT 1 LORNE ROAD, NORTHAMPTON.**

The Head of Planning submitted a report in respect of application number N/2011/0545 and elaborated thereon.

The Committee discussed the application.

**RESOLVED:** That the application be approved subject to the conditions set out in the report as the proposed use as a takeaway (Use Class A5) would not adversely impact upon the amenity of neighbouring properties or the area as a whole; would not lead to unacceptable traffic problems; and would not be detrimental to the shopping character of a Centre, in accordance with Policy R9 of the Local Plan.

### **(B) N/2011/0614- LISTED BUILDING CONSENT FOR VARIOUS INTERNAL AND EXTERNAL REFURBISHMENTS AND IMPROVEMENTS 1-2 ABINGTON COTTAGES, ABINGTON PARK, NORTHAMPTON>**

The Head of Planning submitted a report in respect of application number N/2011/0614 and elaborated thereon.

The Committee discussed the application.

**RESOLVED:** That as the consultation period from the newspaper advertisement did not conclude until 25<sup>th</sup> August, the Head of Planning be delegated the decision to approve in principle the proposed works, provided that no additional material considerations were raised. The application would be subject to referral to the Secretary of State and subject to the conditions set out in the report and was considered acceptable for the following reason; as the proposal would not unduly impact upon the fabric, character and appearance of the Grade II Listed Building within Northampton's historic Abington Park. The proposal therefore complied with PPS5 – Planning and the Historic Environment and Policies E20 and E26 of the Northampton Local Plan.

## **10 ITEMS FOR DETERMINATION (CONTINUED).**

### **(D) N/2011/0622- TWO STOREY SIDE EXTENSION (AS AMENDED BY REVISED PLANS RECEIVED 27/07/2011. 4 BLACKWELL HILL NORTHAMPTON NN4 9YB.**

The Head of Planning submitted a report in respect of application number N/2011/0622 and elaborated thereon. In answer to a question he commented that the lawful use of the property was as a domestic house any other use would be subject to enforcement action.

The Committee discussed the application.

**RESOLVED:** That the application be approved subject to the conditions set out in the report as the impacts of the proposed development on the character of the original dwelling, street scene and residential amenity was considered to be acceptable and in accordance with Policies E20 and H18 of the Northampton Local Plan and Residential Extensions Design Guide.

**(E) N/2011/0694- DEMOLITION OF EXISTING GARAGE, ERECTION OF TWO STOREY FRONT, REAR AND SIDE EXTENSIONS AND ERECTION OF GARAGE BUILDINGS TO FRONT OF DWELLING. SHALIMAR, WELLINGBOROUGH ROAD, NORTHAMPTON NN3 9BQ.**

The Head of Planning submitted a report in respect of application number N/2011/0694 and elaborated thereon.

The Committee discussed the application.

**RESOLVED:** That the application be approved as the proposed development would have no adverse impact on the street scene or on the amenities of existing neighbouring residents. The proposal would therefore comply with Policies E20 and H18 of the Northampton Local Plan.

## **11. ENFORCEMENT MATTERS**

None.

## **12. APPLICATIONS FOR CONSULTATION**

**(A) N/2011/0558- PLANNING APPLICATION FOR A NEW ROAD TO LINK NUNNS MILLS ROAD WITH RANSOME ROAD. THE SCHEME INCORPORATES THREE NEW BRIDGES, INCLUDING A SINGLE BRIDGE OVER THE EXISTING RAIL CROSSING, TOGETHER WITH IMPROVEMENTS AT THE BEDFORD ROAD/NUNN MILLS ROAD JUNCTION AND RECONFIGUREMENT TO THE EXISTING PUBLIC CAR**

**PARKING LOCATED ADJACENT TO BEDFORD ROAD. (WNDC CONSULTATION).**

Councillors Davies, Flavell and Golby left the meeting in accordance with their respective declarations of interest set out in minute 4 above.

The Borough Solicitor invited nominations for Chair for the remainder of the meeting.

Councillor Oldham proposed and Councillor N Choudary seconded "That Councillor Mason Chair the remainder of the meeting". The proposal was agreed.

The Head of Planning submitted a report in respect of application number N/2011/0558 elaborated thereon and referred to the Addendum that set out the result of further discussions with WNDC and the subsequent amendment of the recommendation so as to delete paragraph 1.2. In answer to questions he commented that the final flood mitigation methods and drainage details would depend upon the development proposals that were brought forward following the provision of this infrastructure and that the stretch from Bedford Road to Avon was likely to be a first phase as it could stand alone from the rest of the project. The remainder to Ransome Road would be a second phase of construction. Discussions with Network Rail were continuing in respect of the bridge. The first phase was likely to start in 2013.

The Committee discussed the application.

**RESOLVED:** That WNDC be advised that the Borough Council raises **NO OBJECTION TO THE PRINCIPLE** of the proposed development, provided that the issues set out in the report are fully addressed and the recommended planning conditions as set out in the report being attached to any grant of planning permission.

The meeting concluded at 21.06 hours.