

# **NORTHAMPTON BOROUGH COUNCIL**

## **PLANNING COMMITTEE**

**Tuesday, 10 January 2012**

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

**APOLOGIES:** Councillor Hallam

### **1. APOLOGIES**

Apologies for absence were received from Councillor Hallam.

### **2. MINUTES**

The minutes of the meeting held on 13 December 2011 were agreed and signed by the Chair.

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

**RESOLVED:** That Miss Matthewson be granted leave to address the Committee in respect of Application no N/2011/0839.

That Mr Johnson be granted leave to address the Committee in respect of Application no N/2011/1000.

That Mr Nock be granted leave to address the Committee in respect of Application no N/2011/1134.

That Councillor Mason be granted leave to address the Committee in respect of Application no N/2011/1070.

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

Councillor Mason declared a Personal and Prejudicial interest in Application no N/2011/1070 as being a member of the Steering Group considering the future of the site.

Councillor Hibbert declared a Personal interest in Application no N/2011/1000 as being known to Parish Councillors.

Councillor Hibbert declared a Personal interest in Application no N/2011/1134 as being known to an objector to the proposal.

Councillor Flavell declared a Personal interest in Application no N/2011/1134 as being known to an objector to the proposal.

**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 referred to the updated List set out in the Addendum 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/2011/0839- ERECTION OF 35X1 BED AND 15X2 BED LIVING APARTMENTS FOR THE ELDERLY (CAT II TYPE ACCOMMODATION), COMMUNAL FACILITIES, LANDSCAPING AND CAR PARKING AT FORMER WESTONIA GARAGE, 582-592 WELLINGBOROUGH ROAD**

The Head of Planning submitted a report in respect of application no. N/2011/0839, referred to the Addendum that set out a further submission by the Applicant and elaborated thereon. He clarified that off site contributions towards affordable housing had not been agreed with the applicant due to concerns regarding the wider methodology used to calculate the viability of the proposed development and in the circumstances the viability appraisal should be comprehensively addressed to cover the points raised in the report.

Miss Matthewson, the Agent, stated that the report considered that the principle of housing on the site was appropriate but the outstanding issue was the matter of a financial contribution towards affordable housing. She noted that the HCA toolkit had been used and that the Applicant had made an offer of £226,000 towards affordable housing and open space provision. She considered that the proposal had local support and would make a contribution towards local demand. In answer to questions Miss Matthewson commented that the Applicant was not ignoring the Council's policy for Affordable Housing- they had used the HCA toolkit; that a 50% ratio of car parking spaces was quite high for this type of development and that there would be a full time

manager and two part-time employees; and as building costs were increasing the Applicant was likely to come back with a lower offer towards affordable housing if the toolkit were reapplied.

The Head of Planning commented that paragraphs 7.15 onwards of the report considered the situation in respect of planning obligations and part of this was the methodology used and the age of the appraisal and the data used. The outcome of a reappraisal might be that the development may not be viable but without that evidence no one could be certain. If the Council were to accept that the development was unviable and consequently that a lesser contribution was considered to be acceptable it was of the utmost importance that clear quantifiable evidence was submitted that could be tested. If this approach were not to be followed it could set a dangerous precedent. In answer to questions the Head of Planning noted that they had considered past examples and agreed with the Applicant that in this instance onsite provision of affordable housing was not feasible; the Applicant was being asked to go through a process as well so that there was confidence that the final contribution was the right figure.

The Committee discussed the application.

**RESOLVED:** That the application be refused as the proposed development failed to provide adequate provision of affordable housing and public open space facilities in order to provide sufficient infrastructure and mitigation to meet the needs of the development. Consequently, the proposal failed to comply with the requirements of PPS1, PPG17 and PPS3 and Policy H32 of the Northampton Local Plan.

**(B) N/2011/1000- APPLICATION FOR APPROVAL OF RESERVED MATTERS INCLUDING ACCESS, APPEARANCE, LANDSCAPING, LAYOUT, AND SCALE PURSUANT TO OUTLINE PERMISSION N/2006/0841 FOR RESIDENTIAL DEVELOPMENT OF 9 DWELLINGS AT FORMER GREAT BILLING PRIMARY SCHOOL, STATION ROAD**

The Head of Planning submitted a report in respect of application no. N/2011/100, referred to the Addendum that proposed the deletion of Condition 1, the amendment of Condition 11 comments of the Highway Authority in respect of the revised layout of the site and elaborated thereon.

Mr Johnson, the Agent, commented that he believed that the proposal was of high quality and sympathetic to the area. He referred to the footpath and the site visit the previous day and noted that its treatment was subject to conditions and the views of the Committee and the Parish Council. He believed that adequate provision could be made. In answer to questions Mr Johnson commented that the proposed fencing to the footpath would replace the existing and would extend to Station Road and that its final form was still subject to discussion with the Planning Officers.

The Head of Planning noted that it was for the Applicant to come up with ideas for the fencing. The end result had to provide security in terms of allowing for natural surveillance and appearing in keeping with the character of the locality which was why the term "railings" had been used.

The Committee discussed the application.

**RESOLVED:** That the application be approved subject to the conditions set out in the report and as amended by the Addendum as the proposed development was considered acceptable for this predominantly residential area without having a detrimental impact on the appearance, character and amenity of the locality or on the adjacent Conservation Area. Adequate access and parking was provided and satisfactory tree protection measures and would comply with Policies H7, L2, E12, E20 and E40 of the Northampton Local Plan, Policy 2 of the East Midlands Regional Plan and aims of PPS1, PPS3, PPS5, PPS23, PPG13 and PPG24.

**(C) N/2011/1070- ERECTION OF 17NO. NEW DWELLINGS (AS AMENDED BY REVISED PLANS RECEIVED ON 20/12/2011) AT ROBINSON HOUSE, 11 BURROWS COURT**

The Head of Planning submitted a report in respect of application no. N/2011/1070, referred to the Addendum that set out additional representations from the Waste Planning Authority, the Highway Authority and the Council's Conservation section and a proposed additional condition and elaborated thereon.

Councillor Mason, as Ward Councillor and being part of the Steering Group of residents and Housing representatives looking at the future of the site, commented that there had been concerns about previous anti social behaviour. Residents wanted family housing which the proposal delivered and the level of car parking for the development was welcome. The proposal had the support of local people and she urged the Committee to approve it.

Councillor Mason left the meeting in accordance with her Declaration of Interest set out in minute 4 above.

In answer to a question the Head of Planning noted that although it was relatively unusual to have a scheme that provided 100% Affordable Housing it was not without precedent and in this instance as contributions would not be made to other things it was considered reasonable. In the context of this site, its former use and number of residents was comparable to the proposal and after considering all the relevant factors, including the relatively small number of family homes proposed, it was believed that this was a reasonable circumstance to agree 100% Affordable Housing.

The Committee discussed the application.

**RESOLVED:** That the application be approved in principle subject to the prior completion of a S106 legal agreement and the conditions set out in the report and as amended by the Addendum as the proposal would represent the effective reuse of previously developed land and would not unduly impact upon the amenities of surrounding occupiers. As a result of this, the proposal complies with the requirements of PPS1, PPS3, PPS5, PPS23, PPS25, PPG13 and PPG24 and Local Plan Policies E20, E40 and H6.

The S106 Legal Agreement shall secure that the provision of 100% of the development to be used for affordable housing. The reasons

for this are set out in section 7 of the report (paragraphs 7.12 – 7.14).

That in the event that the S106 legal agreement is not secured within three calendar months of the date of this Committee meeting, delegated authority be given to the Head of Planning to refuse or finally dispose of the application on account of the necessary mitigation measures not being secured in order to make the proposed development acceptable.

Councillor Mason rejoined the meeting.

**(D) N/2011/1134- CHANGE OF USE FROM OFFICE (USE CLASS A2) TO THAI SPA MASSAGE CLINIC (USE CLASS D1) AT 34 YORK ROAD**

The Head of Planning submitted a report in respect of application no. N/2011/1134, referred to the Addendum that set out an additional representation from the Highway Authority and elaborated thereon.

Mr Nock, a neighbour, commented that his shop had been operating for a hundred years and was in a row of shops that attract little footfall. There were frequent changes in the ownership of the shops. York Road was both old and historical with some Listed Buildings. He felt that the proposal would not enhance retail trade. Mr Nock understood that the rear entrance was to be used by customers. He hoped that the Committee would support retailers. In answer to questions, Mr Nock commented that several of the shops were vacant and that the application site had been vacant for six years; that there were private houses further along York Road and about 20 car parking spaces in the car park at the rear of the shops; that although the proposal could be regarded as being sympathetic to the nearby Nail Studio he remained concerned at the loss of a shop front; and that some of his more traditionally minded customers might be put off by the use of the premises.

The Head of Planning concurred with Mr Nock's estimation of the length of time that the premises had been vacant and the availability of car parking. He commented that the Applicant had commented that the rear entrance would not be used by customers; it was only for emergency purposes. In answer to questions the Head of Planning commented that the shop did not have a current A1 use but with its current A2 use could be used for other financial services such as a bank or building society without planning permission being required. In this context the proposal was neutral in terms of PPS5 Policy HE7 and referred to paragraphs 7.2 and 7.3 of the report that should be taken together.

The Committee discussed the application.

Councillor Yates proposed and Councillor Mason seconded "That the application be approved subject to an additional condition that the Applicant agree with the Head of Planning a suitable shop window display that fits in with the street scene."

Upon a vote the motion was carried.

**RESOLVED:** That the application be approved subject to the conditions set out in the report and an additional condition that the Applicant agree with the Head of Planning a suitable shop window display that fits in with the street scene as the proposal would not harm the character and appearance of the Boot and Shoe Conservation Area and by reason of its location, would not lead to any adverse impact on the vitality and viability of the town centre or have any adverse impact in terms of demand for parking or highway congestion, or any impacts on nearby commercial or residential premises. The proposal therefore complies with saved Policies E20 and E26 of the Northampton Local Plan and PPS1, PPS5 and PPG13.

**(E) N/2011/1156- STORAGE CONTAINER FOR PLANT AND MACHINERY FOR MAINTENANCE OF POCKET PARK AT LAND BETWEEN 78 & 80 VALLEY ROAD**

The Head of Planning submitted a report in respect of application no. N/2011/1156, referred to the Addendum that set out amendments to the report and elaborated thereon.

The Committee discussed the application.

**RESOLVED:** That the application be approved subject to the conditions set out in the report and as amended by the Addendum as the proposal due its limited scale combined with its siting and appearance, the container would not be detrimental to visual or residential amenity in accordance with Policies E20 and L1 of the Northampton Local Plan and PPG17.

**11. ENFORCEMENT MATTERS**

None.

**12. APPLICATIONS FOR CONSULTATION**

None.

The meeting concluded at 19:48 hours