

NORTHAMPTON BOROUGH COUNCIL

PLANNING COMMITTEE

YOUR ATTENDANCE IS REQUESTED AT A MEETING TO BE HELD AT
THE JEFFREY ROOM, ST. GILES SQUARE, NORTHAMPTON, NN1
1DE. ON TUESDAY, 6 MARCH 2012 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 G. JONES
X 8014
Report of Head of Planning (copy herewith)
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/2011/1095- RETENTION OF GARDEN SHED, PAVED AREA AND CLOSE BOARDED FENCE. CONSTRUCTION OF NEW DROP OFF/PICK-UP POINT FOR AMBULANCES AND ASSOCIATED VEHICLES AT VIOLET JOSSELYN HOUSE, 2 THE DRIVE (AS AMENDED BY REVISED PLANS RECEIVED 30 JANUARY 2012) J. MOORE
X 8345
Report of Head of Planning
(copy herewith)
Ward: Phippsville
 - (B) N/2011/1120- ERECTION OF NEW TWO STOREY DETACHED DWELLING AT 56 GREENFIELD ROAD (AS AMENDED BY REVISED PLANS RECEIVED ON 12 JANUARY 2012) G. WYATT
X 8912

Report of Head of Planning
(copy herewith)

Ward: Eastfield

- (C) N/2011/1128- SINGLE STOREY REAR EXTENSION AT 94 GREENWOOD ROAD. (RETROSPECTIVE- RESUBMISSION OF APPLICATION NO N/2011/0495) A. WEIR
X 7574

Report of Head of Planning
(copy herewith)

Ward: St James

- (D) N/2011/1149- ERECTION OF EXTENSION TO PROVIDE A CINEMA AT THE ROYAL & DERNGATE THEATRE, GUILDHALL ROAD A.
HOLDEN
X8466

Report of Head of Planning
(copy herewith)

Ward: Castle

- (E) N/2011/1215- EXTENSIONS TO EXISTING SEA CADET HEADQUARTERS BUILDING, TOGETHER WITH NEW MAIN DECK BUILDING, WIDENED SLIPWAY AND PONTOON, AND DEMOLITION OF CHANGING FACILITY AT SEA CADETS, CALVESHOLME ISLAND BECKETS PARK, BEDFORD ROAD A.
HOLDEN
X 8466

Report of Head of Planning
(copy herewith)

Ward: Castle

- (F) N/2011/1279- TWO STOREY SIDE EXTENSION AT 211 BOUGHTON GREEN ROAD (REVISED SCHEME TO APPLICATION NO N/2011/0273.)(AS AMENDED BY REVISED PLAN RECEIVED ON 17 JANUARY 2012.) G. WYATT
X 8912

Report of Head of Planning
(copy herewith)

Ward: Sunnyside

- (G) N/2012/0019- ERECTION OF 1NO 3 BED DETACHED BUNGALOW ON LAND AT REAR OF 8 EDGEMONT ROAD. (AS AMENDED BY REVISED PLAN RECEIVED ON 17 FEBRUARY 2012) J. MOORE
X 8345

Report of Head of Planning
(copy herewith)

Ward: Park

- (H) N/2012/0034- ERECTION OF TIMBER FRAMED GARDEN BUILDING, COMPRISING CHILDRENS PLAY AREAS AND CONSERVATORY AT 28 SOUTHFIELD ROAD. G. WYATT
X 8912

Report of Head of Planning
(copy herewith)

Ward: Old Duston

- (I) N/2012/0051- ERECTION OF SINGLE STOREY STRUCTURE TO BE USED AS A TICKET OFFICE AT NORTHAMPTON SOCIETY OF MODEL ENGINES, DELAPRE PARK, LONDON ROAD

J. MOORE
X 8345

Report of Head of Planning
(copy herewith)

Ward: Delapre & Briar Hill

- (J) N/2012/0058- APPLICATION FOR VARIATION OF CONDITION 3 OF PLANNING PERMISSION N/2011/0588 TO ALLOW PHARMACY TO BE OPEN TO CUSTOMERS BETWEEN THE HOURS OF 07.30 TO 22.30 ON MONDAYS TO FRIDAY, 08.00 TO 22.30 ON SATURDAYS AND 08.00 TO 18.30 ON SUNDAYS, BANK HOLIDAYS AND PUBLIC HOLIDAYS AT ABINGTON HEALTH COMPLEX, 51A BEECH AVENUE.

B.
CLARKE
X 8916

Report of Head of Planning
(copy herewith)

Ward: Phippsville

- (K) N/2012/0070- CHANGE OF USE FROM DWELLING HOUSE (USE CLASS C3) INTO HOUSE OF MULTIPLE OCCUPATION (USE CLASS C4) AT 1 CHADSTONE AVENUE

E.
WILLIAMS
X 7812

Report of Head of Planning
(copy herewith)

Ward: Sunnyside

11. ENFORCEMENT MATTERS

None.

12. APPLICATIONS FOR CONSULTATION

None.

13. EXCLUSION OF PUBLIC AND PRESS

THE CHAIR TO MOVE:

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

SUPPLEMENTARY AGENDA

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

<TRAILER_SECTION>
A6799

NORTHAMPTON BOROUGH COUNCIL

PLANNING COMMITTEE

Tuesday, 7 February 2012

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

1. APOLOGIES

Apologies for absence were received from Councillors Davies and Mason.

2. MINUTES

The minutes of the meeting held on 10 January 2012 were agreed and signed by the Chair.

3. DEPUTATIONS / PUBLIC ADDRESSES

RESOLVED: That Mrs Walters and Messrs Cole, Needham and Searle be granted leave to address the Committee in respect of Application no N/2011/0914.

That Messrs Green and Williams be granted leave to address the Committee in respect of Application no N/2011/0241.

That Mr Dooley be granted leave to address the Committee in respect of Application no N/2011/0399

That Miss Scott and Mr Bird be granted leave to address the Committee in respect of Application no N/2011/1114.

That Miss Millen and Messrs Coley and Harland be granted leave to address the Committee in respect of Application no N/2011/1276.

4. DECLARATIONS OF INTEREST

Councillor Oldham declared a Personal and Prejudicial Interest in Item 5- Matter of Urgency; N/2011/0323 as having publicly expressed an opinion on the planning application.

Councillor Hallam declared a Personal and Prejudicial Interest in Item 10A- N/2011/0914 as family members were members of the tennis club.

Councillor Hallam declared a Personal Interest in Item 10B- N/2011/0241 as the land was owned by the County Council of which he was a member.

Councillor Golby declared a Personal Interest in Item 10B- N/2011/0241 as the land was owned by the County Council of which he was a member.

Councillor Lynch declared a Personal Interest in Item 10B- N/2011/0241 as the land was owned by the County Council of which he was a member.

Councillor Meredith declared a Personal Interest in Item 10B- N/2011/0241 as the land was owned by the County Council of which he was a member.

Councillor Oldham left the meeting in accordance with his declaration of interest given above.

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 issue be discussed as a Matter of Urgency due to the undue delay if consideration of it were deferred:

N/2011/0323 Supplement to the Committee's Resolution of 15 November 2011 to Allow Additional Time to Conclude the Negotiation of Planning Obligations

The Head of Planning referred to the Addendum that set out a report and reminded the Committee that in granting Planning Consent at its meeting on 15 November 2011 it had been contingent upon a Section 106 Agreement being secured within three calendar months. Since that meeting discussions had taken place with the Applicant and he was confident that a satisfactory agreement could be reached and requested that the original decision of the Committee be varied to allow this to happen.

RESOLVED: That the period for prior completion of planning obligations be extended by one month or such longer period as may be determined by the Head of Planning with the agreement of the Chair of the Planning Committee.

Councillor Oldham rejoined the meeting.

6. LIST OF CURRENT APPEALS AND INQUIRIES

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

RESOLVED: That the report be noted.

7. OTHER REPORTS

None.

8. NORTHAMPTONSHIRE COUNTY COUNCIL APPLICATIONS

None

9. NORTHAMPTON BOROUGH COUNCIL APPLICATIONS

None.

Councillor Hallam left the meeting in accordance with his declaration given at Minute 4 above.

10. ITEMS FOR DETERMINATION

10.

(A) N/2011/0914- ERECTION OF SEASONAL WEATHER BUBBLE PROTECTION TO COURTS 4 AND 5 AT NORTHAMPTON COUNTY LAWN TENNIS CLUB, 54 CHURCH WAY, WESTON FLAVELL, NORTHAMPTON

The Head of Planning submitted a report in respect of application no. N/2011/0914 and elaborated thereon.

Mrs Walters, a neighbour who had lived in Church Way since 1958, noted that the noise standard BS1412 that had been used was for industrial noise in a residential area and queried its appropriateness. She also queried that if the background noise level would almost double by virtue of the generator necessary to power the fans to keep the bubble inflated, then how could this not be seen as “significant”. She also asked why it was necessary for the bubble to be in place for six months when the courts would only be used for a short period of this time. Mrs Walters believed that the bubble would dominate the view from her property and also believed that once erected it would be difficult to prevent it being there permanently. She commented that there had been no consultation by the tennis club with residents who had been made aware of the proposal by the Chronicle and Echo and the Council.

Mr Needham, a neighbour who lived in Church Way, stated that the bubble would be located on the highest part of the site and would be visible from much of the Conservation Area and would be lit up as well. He believed that at one point it would be only seven feet from one person’s back garden fence putting a large area of garden in the shade. Mr Needham believed that the light spillage assessment referred to the wrong pair of courts and did not take account of the bubble. He believed that an expert study should have been undertaken. The applicants had said that there would be no noise from the generator however the experts said that there would be: he was concerned that there would be a constant drone from it. The tennis club had said that they wanted good relations with their neighbours but they had not consulted residents. Mr Needham indicated that he appreciated that the club wanted to improve its facilities but queried why courts six and seven, further to the west of the site, had not been considered more appropriate

Mr Cole, the Agent, commented that he wished to address the technical issues that had been raised. The tennis club had been in being for 80 years and had served the area well. The club was trying to improve its facilities for young people and this included an all weather facility. The convex design of the bubble would not bounce light back towards the neighbours. The bubble at its highest point would be nine metres and was designed to merge in with the sky. The noise issues had been designed out. There would be no impact on residents and the bubble would not be visible from Church Way. The planning application had been accompanied by a variety of assessments and the pre application advice given in July 2010 had raised no objection in principle. Mr Cole hoped that the application could move forward. In answer to questions Mr Cole commented that the bubble was not being located on the highest part of the site; that other combinations of courts had been considered but had not given sufficient off court space; and that there not been a deliberate decision not to consult beforehand with residents and noted that some would object to anything that the tennis club tried to do.

Mr Searle, as Chairman of the Northampton Tennis League, commented that when he first started playing tennis 50 years previously it was a summer game sport but now it was played all year round. Nationally there was a move to covered courts: the Council had done so itself on the Racecourse. Indoor facilities in Northampton and the County were far behind other places. There were four indoor courts in Northampton and eight in Corby. There were now extensive junior programmes but they could not operate in bad weather. Facilities had to be improved for clubs to be sustainable. The Club tried to be a good neighbour. The London 2012 Olympics gave sport a high profile this year and the health benefits of participating were well known. In answer to questions Mr Searle commented that he was not representing the tennis club specifically and could not deal with matters relating to the application in particular but believed that the club had tried to be a good neighbour.

The Head of Planning indicated to the Committee the location of where objections and support of the application had come from and the location of the Conservation Area boundary; noted that noise could be controlled by condition; and confirmed that the Council had notified neighbours of the application. In answer to a question he noted that pre application advice was given on a non-prejudice basis and without the benefit of any consultation.

The Committee discussed the application.

RESOLVED: That the application be refused as due to its siting, scale, height and massing the proposed bubble would result in a visually intrusive form of development which would significantly impact on the living conditions of existing neighbouring dwellings on Church Way contrary to Policy E20 of the Northampton Local Plan and the aims of PPS1.

Councillor Hallam rejoined the meeting.

(B) N/2011/0241- ERECTION OF 52NO DWELLING HOUSES AND ASSOCIATED PARKING AND OPEN SPACE AT MILLWAY PRIMARY SCHOOL, MILLWAY

The Head of Planning submitted a report in respect of application no. N/2011/0241, elaborated thereon and referred to the Addendum that set out further consultation responses from the Highway Authority, Environment Agency and Housing Strategy; amended the recommendation and set out additional conditions if the Committee were minded to approve the application. .

Mr Green, on behalf of Save Our Services, noted that the application was as a result of the County Council's review of over 40 schools in Northampton and the PFI arrangement that it had made to construct new schools and to maintain them and the existing ones. Clearly the proposal would reduce the amount of open space available to the public. Mr Green commented that there were supposed to be community access agreements in place to allow the public access to facilities on school sites but in fact none were. In practice it was very difficult to book anything. He noted that his son had gone to the school and used the sports field which had also been used for junior sports events on a town and county basis. He observed that the school itself had not been closed and noted that Duston had one of the lowest numbers of and total area of open space in the town. He referred to the large developments that had already taken place. Mr Green requested that the Council revisit the issue of open spaces; challenge the PFI arrangements and investigate the return of this site as open space.

Mr Williams, the Architect, stated that the existing outline planning consent for 80 units was, in the current economic climate, no longer viable. The proposal was for 52 predominately two storey houses with gardens. The site was well located in terms of nearby facilities and the footpath along Tollgate Way would be enhanced. He noted that the amount of affordable housing was reduced from the previous application; that the highways issues were more or less completely resolved and that Westleigh New Homes had a good track record. In answer to questions Mr Williams commented that Westleigh New Homes typically moved quickly to action planning approvals; that a proper ecology study of the site would be undertaken and that most of the affordable housing would be clustered (along the southern loop road) which was how most housing associations preferred it.

The Head of Planning noted that the comments made by Mr Green related to the County Council's review of schools several years previously and that outline consent already existed for the site so the principle of development had been established. In answer to questions the Head of Planning noted that the starting point of the Council's affordable housing policy was 35% but that same policy (and national advice) required that viability was a material consideration to be taken into account and it was increasingly an issue in the current economic climate. The Applicant was additionally funding highway works and a pumping station. The details had been sent to the Council's Valuers and Housing Strategy service who had broadly agreed the data supplied and the conclusions drawn from it. He noted that in contrast with another recent situation considered by the Committee the Applicant, on this occasion, had been open about the data they had used and had adopted an appropriate methodology for arriving at their conclusion. The Head of Planning noted that it was usual for affordable housing to be located in clusters throughout developments and that around twelve units together was commonplace. He also

confirmed that the existing footpath crossing part of the site from east to west would be retained.

The Committee discussed the application.

RESOLVED: That the application be approved in principle subject to the following:

- (1) Prior finalisation of a S106 agreement to secure:
 - The provision of an appropriate level of affordable housing within the site, given the question over viability. The level to be required to be delegated to the Head of Planning to negotiate.
 - 10% of the total units on the site to be mobility units.
 - The provision, retention and maintenance of the open space
 - A financial contribution towards the Tollgate Way improvement Scheme in order to mitigate the impacts of this development on the local highway network.
 - The adoption, maintenance, operation and management in perpetuity for all elements of the surface water drainage scheme, with contingency arrangements.
- (2) The planning conditions set out in the report and the additional conditions set out in the Addendum as the proposed development would have no undue detrimental impact on the amenities of neighbouring occupiers as adequate separation can be provided to prevent any overlooking and overshadowing and would be in keeping with the character and appearance of the area due to the density of development proposed. The development would therefore be in line with the Policies H6, H17, H32, E20, E40 of the Northampton Local Plan and the advice contained in PPS1, PPS3 and PPG13 and PPS25.
- (3) 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 extend this deadline in appropriate circumstances or 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.

(C) N/2011/0399- OUTLINE APPLICATION FOR THE ERECTION OF 5NO 3 STOREY TOWN HOUSES AND 9NO APARTMENTS (APPEARANCE AND LANDSCAPING RESERVED) AT FYNA VEHICLE HIRE, 44 WEEDON ROAD

The Head of Planning submitted a report in respect of application no. N/2011/0399, elaborated thereon displayed the amended site plan and referred to the Addendum that set out the Highway Authority response to the amended plans and comments made by Councillor Wire DL.

Mr Dooley, the Agent, commented that Fyna Vehicle Hire was a family run business of 40 years standing. Around 100 vehicles were available for hire 24 hours a day, seven days a week. By the business moving the proposal would lead to a reduction in vehicle movements. The site was adjacent to bus routes and was within walking distance of local shops, the railway station and the Town Centre. He was aware of concerns about parking particularly on Saints match days but believed that the proposal would not add to the problems. The proposal would allow the business to move elsewhere. He requested that the Committee approve the application.

The Committee discussed the application.

RESOLVED: That the application be approved in principle subject to the following:

- (1) Prior finalisation of a S106 agreement to secure:
 - Payment is made to fund local education provision
 - Payment is made to fund improvements to the provision of open space within the environs of the application site.

- (2) The planning conditions set out in the report as the principal of residential redevelopment of previously developed land in a residential area is in accordance with Local Plan Policy H6 and PPS3. The site is capable of providing a suitable residential environment for future occupiers. Subject to the detailed design of the proposal, as controlled under the subsequent reserved matters application(s), the proposal would have no adverse impact on the streetscene or on the amenities of adjoining occupiers and would not be detrimental to highway safety or amenity. Subject to conditions the proposal therefore accords with Local Plan Policies E20 and H6 and the aims and objectives of PPS1, PPS3, PPG13, PPS23, PPG24 and PPS25.

- (3) 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 extend this deadline in appropriate circumstances or 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.

(D) N/2011/1114- ERECTION OF TWO AND A HALF STOREY DWELLING FOR SHARED RESIDENTIAL ACCOMMODATION (CLASS C3). LAND AT 1-3 HESTER STREET

The Head of Planning submitted a report in respect of application no N/2011/1114, indicated that if the Committee were minded to approve the application proposed condition 8 should be amended by the deletion of the word "Christian" in the second line and its replacement by the word "Faith" and referred to the Addendum that set out additional correspondence from Councillor Marriott.

Miss Scott, the resident of 4 Hester Street, stated that she had lived at number 4 for eight years, it had been a detached property for 140 years and was only one of a few in the vicinity that was not some form house in multiple occupation. She believed that the applicant had the scope to extend 1-3 Hester Street but had chosen to develop the space between the properties instead. The gap between her property and the proposal would only be three inches; she understood that Building Control had concerns about this. She had concerns about the foundations of the proposal affecting her basement and foundations. Miss Scott believed that the existing parking problems would be made worse and she also understood that the amended proposed Condition 8 contradicted the applicant's own statement, part of the planning application file, that the property was stand alone that allowed for the possibility of its future sale should such a decision be made. In answer to a question Miss Scott commented that the separation distance between the properties was such that she would be unable to maintain the exterior of that part of her property.

Mr Bird, the Architect and member of the Jesus Army, commented that the applicant was aware of the objections that had been made and had taken them into account. The possibility of extending 1-3 Hester Street had been considered but rejected as it was already a large property and it had seemed more logical to fill in the gap between it and 4 Hester Street on the land that they already owned. He stated that the separation of the buildings was dealt with by the Party Walls Act which the Applicant was obliged to comply with. Mr Bird commented that he believed that shading of the garden of 4 Hester Street would not be made any worse by the proposal. He was aware of the concerns about properties in multiple occupation in the area and parking issues: the property was likely to be occupied by one family with possibly one or two other people. Potential residents were strictly vetted. The applicants maintained a strict parking ratio of one car between five people so that there was likely to be only one extra car generated by the proposal. A separate report of advice had been obtained as to how the foundations to the proposal could be constructed without damaging the neighbour's basement. In answer to questions Mr Bird commented that it was permissible to build up to your own boundary; that the maximum occupation of the premises was likely to be eight people and that it would be closely regulated by the Council; and that the proposal had been sited close to 4 Hester Street so as to maintain the effect of the light wells to the basement of 1-3 Hester Street and to maintain an access to the rear garden.

The Head of Planning noted the separation distance between the proposal and 4 Hester Street was a civil matter; the position in respect of trees was covered in paragraphs 7.10 and 7.11 of the report; and if the property was sold in the future it would require a change of use to allow it to be used as a single dwelling.

The Committee discussed the application.

Councillor Meredith proposed and Councillor N Choudary seconded "That the application be refused as the proposal would be detrimental to neighbour amenity by virtue of its siting and harm highway safety contrary to Policy H6 (a) and E20 of the Northampton Local Plan"

Upon a vote the motion was carried.

RESOLVED: That the application be refused as the proposed development, by reason of its use, siting, design and appearance, would represent an over-intensive form of development harmful to residential amenity, particularly that of 4 Hester Street, and would give rise to additional on-street parking to the detriment of highway safety and the free-flow of traffic. The proposal is therefore contrary to Policies H6 and E20 of the Northampton Local Plan and the guidelines contained within PPG13.

(E) N/2011/1173- APPLICATION FOR A CERTIFICATE OF LAWFULNESS FOR A PROPOSED REAR DORMER AT 18 LYNMOUTH AVENUE, NORTHAMPTON.

The Head of Planning submitted a report in respect of application no N/2011/1173.

The Committee discussed the application.

RESOLVED: That a Certificate of Lawfulness be issued as the development, a proposed rear dormer extension to this bungalow, is permitted by reason of Part 1, Class B of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008.

(F) N/2011/1276- TWO STOREY SIDE EXTENSION AT GREENACRES, HIGH STREET, WESTON FLAVELL

The Head of Planning submitted a report in respect of Application no. N/2011/1276 and elaborated thereon.

Mr Harland, a neighbour, commented that the site was within the Weston Favell Conservation Area and that he believed that the extension of two and a half storeys was too massive. He noted the Arboricultural Officer's comments about the preservation of the two mature cedar trees within the conservation area. He noted that the extension would block out the residential amenity of people being able to see the trees from High Street. Mr Harland also commented upon the overshadowing effect of the extension on the front garden of the property opposite. He believed that the proposal was not appropriate.

Miss Millen, a neighbour, commented that her property and Greenacres were two detached homes on large plots. She and the applicant had been neighbours for nearly 50 years. The properties were separated by a high leylandii hedge that had given cause for distress in the past; it was not necessarily a permanent feature. She believed that the extension was large when even compared against a typical new build; it would be 39 feet long, 28 feet high and extend 13 feet towards her property. Miss Millen was concerned about the separation distance and permanent shade to any sunshine from the west. She noted that there was no mention of obscured glass to the side facing upper windows and believed that the lack of privacy and overlooking caused by the large glass area to the rear of the proposal was out of keeping with the area.

Mr Coley, the Applicant, commented that he loved Greenacres; he had been born there and agreed with Miss Millen that they had been neighbours for 47 years. It was intention that any extension would be sensitive to the area. Greenacres was a long narrow property; it only had one bathroom. He wanted to update it and make it more suitable for his family and modern expectations. He had consulted and taken the advice of the Conservation Area Officer who had raised no objection to the proposal. The extension would be built on the existing building line and Mr Coley believed that this would remove any overshadowing of Miss Millen's property. He intended to leave the hedge as it was and he believed that Miss Millen's privacy would not be affected. The upper side windows of the extension would be obscure glazed; the feature window at the rear of the extension was just for his family's enjoyment of their own garden. Mr Coley believed that there was a misunderstanding about the "third storey": it was intended mainly for storage but with the possibility of having a fitness rowing machine there.

The Head of Planning confirmed that the Conservation Area Officer's comments were set out at paragraph 6.1 of the report and that proposed condition 3 dealt with the issue of obscure glass to the upper windows to the east elevation of the extension and proposed condition 4 dealt with the protection of the cedar trees.

The Committee discussed the application

RESOLVED: That the application be approved subject to the conditions set out in the report as the impact of the proposed development on the character of the original building, street scene, residential amenity and the character of the Conservation Area is considered to be acceptable and in accordance with Policies E20, E26 and H18 of the Northampton Local Plan, the Residential Extensions and Alterations Design Guide SPD, and with the aims and objectives of PPS5.

11. ENFORCEMENT MATTERS

None.

12. APPLICATIONS FOR CONSULTATION

None.

The meeting concluded at 20.11 hours.

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



List of Appeals and Determinations – 6th March 2012			
Written Repts Procedure			
Application	Del/PC	Description	Decision
N/2010/0906 APP/V2825/A/11/2160380	COM	Erection of two storey visitors centre at base of tower. (As amended by revised plans received 06th December 2010) at the National Lift Tower	AWAITED
N/2010/0320 APP/V2825/E/11/2160382	COM	Erection of two storey visitor centre at the base of tower (as amended by revised plans received on 13 October 2010 and 06th December 2010) at the National Lift Tower	AWAITED
E/2011/0174 APP/V2825/C/11/2166034	ENF	Material change of use of extension to dwellinghouse at 1 Warwick Close	AWAITED
N/2011/0701 APP/V2825/A/11/2163499	DEL	Demolition of existing garages and erection of new two storey dwelling (resubmission) at Garages adjacent to 9 South Street	DISMISSED
N/2011/0928 APP/V2825/A/11/2165413	COM	Change of use of part of ground floor from retail (use class A1) to restaurant (use class A3) including alterations to shop front and conversion of upper floor into five residential flats (1x 2 bed and 4 x 1 bed). Re-submission of application N/2011/0791 at Churches China, 44-54 St Giles Street	AWAITED
N/2011/0872 APP/V2825/H/12/2168573	DEL	Various signage at Mooch The Old Maltings, Green Street	AWAITED
N/2011/1002 APP/V2825/A/11/2166759	DEL	Erection of new dwelling at 1A Arnold Road. Re-submission of application N/2011/0554	AWAITED
N/2011/1076 APP/V2825/A/12/2168847	DEL	First floor front extension and clear glazed window at 1st floor level in side elevation of original house at 17 Codlin Close (As amended by revised plans received 5th December 2011).	AWAITED
N/2011/1157 APP/V2825/A/12/2169161/NWF	DEL	Change of use of land to use as a garden and re-location of existing fence on Land Adjacent to 312 Acre Lane. (As amended by revised plans received 14th December 2011).	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 838014 Planning and Regeneration The Guildhall, St Giles Square, Northampton, NN1 1DE



Addendum to Agenda Items Tuesday 6th March 2012

Items for Determination

ITEM 10A
N/2011/1095

Retention of garden shed, paved area and close-boarded fence. Construction of new drop off/pick-up point for ambulances and associated vehicles at Violet Josselyn House, 2 The Drive. (as amended by revised plans received 30/01/2012).

Additional comments have been received from numbers 1, 8,12, 14, 16 and 24 the Crescent on the following grounds:-

- Revised submission is worse with the proposed bollards
- Difficulties in enforcing parking for emergency vehicles
- Query whether gates would be kept shut when not in use
- Concern on planting / proposed hedging is implemented
- Gates will only be a hindrance in times of emergency
- Proposed access is not convenient to main access to the home

ITEM 10B
N/2011/1120

Erection of new two storey detached dwelling at 56 Greenfield Road. (as amended by revised plan received on 12th January 2012).

Correction to Report (Paras 2.1 & 7.8):

The second sentence of para 7.8 and para 2.1 indicate that there would be no on-site parking retained at no. 54. In fact, although the existing rear garage would be lost as a result of the development, the existing parking to the frontage is to be retained for at least 2 cars.

ITEM 10C
N/2011/1128

Single storey rear extension at 94 Greenwood Road. (retrospective) - resubmission of application N/2011/0495.

Nothing to add

ITEM 10D
N/2011/1149

Erection of extension to provide a cinema at The Royal & Derngate Theatre, Guildhall Road.

Nothing to add

ITEM 10E
N/2011/1215

Extensions to existing sea cadet headquarters building, together with new main deck building, widened slipway and pontoon, and demolition of changing facility at Sea Cadets, Calvesholme Island, Becketts Park, Bedford Road.

Nothing to add

ITEM 10F
N/2011/1279

Two storey side extension at 211 Boughton Green Road (*revised scheme to application N/2011/0273*), (*as amended by revised plan received on 17 January 2012*)

Nothing to add

ITEM 10G
N/2012/0019

Erection of 1no. 3 bed detached bungalow on Land rear of 8 Edgemont Road. (*as amended by revised plans received 17th February 2012*).

Additional comments have been received from number 6 Mountclair Court, 2, 4, 5,6, 7, 9, 19, 21 and 39 Edgemont Road on following grounds:-

- Undesirable backland development
- Would be contrary to original covenants preventing more than 1 house per plot
- Drainage concerns
- Would set precedent for other properties to do the same
- Parking and highway safety concerns
- Loss of privacy/overlooking
- Impact of traffic noise on proposed development
- To allow a second dwelling on this or any plot would ruin the ambience of the estate.

Comments have been received from the Local Highway Authority raising no objections.

ITEM 10H
N/2012/0034

Erection of timber framed garden outbuilding, comprising a children's play areas and conservatory at 28 Southfield Road.

Nothing to add

ITEM 10I
N/2012/0051

Erection of single storey structure to be used as a ticket office at Northampton Society Of Model Engines, Delapre Park, London Road.

Comments received from the Environment Agency raising no objections.

ITEM 10J
N/2012/0058

Application for variation of condition 3 of planning permission N/2011/0588 to allow the pharmacy to be open to customers between the hours of 07:30 to 22:30 on Mondays to Friday, 08:00 to 22:30 on Saturdays and 08:00 to 18:30 on Sundays, Bank Holidays and Public Holidays at Abington Health Complex, 51A Beech Avenue.

Representation from **Mr M. Ellis MP**; objecting to the proposal on the grounds that the original application was rejected by the Planning Committee due to concerns being expressed regarding the impacts of the proposal. These impacts have not been alleviated within this application. There are three pharmacies within Northampton that are open for 100 hours a week; however, these are located outside residential areas due to the risk of noise, disturbance and anti-social behaviour. No need for such a proposal is seen in this area.

ITEM 10K
N/2012/0070

Change of use from dwelling house (Use Class C3) into house in multiple occupation (Use Class C4) at 1 Chadstone Avenue.

Letter received from Mr. & Mrs. Coles of 8 Chadstone Avenue – objecting on grounds that the proposed use will add to the existing problem of traffic congestion in the cul-de-sac, impact on amenity due to noise disturbance, and may lead to more HIMO's in the area.

Officer response: adequate off-street parking provision has been made; no objections from Public Protection on the matter of possible noise disturbance; and further applications for HIMO's in the area will be assessed on an individual basis.

Letter received from Mrs. L. Harmston of 2 Chadstone Avenue – objecting on grounds that the proposed off-street parking will result in encroachment on to her property, leading to invasion of privacy, and calling for adequate conditions to be placed to ensure against this. She also hopes that *all* members of the Planning Committee will have surveyed the area.

Officer response: each parking space provided is approx. 2.5m wide by 5m long, which is larger than the minimum recommended in Parking – Supplementary Planning Guidance 2003. The matter of potential encroachment on to neighbouring property is considered to be a civil matter, to be settled with the owner of the property, and is not a material planning consideration.

Highway Authority – raise no objection on highway grounds but the officer does refer to non-highway matters re noise /disturbance and street cleaning /disposal of refuse.



PLANNING COMMITTEE: 6 March 2012
DIRECTORATE: Planning and Regeneration
HEAD OF PLANNING: Susan Bridge

N/2011/1095 **Retention of garden shed, paved area and close boarded fence, construction of new drop off-pick up point for ambulances and associated vehicles at 2 The Drive, Kingsley**

WARD: Kingsley

APPLICANT: Crescent Homes
AGENT: Ellis Architectural Design

REFERRED BY: Head of Planning
REASON: Neighbour concerns

DEPARTURE: No

APPLICATION FOR DETERMINATION BY:

1. RECOMMENDATION

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

The proposed development would not have an undue detrimental impact on the appearance and character of the host building, wider street scene and would not have an adverse effect on the amenity or living conditions of neighbours to comply with Policies E20 and H29 of the Northampton Local Plan, Policy 2 of the East Midlands Regional Plan and the aims of PPS1, PPS3 and PPG13.

2. THE PROPOSAL

2.1 Full planning permission is sought for various works including retention of a single storey garden shed to the rear of the site, paved area and close boarded fence to the site frontage and a new drop-off point for ambulances and associated emergency vehicles.

3. SITE DESCRIPTION

- 3.1 The application site comprises a care home for the elderly located in an attractive residential street approximately 2km north of the town centre of Northampton. It has a frontage to both The Drive and the Crescent. The property has been extended considerably over the years. It is situated within a primarily residential area as defined by the Northampton Local Plan Proposals Map. It has an area of hardstanding to the front which is used as an amenity space for the home.

4. PLANNING HISTORY

- 4.1 The property has been subject to an extensive planning history over the years including various extensions and associated developments.
- 4.2 The most recent application (N/2011/0235) was refused on the following ground:

The use of the proposed access gates fronting The Drive would potentially lead to undesirable off street parking on the paved landscaped area in front of the premises resulting in a significant detrimental visual impact out of keeping with the appearance and character of the locality and general amenity contrary to advice in PPS1 and Policy E20 of the Northampton Local Plan.

- 4.3 N/2011/0235 was for a scheme that was similar to the current application, the only difference being that the access from The Drive was not restricted to emergency vehicles. Following negotiations with officers the proposal has been amended, the principal difference being that the access has been amended to be for emergency vehicles only. The revised plans now show one off-road parking space for emergency vehicles accessed from the existing gates via The Drive.

5. PLANNING POLICY

5.1 Development Plan

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

5.2 National Policies:

PPS1 – Delivering Sustainable Development
PPS3 - Housing
PPG13 – Transport

5.3 East Midlands Regional Plan 2009

Policy 2 – Promoting Better Design

5.4 **Northampton Borough Local Plan**

E20 – New Development

H29 – Residential Institutions

5.5 **Supplementary Planning Guidance**

SPG Parking

6. **CONSULTATIONS / REPRESENTATIONS**

6.1 **Highway Authority (NCC)** – The existing cross over will need to be re-instated in order to continue the existing footpath to an acceptable Highway Standard, the new crossover will need to be at least 5.5 metres from the existing electric board and any gates must be hung open from the highway.

6.2 Letters of **objection** received from numbers **1, 8,12,14, 16, 24 The Crescent:**

- The use of the front garden for vehicles is unacceptable
- Is difficult to control use of access for emergency vehicles
- Access should be limited to a wheelchair width gate only
- The current submission is almost identical in design to previous refused scheme
- Undermines public confidence in planning system if approved
- Access is inaccessible to the home in emergencies and it is ridiculous to request patients to use this
- Pedestrian and wheelchair access only is acceptable with green hedging to the boundary
- Would set a precedent
- Proposed access with bollards would be worse visually than previous scheme
- Wish to see introduction of planting

7. **APPRAISAL**

Policy context and Principal considerations

7.1 The main issues to consider in this case are the impact on the appearance and character of area, impact on living conditions of neighbours and highway safety.

7.2 In determining this application, Policy E20 is the main Local Plan policy relating to the proposed scheme and states that planning permission will be granted for new development subject to the design adequately reflecting the character of its surroundings in terms of layout, siting, form, scale and use of appropriate materials and the development being designed in a manner which ensures adequate standards of privacy, daylight and sunlight. Policy 2 of the Regional Plan and PPS1 emphasise the need for good design in all development. Paragraph 34

of PPS1 states that local planning authorities should plan positively for the achievement of high quality design for all development.

Impact on appearance and character of the area

- 7.2 A number of the elements included in this application are retrospective including the garden shed which is located to the rear of the site adjacent to the side of number 2A The Drive. The shed is single storey with a lean to roof and constructed in wood. It measures 5 metres long by 2 metres wide to a height of some 2.8 metres. Given its siting and scale it is considered of a design not out of keeping with the character of the host building. It is not prominent when viewed from The Drive and therefore has minimal effect on the street scene given its siting and fairly modest scale.
- 7.3 Retrospective consent is also sought for the boundary fence which is 1.8metres in height and positioned along the side boundary of the care home running parallel to The Drive along the back of the footpath. Although it is sited in a relatively prominent position clearly visible from The Drive, it is considered that its impact on the appearance of the street scene is acceptable. The reasons for this are primarily that the portion of the fence for which retrospective planning permission sought is a continuation of the existing fence and is only 4 metres longer than what has been permitted and would not undermine the generally open aspect of the corner of The Crescent and The Drive.
- 7.4 The main reason (see para 4.2 above) for refusing the previous application was that the proposed access gates from The Drive would be wide enough to allow off street parking in front of the care home resulting in parked cars leading to an adverse impact on the appearance of the area from vehicles stationed on a private amenity space.
- 7.5 This is of significant concern to many local residents who are very concerned that the front garden area is being used for off street parking associated with the home.
- 7.6 In the current application, following advice from officers, the applicant has amended the submitted drawings to show only one off-street parking space large enough to accommodate an ambulance. It is considered that, subject to a condition to limit parking to a maximum of one emergency vehicle at any one time, this would be acceptable as it would have a very limited impact on the character and appearance of the area and given that a home of this type would reasonably be expected to have access for emergency vehicles.
- 7.7 While it is noted by some of the objectors that this may be difficult to enforce, officers consider that a suitably worded condition would meet the 5 tests set down in Circular 11/95 and given that it would be limited

to a specific area as shown on the approved drawings, that a condition would be enforceable, necessary and reasonable.

- 7.8 The conditions recommended to limit use of the hardstanding (in terms of limiting its use to emergency vehicles only and limiting the accessible area through the installation of bollards) would ensure that the extent and nature of parking is strictly controlled such that the front garden area would remain as an amenity space to be used principally for the enjoyment of the residents of the care home and would preserve the appearance and character of the locality.
- 7.9 While a number of objectors comment that the proposed access off The Drive is not particularly accessible to the main entrance to the care home off The Crescent, it is considered that this is not a reason in itself to withhold the grant of planning permission.

Impact on living conditions of neighbours

- 7.10 Given the scale of the proposed garden shed and relationship to adjoining property it is considered that there would be limited effect on residential amenity in terms of overshadowing, overbearing and loss of outlook.
- 7.11 As discussed above, the boundary fence would have an acceptable visual impact and given its position of approximately 19 metres from the nearest neighbours on the opposite side of The Drive is also unlikely to result in a significant adverse impact on neighbours living conditions too. This would comply with Policy E20 of the Northampton Local Plan and aims of PPS1.
- 7.12 By limiting the use of the hardstanding area, as discussed above, it is not considered that the development would have a significant impact on the amenities of the adjacent house no. 1 The Crescent.

Highway safety

- 7.11 In accordance with comments from the Local Highway Authority, the proposed gates will be conditioned to be opening inwards away from the highway and the proposed gates would also be more than 10 metres from the existing electric board. The Highway Authority has raised no objection.

8. CONCLUSION

- 8.1 For the reasons cited, the proposed development is considered acceptable and compliant with local and national planning policy given that its effect on the appearance and character of the area and highway safety would be satisfactory.

9. CONDITIONS

1) The gates hereby permitted off the Drive shall open inwards away from the highway unless otherwise agreed in writing by the Local Planning Authority

Reason- In the interest of highway safety to comply with aims of PPG13.

2) The proposed access off The Drive and parking space shown on the approved drawing number SE/1066/22D E114 shall be limited to emergency vehicles only associated with the use of the care home and shall not be used for general use or for any other purpose unless otherwise agreed in writing with the Local Planning Authority.

Reason – In the interest of visual amenity to accord with Policy E20 of the Northampton Local Plan.

3) No development shall take place until details of the external colour treatment of the gates and railings hereby approved have been submitted to and approved in writing with the local planning authority and shall be implemented fully in accordance with those details unless otherwise agreed in writing by the local planning authority.

Reason - In the interests of visual amenity to comply with Policy E20 of the Northampton Local Plan.

4) Prior to the first use of the parking space (for emergency vehicles) hereby approved as shown on approved drawing number SE/1066/22D E114 full details of the bollards (including their design, size and position) shall be submitted to and approved in writing with the local planning authority. All of the approved bollards shall be installed fully in accordance with the approved details and retained / maintained in perpetuity unless otherwise agreed in writing with the local planning authority.

Reason- In the interests of highway safety and visual amenity to comply with Policy E20 of the Northampton Local Plan and PPG13.

10. BACKGROUND PAPERS

- 10.1 N/2011/1095
N/2011/0235

11. LEGAL IMPLICATIONS

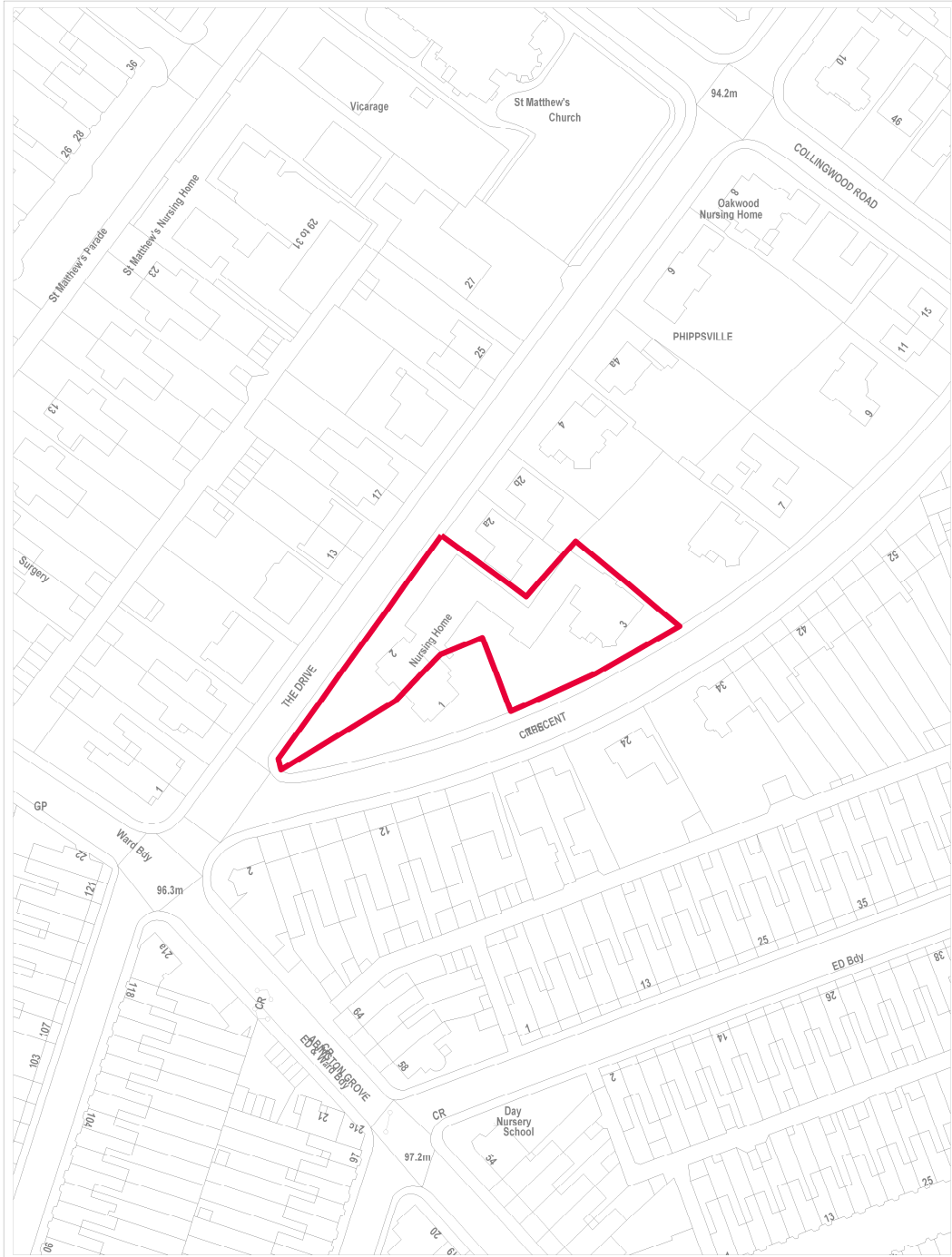
- 11.1 None.

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.

Position:	Name/Signature:	Date:
Author:	Jonathan Moore	15/02/2012
Development Control Manager Agreed:	Gareth Jones	27/02/2012



Name: Registration
 Date: 23rd February 2012
 Scale: 1:1250
 Dept: Planning
 Project: Location Plan

Title
2 The Drive

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PLANNING COMMITTEE: 6 March 2012
DIRECTORATE: Planning and Regeneration
HEAD OF PLANNING: Susan Bridge

N/2011/1120 **Erection of detached dwelling at 56 Greenfield Road**

WARD: Eastfield

APPLICANT: Mr M Decaro
AGENT: Mr P Toone

REFERRED BY: Cllr E Gowan
REASON: Development would be detrimental to the privacy of neighbours and result in parking problems

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 APPROVAL subject to conditions for the following reason:

This residential development is acceptable as it is in an existing residential area and the siting, design and appearance of the dwelling will not be detrimental to visual and residential amenity or highway safety in accordance with Policies H6 and E20 of the Northampton Local Plan.

2. THE PROPOSAL

2.1 Erection of two storey 2-bedroom detached dwelling to be constructed of a brick and render finish. The site consists of part of the rear garden of No. 56 Greenfield Road measuring 18.5 metres wide and 10.5 metres deep. There would be no on-site parking provision for either the proposed or existing dwellings.

3. SITE DESCRIPTION

3.1 The site is situated in a residential area and contains predominantly semi-detached dwellings. The proposed dwelling would have a road

frontage to Elmhurst Avenue with dwellings situated on the opposite side of the road. There is a private vehicular access situated to the west of the site which serves properties in Greenfield Road. There is a garage situated on the site at present which will be removed.

3.2 The site is located in a primarily residential area in the Local Plan.

4. PLANNING HISTORY

4.1 N/2001/0986 Erection of two semi-detached dwellings – refused.
N/2007/1541 Erection of two semi-detached dwellings – refused.

5. PLANNING POLICY

5.1 Development Plan

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

5.2 National Policies:

PPS1 – Delivering Sustainable Development
PPS3 – Housing
PPG13 – Transport
PPS23 - Planning and Pollution Control

5.3 Northampton Borough Local Plan

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

5.4 Supplementary Planning Guidance

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

6. CONSULTATIONS / REPRESENTATIONS

6.1 54 Greenfield Road - objection

- Detrimental to privacy and light
- Will be overbearing
- Will be sited in front of the building line
- Will result in a reduction in residents parking
- Out of character with the existing properties

6.2 49 Elmhurst Avenue – objection

- Development ignores the present building line
- Parking will be a worse problem
- Design of house in out of keeping

- 6.3 51 Elmhurst Avenue - objection
- Will be constructed in front of the building line
 - Parking problems already exist in the locality and this will exacerbate the problem
 - Could cause drainage and flooding problems
 - Will result in environmental problems during construction
 - Scale of development will not provide sufficient garden space.
 - Design does not blend in with the existing dwellings and will be out of character
- 6.4 44 Elmhurst Avenue - objection
- As the development is in front of the building line it would be out of character with the surrounding
 - Could cause greater damage to rear access road
 - There is already a problem with parking in the vicinity of the site especially at weekends
- 6.5 40 Greenfield Road - objection
- Development is situated in front of the building line
- 6.6 50 Greenfield Road – objection
- Rear access road is not available for this dwelling
 - Car parking is already at saturation point in the locality
- 6.7 45 Elmhurst Avenue – objection
- Does not enhance or blend in with the surrounds
 - Will reduce the sense of space
 - Parking is already a concern
 - Could be detrimental to the existing drainage
 - Will cause noise and disturbance during construction.
- 6.8 53 Elmhurst Avenue – objection
- Would result in overlooking of the properties opposite
 - Roads are already overcrowded
- 6.9 47 Elmhurst Avenue - objection.
- Development does not enhance the locality
 - It will be sited in front of the building line
 - The area is already pressure on parking
 - Impact on outlook from dwellings opposite
- 6.10 40 Greenfield Road - objection
- Will result in overlooking
 - Parking is already a problem in the area
- 6.11 49 Elmhurst Avenue – objection
- Development will have a negative impact on parking
- 6.12 **Environmental Health (NBC)** – No objection subject to a condition relating to the control of contaminated land.

7. APPRAISAL

7.1 The principle of a residential development in an existing residential area is acceptable as long as it is not an over-development of the site, the design and appearance of the building accords with the surrounding and there is no detrimental impact on residential amenity or highway safety. A dwelling of a similar design was recently constructed on part of the rear garden of No. 17 Elmhurst Avenue under planning permission N/2011/0032.

7.2 The two previous applications for two dwellings were refused, as they would have had a significant impact on the amenity of the occupiers of nearby properties and were out of keeping with the properties in the locality due to their design, scale and configuration.

Siting and design

7.3 The plot measures approximately 200 square metres in area and is of sufficient size to accommodate a dwelling. There is a separation distance of 17.5 metres with the rear elevation of the existing property at No.54 which will provide the necessary space for a garden for each dwelling and adequate separation distance.

7.4 Although the proposed dwelling is to be sited in front of the existing properties in Elmhurst Avenue, there is still a distance of almost 1.5 metres from the main frame of the building to the public highway. Whilst the design does not exactly replicate the existing dwellings in the vicinity of the site, the dwelling will contain a bay gable to the front and be constructed with brick and render to match some of the properties in Elmhurst Avenue and therefore respects the character and appearance of the locality.

Residential Amenity

7.5 The proposed dwelling has been sited at the rear of the garden of No.56 with a separation distance of 1 metre with the side boundary with the adjoining property No.54 Greenfield Road and over 7.5m to the property situated to the west (44 Elmhurst Avenue) which is located beyond the private access road. This location will ensure there is no significant impact on those properties especially as the first floor element is set back by 2.7 metres from the boundary with No.52 and the only windows facing both dwellings are obscure glazed. The scheme has already been revised with the removal of the rear addition containing a third bedroom. This negotiated amendment now prevents any overlooking of No.44 Elmhurst Avenue and reduces the bulk of the building.

7.6 The properties on the opposite side of Elmhurst Avenue will face the proposed dwelling but as there is a separation distance of approximately 15 metres between those dwellings and the application site, this is not considered to have a significant impact on the outlook

and amenity of the existing occupiers especially as it contains a road frontage.

- 7.7 For these reason it is considered that the development would not have a significant impact on the amenity of neighbouring occupiers in terms of privacy, loss of light and overbearing.

Parking and Highway Safety

- 7.8 Evidence has been submitted by some residents which shows that Elmhurst Avenue can be heavily parked at certain times of the day. Furthermore, the existing garage at No.54 is to be removed and no on-site parking provided for either No.54 or the new dwelling. However on-street parking can be available during both day and night time in the vicinity of the site and the proposed dwelling will be situated in a reasonably sustainable location within close proximity of bus routes, a supermarket and parkland. Therefore, this proposal should not have a significant impact on the availability of parking or be detrimental to highway safety.

Other matters

- 7.9 Neighbouring residents have also expressed concern about drainage and potential flooding. The site is not in a designated flood zone. The applicant proposes to connect to the existing drainage network; this would be overseen through the Building Control process. Concern has also been expressed over noise and disturbance during the construction process. Like all development of this type the proposal would inevitably result in some impact on neighbour amenity during the construction process, however, it is not considered that this proposal would have any particularly significant impact in this regard.

8. CONCLUSION

- 8.1 The application site is of sufficient size to accommodate a dwelling without being detrimental to residential amenity or highway safety. The design and appearance of the property will compliment the other dwellings within the vicinity of the site without resulting in any significant overlooking of nearby properties. The site is situated in a sustainable location close to many facilities.

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. 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 external boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority, implemented prior to the occupation of the buildings 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. No development shall take place until a desk top study in respect of possible contaminants within the site is completed and a site investigation has been designed. The scope and methodology of the desk top study and the site investigation report shall be submitted to and approved in writing by the Local Planning Authority. The site investigation and appropriate risk assessments shall be carried out and the results shall be used to produce a method statement for the necessary remedial works (and a phasing programme), which shall be submitted to and approved in writing by the Local Planning Authority. All remedial works shall be fully implemented in accordance with the approved method statement and phasing programme. Confirmation of the full implementation of the scheme and validation report(s) shall be submitted to the Local Planning Authority within 2 weeks of completion (or within 2 weeks of completion of each respective phase).

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

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions or outbuildings shall be erected to the residential development hereby permitted without the prior written consent of the Local Planning Authority.

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

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no additional window(s) shall be installed in the first floor side and rear elevations of the proposed extension without the prior written consent of the Local Planning Authority.

Reason: To safeguard the privacy of adjoining properties in accordance with Policy E20 of the Northampton Local Plan.

7. The windows in the first floor rear and side elevations shall be glazed

with obscured glass before the development hereby permitted is first occupied and thereafter retained in that form at all times.

Reason: To safeguard the privacy of the adjoining properties in accordance with Policy E20 of the Northampton Local Plan

10. BACKGROUND PAPERS

- 10.1 N/2011/1120
- N/2011/0032
- N/2007/1541
- N/2007/0986.

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.

Position:	Name/Signature:	Date:
Author:	Geoff Wyatt	13/02/12
Development Control Manager Agreed:	Gareth Jones	21/02/12



Name: Registration
 Date: 23rd February 2012
 Scale: 1:1250
 Dept: Planning
 Project: Location Plan

Title

56 Greenfield Road

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PLANNING COMMITTEE: 6 March 2012
DIRECTORATE: Planning and Regeneration
HEAD OF PLANNING: Susan Bridge

APP: Retrospective single storey rear extension
(Resubmission of application N/2011/0495)

WARD: St. James

APPLICANT: Mr J. Gonsalves

REFERRED BY: Councillor Wire
REASON: Residents have raised concerns regarding
the development.

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 APPROVAL subject to conditions and the following reason:

The impact of the alterations to the previously approved development on the character of the original dwelling and the residential amenity of neighbouring properties is not considered to be significantly adverse. Therefore the development is in accordance with Policies E20 and H18 of the Northampton Local Plan and Residential Extensions and Alterations Design Guide SPD.

2. THE PROPOSAL

2.1 The applicant seeks retrospective permission for an extension and alterations to the previously approved single storey rear extension.

3. SITE DESCRIPTION

3.1 The property is a two storey terraced dwelling with an existing single storey projection to the rear. The amenity space to the rear is a relatively small area comprising of hardstanding and bounded by panel

fencing approximately 1.8 metres high. The property located within a primarily residential area and Flood Zone 3.

4. PLANNING HISTORY

- 4.1 Planning permission (N/2011/0495) was granted in July 2011 for a single storey rear extension. The approved development in the main projected 3 metres from the original rear elevation wall with the side elevation extending 0.55 metres in a northerly direction to match the existing side elevation wall of the two-storey element. The eaves height of the entire single storey element increased by 0.15 metres to a total of 2.45 metres. However the ridge of the extension decreased by about 0.3 metres to 2.7 metres. Hence the pitch of the roof for the single storey element altered from the original roof slope.

5. PLANNING POLICY

5.1 Development Plan

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

5.2 National Policies:

PPS1 – Delivering Sustainable Development

5.3 Northampton Borough Local Plan

E20 - New Development

H18 - Extensions

5.4 Supplementary Planning Guidance

Residential Extension and Alterations Design Guide SPD (December 2011).

6. CONSULTATIONS/ REPRESENTATIONS

- 6.1 The **Environmental Agency** noted that the proposal falls within the scope of the Environment Agency's Flood Risk Standing Advice. Therefore the Environment Agency had no further comments in relation to this application.

- 6.2 A representation was received from the occupier of **24 Stanley Road**, who **objected** to the development on grounds that the proposal would reduce the amenity space and result in an overdevelopment of the site. The position of the development has an overbearing impact and creates a feeling of enclosure. This is further compounded by the height of the extension increasing from what was previously approved.

A hipped roof rather than gable end would reduce the overbearing impact.

- 6.3 The occupier of **28 Stanley Road** also **objected** to the development on the grounds of overlooking, overshadowing and overbearing impacts. The extension has been constructed less than half a metre away from my boundary and this is a massive intrusion into my family privacy. The development is simply too large in scale and dominates the surrounding area. In addition the development is not in keeping with character and appearance of the surrounding area.
- 6.4 A representation was received from the occupier of **30 Stanley Road**, who also **objected** to the development. The extension is prominent from the rear of 30 Stanley Road and dominates the outlook from my garden, resulting in an oppressive sense of enclosure. The extension is too high and built too close to the rear boundary. Furthermore the overdevelopment of the application site means that the occupier of 94 Greenwood will only have a small amount of amenity space, which will be in the shade.

7. APPRAISAL

- 7.1 Planning permission was previously granted for a single storey rear extension under application N/2011/0495. The approved rear extension for the most part projected 3 metres from the original rear elevation wall of the existing ground floor bathroom. The side elevation of the development also extended about 0.55 metres in a northerly direction to be in line with the existing two-storey element. Therefore this relatively small part of the previously approved scheme would project 6.28 metres from the original rear wall of the kitchen. The roof slope for the entire single storey projection, both existing and new, also altered to have a shallower roof pitch. Consequently the ridge of the roof decreased by 0.3 metres to 2.7 metres whereas the eaves height increased by 0.15 metres to a total of 2.45 metres.
- 7.2 The rear extension is predominately complete, however the development has not been built in accordance with approved plans under application N/2011/0495. The current application is submitted with the intention of regularising the differences between what was permitted by N/2011/0495 and what has been built. A key consideration therefore will be the impact of the difference between the previously approved plans and this retrospective development. A further consideration will be what could have been built as permitted development without the need for planning permission.
- 7.3 Currently the extension projects 3.17 metres from the original rear elevation wall of the bathroom. This is an overall increase of 0.17 metres from the previously approved plans. The ridge height has also increased from 2.7 metres on the previously approved plans to a total of 3 metres. However the ridge of the roof now matches the original

single storey elements of 94 and 96 Greenwood Road. The eaves height has slightly decreased by about 0.1 metres to approximately 2.35 metres in total. The rear extension also includes a rear elevation window and two roof lights, which were not included in the approved scheme.

Design and Appearance

- 7.4 The depth of the rear extension has increased by 0.17 metres from the previously approved plans. Therefore this represents of an overall increase in the footprint of the rear extension by approximately 0.42 metres square. The previous delegated report noted that that the proposal would limit the amount of amenity space available within the rear garden. However, given that the existing development does not cover more than 50% of the rear garden, it is considered that this relatively small increase in the overall footprint would not represent an overdevelopment of the application site or as a consequence significantly impact upon the available amenity space any more than the original approval.
- 7.5 The ridge height of the extension has been raised by 0.3 metres with the eaves also slightly increasing in height to a total of approximately 2.35 metres. Although the height and slope of the roof has altered from the approved plans, the pitch of the roof is similar to the existing single storey projection at 96 Greenwood Road and the surrounding neighbouring properties. Furthermore the ridge of the roof now matches the overall height of the adjoining single storey element at 96 Greenwood Road. Therefore it is considered that the alterations to the design of the roof from the previously approved plans is in keeping with the appearance of the existing dwelling and the character of the properties in the immediate locality.
- 7.6 Overall the scale and massing of the development has increased from the previously approved plans. However, the difference between the scale and massing of the previously approved extension and this retrospective application is relatively minimal and consequently does not have a significantly adverse impact upon the character of the original house or that of the surrounding area.

Impact on Neighbours

- 7.7 As set out previously, the depth of the rear development has been extended an additional 0.17 metres. The roof of the extension has also been altered with the ridge of the roof increasing by 0.3 metres to a total height of 3 metres, which matches the ridgeline of the original single storey elements at 94 and 96 Greenwood Road. The eaves have slightly reduced in height from the previously approved plans to approximately 2.35 metres, which are about 0.5 metres above the original eaves height of the single storey element. Consequently the development is built adjacent to the rear boundary of the property with

the ridge height extending 1.2 metres above the existing 1.8 metre high fence.

- 7.8 The rear extension is located to the south of the neighbouring property at 92 Greenwood Road. The eaves of the development extend approximately 0.55 metres above the existing 1.8 metre high fence. The ridge of the roof is an additional 0.65 metres above the eaves, however the impact of this is mitigated by the fact that the roof slopes away from the neighbouring property, with the ridge being at least 4 metres from the side boundary.
- 7.9 Consequently there would be no impact on habitable rooms. However the extension would cause a small amount of overshadowing to the rear gardens of 92 Greenwood Road and 26 and 28 Stanley Road. Nevertheless this overshadowing will only be slight and not significantly impact upon the adjacent properties any more than more than the existing or adjoining dwellings, given the design of the roof and that there is currently an existing 1.8 metre high fence. (This could be increased to 2 metres in height under permitted development).
- 7.10 The rear elevation window is in close proximity to the rear boundary fence. However there is an existing 1.8 metre high fence, which partially obscures the rear window. Despite this it is considered necessary to condition the rear window to be obscure glazed and fixed in order to mitigate any potential overlooking and loss of privacy to the rear gardens of the adjoining neighbours along Stanley Road.
- 7.11 In summary, the majority of the rear extension projects 3.17 metres beyond the original rear wall of the existing bathroom, an additional 0.17 metres beyond the previously approved plans and what could be constructed under permitted development rights and therefore not require planning permission. Although the design of the roof has been altered, the ridge and eaves height remain within the limits of permitted development. Moreover it should be taken in to account that a boundary wall of 2 metres in height could also be erected as permitted development.
- 7.12 For the foregoing reasons and in light of the marginal differences between the previously approved plans and what could be constructed without requiring planning permission, it is considered that any impact on neighbour amenity (e.g. overbearing, visual impacts and loss of light) would not be significantly different to the previously approved plans and what could be constructed without requiring planning permission. Any impact resulting from the development would be further mitigated once the extension is rendered to match the host building. This can be controlled by condition.

8. CONCLUSION

- 8.1 In conclusion, it is considered that the development is in accordance with Policies E20 and H18 of the Northampton Local Plan (1997) and the Residential Extension and Alterations Design Guide as there would not be a significant impact on the residential amenity or the adjoining neighbouring properties.

9. CONDITIONS

(1) Prior to the first use of the extension hereby permitted, the external walls and roof of the extension shall be constructed with materials of the same type, texture and colour as the external walls and roof of the existing building.

Reason: In the interests of visual amenity to ensure that the extension harmonises with the existing building in accordance with Policy H18 of the Northampton Local Plan.

(2) The rear elevation window shall be fixed and glazed with obscured glass to a minimum level 3 before the development hereby permitted is first occupied and thereafter retained in that form at all times.

Reason: In the interests of visual amenity to ensure that the extension harmonises with the existing building in accordance with Policy H18 of the Northampton Local Plan.

(3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no additional windows shall be installed in the side elevations of the proposed extension without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity to ensure that the extension harmonises with the existing building in accordance with Policy H18 of the Northampton Local Plan.

10. BACKGROUND PAPERS

- 10.1 N/2011/0495
N/2011/1128

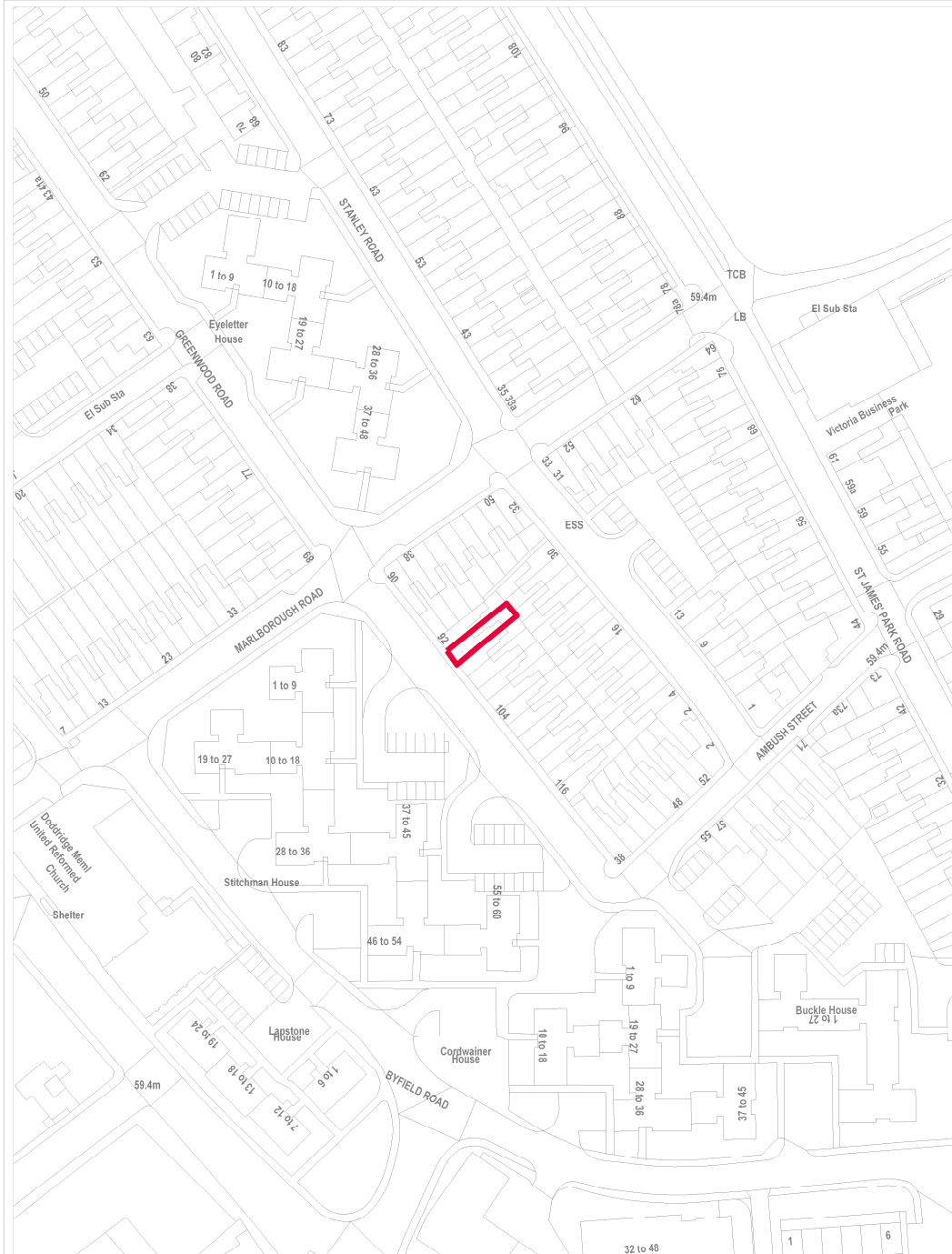
11. LEGAL IMPLICATIONS

- 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.

Position:	Name/Signature:	Date:
Author:	Anna Weir	21/02/2012
Development Control Manager Agreed:	Gareth Jones	27/02/2012



 <p>NORTHAMPTON BOROUGH COUNCIL</p>	<p>Name: Registration Date: 23rd February 2012 Scale: 1:1250 Type: Planning Project: Location Plan</p>	<p>Title</p> <p>94 Greenwood Road</p> <p>Produced from the 2011 Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100019655</p>
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PLANNING COMMITTEE: 6th March 2012
DIRECTORATE: Planning and Regeneration
HEAD OF PLANNING: Susan Bridge

N/2011/149: **Erection of extension to provide a cinema at The Royal & Derngate Theatre, Guildhall Road, Northampton.**

WARD: Castle

APPLICANT: Mr Martin Sutherland
AGENT: Mr Kevin Drayton

REFERRED BY: Scheme of Delegation
REASON: Council Owned Land

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

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

The proposed development would enhance the leisure facility of the Derngate Theatre and thereby the attractiveness of the town centre overall and would have no adverse impact on the setting of adjacent listed buildings or the conservation area, and would bring the benefit of enabling enhancements to the adjacent area of public open space. The proposal is therefore in accordance with Local Plan Policies E6, E20, E26 and L1 and the aims and objectives of PPS1, PPS4, PPS23 and PPG24.

2. THE PROPOSAL

2.1 Erection of a single storey structure to provide a "Cinepod", a 100-seat (approx.) cinema attached to and associated with the Royal and Derngate theatres. Although the structure would be effectively self-contained, the cinema would use the infrastructure of the main theatres building including the box office, refreshments, cloakrooms and WCs. The proposed building itself would house the auditorium, projection

room and lobby / link to the existing main theatres building.

- 2.2 The Cinepod would take the form of an extension to the rear of the existing theatre projecting at an angle from the main building into an area of public open space, which is adjacent to the theatre. The structure would be single storey which, due to the site's existing slope, would measure between 4m and 5.6m high. It would have a width of 9m and, due to its angle to the main building, would measure between 15.5m and 22.5m in length. The external cladding of the building is proposed to be principally natural wood with masonry to the plinth to match the main theatres building.

3. SITE DESCRIPTION

- 3.1 The site comprises an area of public open space to the rear (east) of the Derngate theatres complex. The land is mainly grassed with several trees and benches, and slopes down from north to south by some 2m across the width of the proposed structure. The terrace to the south in Albion Place (nos. 3-7) are listed buildings as is the terraced row to the east of Albion Place (nos. 21-24).

4. PLANNING HISTORY

- 4.1 The construction of the Derngate Theatre was approved in 1979. Since then there have been various applications for minor works, none are of direct relevance to the current application.

5. PLANNING POLICY

5.1 Development Plan

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

5.2 National Policies:

PPS1 – Delivering Sustainable Development
PPS4 - Planning for Sustainable Economic Growth
PPS 23 - Planning and Pollution Control
PPG24 - Planning and Noise

5.3 Northampton Borough Local Plan

E6 Greenspace
E20 – New Development
E26 - Conservation Areas
L1 - Existing recreational facilities

- 5.4 **Supplementary Planning Guidance**
Northamptonshire County Parking Standards SPG 2003
Planning out Crime in Northamptonshire SPG 2004

6. CONSULTATIONS / REPRESENTATIONS

- 6.1 **Conservation (NBC)** – Express concerns as to the siting of the cinepod and its relationship with nearby listed buildings and the open space.
- 6.2 **Urban Design (NBC)** – The submitted design proposal does not integrate with its context of the Derngate Theatre, green open space, Conservation Area with Georgian architecture or proposals for the regeneration of adjacent sites. The orientation of the proposed structure is obstructive to anticipated pedestrian movement in the context of the St John's Cultural Quarter regeneration. If timber cladding is to be proposed then more information is required as to the appearance of this building in the long term due to weathering.
- 6.3 **Environmental Health (NBC)** - The development will require heat control and ventilation plant which are not shown on the plans and might be expected to affect the external appearance. Our main concern is noise from the plant and equipment and breakout from the cinema from the soundtrack. It would also be appropriate to check the site for possible contamination prior to the work starting. I assume there could be issues with the green space and the conservation area but should the application be granted I would recommend that the conditions in the attached document be applied.
- 6.4 **Police Crime Prevention Design Adviser** - I would be grateful if you could ask the applicant to move the double doors leading from the existing theatre to the edge of the new cinema. This will prevent the creation of a hidden space which will be ideal for rough sleepers as it is covered over and enclosed on three sides. Moving the double doors extends the internal space of the existing theatre, protects the doors leading into the cinema and creates a neater design with no hidden corners or recesses. NBC CCTV cannot see into this space at all due to tree cover and the far end of the walkway is not easily visible from the road.
- 6.5 **Town Centre Conservation Area Advisory Committee** - The Committee accepted the proposal in principle for a cinema in this area, and were pleased with the plans to enhance the green area. However, the Committee felt that the style of the extension and the proposed cladding did not match the surroundings and would not, therefore, enhance the conservation area. The Committee recommended that the extension should instead seek to incorporate elements of the design of the Derngate theatre itself, using the same materials and incorporating external pillars in a similar style to that of the Derngate's adjacent walkway.

7. APPRAISAL

- 7.1 The main issues to consider are the impact on the street scene / townscape, the area of open space within which the extension would be built, the adjacent listed buildings as well as the impact on wider and long term proposals for the town centre.
- 7.2 The proposal is for a new cinema unit, which would improve, broaden and complement the offer of the Derngate theatres and as such would enhance the overall attractiveness of the town centre, albeit that this would be relative in scale and kind to the nature and size of this comparatively small cinema. Whilst there would be a loss of open space this is acceptable in policy terms as an enhanced leisure facility would be provided.
- 7.3 The open space is identified in the Local Plan as Greenspace. In summary Policy E6 requires that planning permission for development within Greenspace should only be granted where it would not unacceptably prejudice the function of the area. The function of this particular Greenspace is as an *“area of urban greenspace which are valuable in visual, aesthetic and amenity terms. Often these include sites used for burial grounds, memorial gardens and churchyards. Small areas of amenity open space, the grounds of institutions and public houses/hotels are also important in providing “islands” of green space within the urban area.”* Impact of the development on the Greenspace is discussed below.
- 7.4 The extension has been designed in a simple style, essentially as a flat roofed, linear oblong form projecting at an angle from the rear of the theatres complex. The existing eastern elevation of the main theatres building dominates the adjacent open space. It is considered that the proposed built form has the potential to improve this relationship, providing articulation to the existing building. Its angled alignment to the host building brings it into alignment with the listed terrace to the south. Given this siting combined with the separation that would be retained to the nearby listed buildings (9m to the flank wall no.3 Albion Place and some 28m to nos. 21-24) it is considered that it need not have a detrimental impact on these neighbouring listed buildings.
- 7.5 Therefore, it is considered that in terms of its position, size and bulk the proposed unit has the potential to relate well to its surroundings and that it need not clash visually with the host building or with the surrounding building within the conservation area, subject to the details of its design, as discussed below.
- 7.6 The unit is proposed to be clad with horizontal in timber panels. In response to the concerns expressed by the Council’s Urban Designer as to the suitability of this material, and the applicant’s agents have commented *“Horizontal timber cladding is, in our view, appropriate for*

a number of reasons. As a natural material it fits with today's preference for the use of eco-friendly materials and it is capable of refurbishment when finally required. It is a tactile, human-friendly material that would sit well in the surrounding green space."

- 7.7 It is considered that timber may not be the most appropriate treatment for this building and that better, more urban appropriate solutions may be found. It is recommended therefore that whilst the principle of the building is appropriate, the details of the cladding materials should be controlled by means of a condition. If wooden cladding is to be used this will need to be finished in a way which is suitable for an urban setting and will need to be of a hardwearing type. The wooden cladding currently proposed is not considered to meet these criteria.
- 7.8 The building has been designed as an extension to the theatres complex, and would not be operable as a stand-alone facility as all the necessary support facilities / infrastructure (e.g. ticketing and toilets etc) would be within the existing buildings. This would mean that those using the facility would in the main access the cinema from the existing theatre entrance and would not necessarily make use of / pass through the open space retained to the east of the proposed building. As the cinema would be attached to the theatres even with separate facilities this would be likely to be the case.
- 7.9 There is an existing rear pedestrian access to the theatres via an enclosed walkway along the eastern flank of the main theatres building which would be retained. The proposed Cinepod would be linked to this walkway resulting in the walkway becoming enclosed on three sides and therefore being potentially attractive to rough sleepers or anti social behaviour. Therefore a condition is proposed requiring this area to be closed-off by a gate outside the operating hours of the cinema and theatres. Additionally, a triangular area of land would be slightly enclosed by the extension, which could also lead to anti social gatherings. This could be mitigated by the use of defensive planting in this area. This can be secured and controlled by condition. A final point in this regard is the existing high wall adjacent to the proposed emergency exit (an existing external stairway). This is shown on the plans as being reduced in height thereby improving natural surveillance. This is considered to be a positive measure and it is therefore recommended to be secured via condition.
- 7.10 The positioning of the building within the area of open space would clearly affect the functionality of the space as this would divert the current "desire line" pedestrian route which runs roughly north / south across the site to the adjacent St John's Cultural Quarter development area to the south (i.e. the existing St John's surface car parks). However the resultant diversion would be relatively minor and not fundamentally affect the attractiveness and function of this route. Moreover, the redevelopment of St John's area would consolidate pedestrian movement through / to the open space.

- 7.11 The application includes alterations to this open space / Greenspace to accommodate the development, the initial designs for which were not considered suitable. The applicants have agreed to make appropriate alterations to this space and to work with officers to provide a more appropriate and useable environment. It is considered that a suitable layout can be achieved and that this matter can be suitably dealt with by condition. It is envisaged that the enhanced area will include a better quality of public seating than is currently indicated as well as a space for potential public art.
- 7.12 A number of existing trees within the open space would be removed in order to accommodate the proposed cinema building. Nonetheless given that the majority of the trees in this area would be retained and additional planting would be secured by condition, combined the other potential enhancements discussed above, it is considered that this loss of trees would be acceptable.
- 7.13 For the foregoing reasons it is considered that the development, subject to the recommended conditions, would retain and enhance the Greenspace function of this area in accordance with Policy E6.
- 7.14 With reference to the comments of the Council's Environmental Health service a condition is recommended to control and mitigate any potential noise and / or contamination associated with the use / development.

8. CONCLUSION

- 8.1 It is considered that subject to the details as required by condition, the proposed development would be acceptable and would result in an enhanced leisure facility within the town centre, improvements to the adjacent open space and no detrimental impact on the conservation area or listed buildings.

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) Notwithstanding the details submitted / shown on the approved drawings, 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) Notwithstanding the submitted details, full details of the redesign of the adjacent public open space to accommodate the extension hereby approved shall be submitted to and approved in writing by the Local Planning Authority (LPA) before the development hereby approved is commenced. The open space shall be remodelled in full accordance with the approved details before the extension hereby approved is brought into use unless otherwise approved in writing by the LPA.
Reason: To ensure the development will harmonise with its surroundings and that the public open space will remain useable following its partial loss to the development, in accordance with Policy E20 of the Northampton Local Plan.
- (4) Full details of all security measures to be incorporated into the development, including a security gate to enclose the walkway behind the extension shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any work on site. The approved measures approved shall be fully implemented before the extension hereby approved is brought into use.
Reason: To ensure adequate security and prevent crime and vandalism, in accordance with Policy E20 of the Northampton Local Plan.
- (5) No development shall take place until a desktop study in respect of possible contaminants within the site is completed and, if necessary, a site investigation has been designed. The scope and methodology of the desk top study and any site investigation shall be submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure the effective investigation and remediation of contaminated land sites and in the interests of health and safety and the quality of the environment. In accordance with PPS 23 - Planning and Pollution Control
- (6) If a site investigation is required following Condition 5, the site investigation and appropriate risk assessments shall be carried out and the results shall be used to produce a method statement for the necessary remedial works (and a phasing programme), which shall be submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure the effective investigation and remediation of contaminated land sites and in the interests of health and safety and the quality of the environment. In accordance with PPS 23 - Planning and Pollution Control.
- (7) The remedial works identified in condition 6 shall be fully implemented in accordance with the approved method statement and phasing programme. Confirmation of the full implementation of the scheme and validation report(s) shall be submitted to the Local Planning Authority within 2 weeks of completion (or within 2 weeks of completion of each respective phase).
Reason: To ensure the effective investigation and remediation of

contaminated land sites and in the interests of health and safety and the quality of the environment. In accordance with PPS 23 - Planning and Pollution Control.

- (8) Before the development hereby permitted commences, a scheme shall be approved in writing by the Local Planning Authority, fully implemented and retained and maintained thereafter that specifies how noise from fixed plant or equipment and breakout from the auditorium shall be controlled.

Reason: In the interests of residential amenity in accordance with the advice contained in PPG24 Planning and Noise.

- (9) The scheme agreed under condition 8 shall be implemented prior to the development coming into use and shall be retained thereafter. The applicant shall provide evidence that the scheme has achieved the design targets agreed in Condition 8.

Reason: In the interests of residential amenity in accordance with the advice contained in PPG24 Planning and Noise.

- (11) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a detailed scheme of hard and soft landscaping for the site. The scheme shall include indications of all existing trees and hedgerows on the land and details of any to be retained.

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

- (12) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner, and which shall be maintained for a period of five years; such maintenance to include the replacement in the current or nearest planting season whichever is the sooner or shrubs that may die are removed or become seriously damaged or diseased with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

10. BACKGROUND PAPERS

10.1 N/2011/1149.

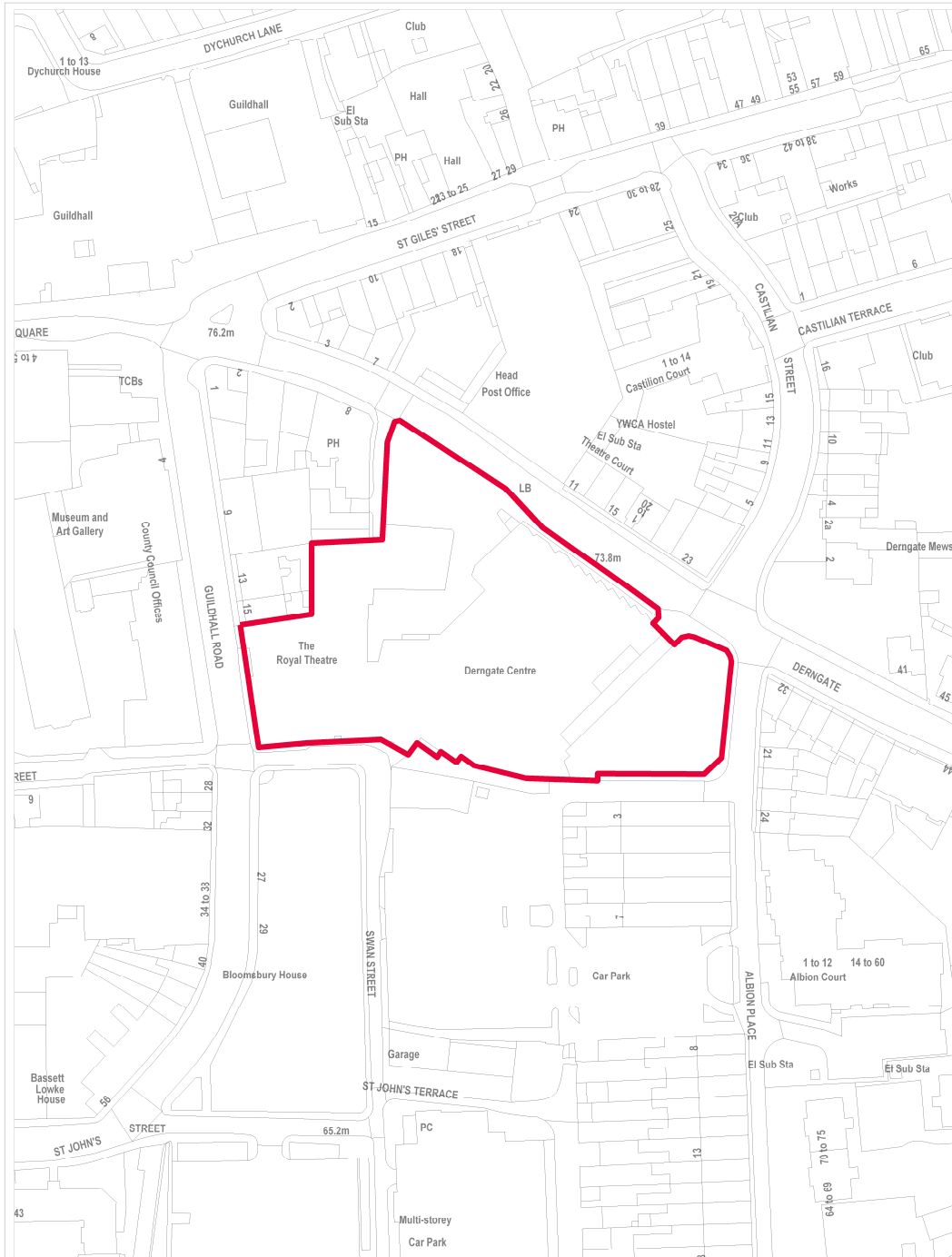
11. LEGAL IMPLICATIONS

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.

Position:	Name/Signature:	Date:
Author:	A Holden	23/02/2012
Development Control Manager Agreed:	Gareth Jones	27/02/2012



Name: Registration
 Date: 23rd February 2012
 Scale: 1:1250
 Dept: Planning
 Project: Location Plan

Title
Royal & Deragate

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PLANNING COMMITTEE: 6th March 2012
DIRECTORATE: Planning and Regeneration
HEAD OF PLANNING: Susan Bridge

N/2011/1215: Extensions to existing sea cadet headquarters building, together with new main deck building, widened slipway and pontoon, and demolition of changing facility.

WARD: Castle

APPLICANT: Mr A Jolley
AGENT: Graham Wright Architect

REFERRED BY: Scheme Of Delegation
REASON: Council Owned Land

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

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

The proposal would enhance the character and appearance of the area and would not lead to any increased risk of flooding. The development would also enhancement an existing recognised recreational facility. It is therefore in accordance with Policies E9, E18, E20 and L1 of the Northampton Local Plan and the aims and objectives of PPS1, PPS23, PPS25 and PPG17.

2. THE PROPOSAL

2.1 In summary it is proposed to extend one of the existing Sea Cadet buildings to provide new changing and toilet facilities, demolish an existing free-standing changing / toilet block and an existing garage used a canoe store, erection of a new "main deck" building (which would include changing / toilet facilities, more functional space and replacement canoe store area), re-cladding the existing building with

brickwork, widening of the existing slipway and installation of new pontoon.

3. SITE DESCRIPTION

- 3.1 The site comprises the existing Sea Cadets buildings, which were originally constructed in 1951. It is located immediately to the east of the recently developed Marina on an island in the River Nene.

4. PLANNING HISTORY

- 4.1 The construction of the Sea Cadets headquarters together with ancillary buildings was approved in 1948 and 1949. An additional drill shed was approved in 1963 and the replacement of the boat shed was approved in 1990.

5. PLANNING POLICY

5.1 Development Plan

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

5.2 National Policies:

PPS1 – Delivering Sustainable Development
PPS23 - Planning and Pollution Control
PPS25 - Development and Flood Risk
PPG17 - Planning for Open Space, Sport and Recreation

5.3 Northampton Borough Local Plan

E20 – New Development
L1 - Existing recreational facilities
E9 – Locally Important Landscape Area
E18 – Site of Acknowledge Nature Conservation Value

6. CONSULTATIONS / REPRESENTATIONS

- 6.1 **Environmental Health (NBC)**– No comments.
- 6.2 **Environment Agency** – No objection subject to a condition re method statement for construction works.

7. APPRAISAL

- 7.1 The main issues to consider are the impact of the proposed alterations and extensions on the character of the area as well as the impact in respect of any increased flood risk.

- 7.2 The site is designated in the Local Plan as an existing recreational use and the proposal to extend and improve the facility is considered therefore to be acceptable in principle. The facility will allow an increased number of cadets to attend the facility and to participate in water based activities, as well as providing improved facilities for cadets and leaders.
- 7.3 The building at present is a concrete blockwork construction and whilst this is not generally considered an attractive material the building is clearly marked as a Sea Cadets building and given this and its location it is not considered that the building as it exists detracts from the location.
- 7.4 Nevertheless, the proposed improvements to its appearance are to be welcomed and it is considered that the extended and reclad building, together with the second building which would replace a building to be demolished, will provide an attractive feature within the area. Details of the exact materials to be used will be required, and a condition to this effect is proposed. Therefore the development would enhance the appearance of the area in line with the objectives of Local Plan Policy E9 - Locally Important Landscape Area.
- 7.5 The site is within the flood plain but is designated as “water compatible development”. Nevertheless, the risk of flooding remains and Environment Agency have been consulted. They have raised no objections, subject to a method statement. This would cover the timing of works, methods used and protection of areas of ecological sensitivity.
- 7.6 The site of the extension and replacement building is at present laid to concrete and therefore does not form a wildlife habitat at present, therefore it is considered that there would be no impact in this regard in accordance with Local Plan Policy E18.

8. CONCLUSION

- 8.1 The proposal would provide an enhanced facility for recreation and the training and development of young people and would represent a visual improvement over the existing facility, with no detrimental impact on the ecology of the area.

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

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

- (3) Prior to the commencement of development, a working method statement to cover construction phases shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority.

Reason The construction phase of any proposed development affecting the floodplain poses an increase in flood risk. In accordance with PPG25 Development and Flood Risk.

10. BACKGROUND PAPERS

10.1 N/2011/1215

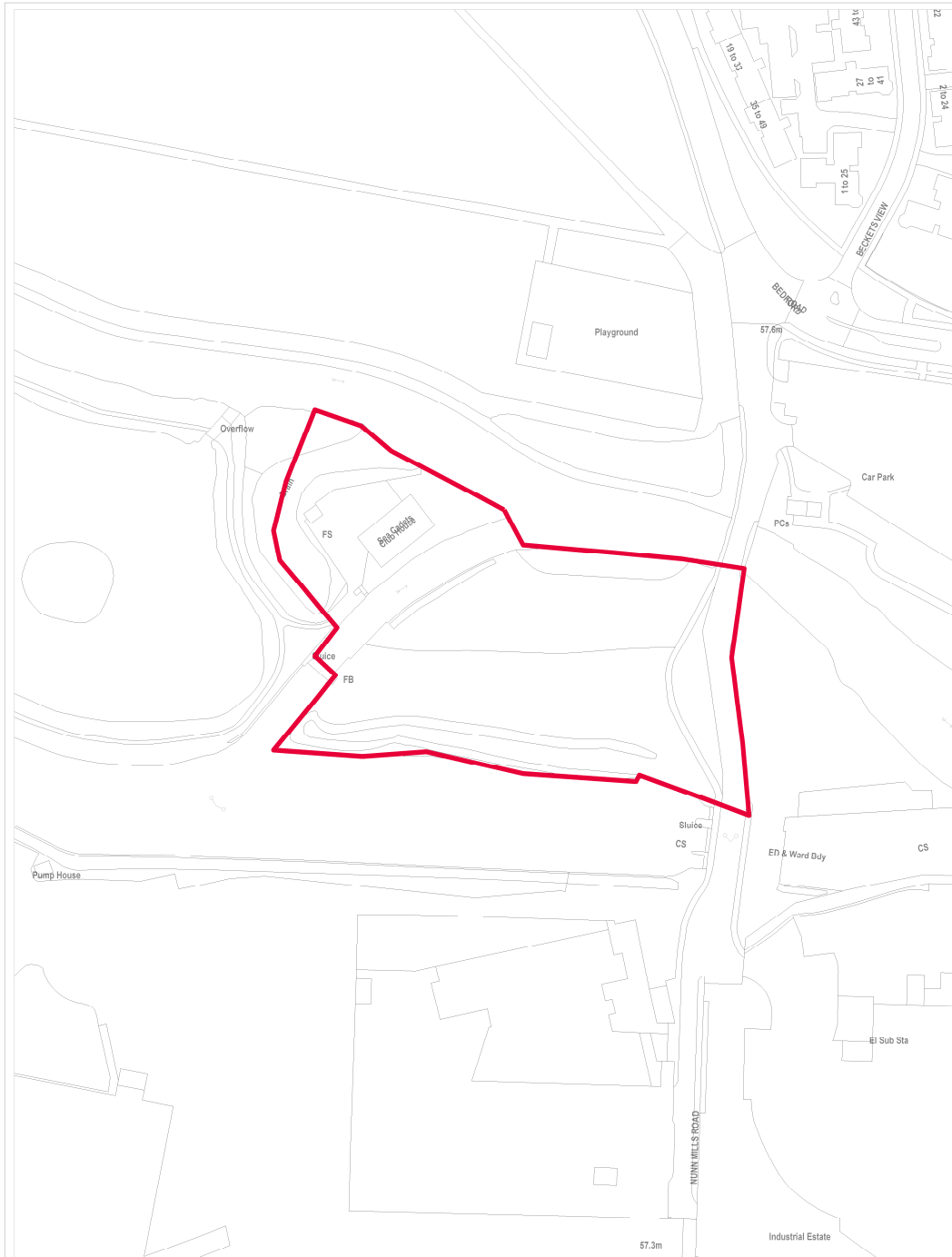
11. LEGAL IMPLICATIONS

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.

Position:	Name/Signature:	Date:
Author:	A Holden	24/02/2012
Development Control Manager Agreed:	Gareth Jones	24/02/2012



Name: Registration
 Date: 23rd February 2012
 Scale: 1:1250
 Dept: Planning
 Project: Location Plan

Title
Sea Cadets, Calvesholme Island, Becketts Park

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PLANNING COMMITTEE: 6 March 2012
DIRECTORATE: Planning and Regeneration
HEAD OF PLANNING: Susan Bridge

N/2011/1279: Erection of two storey side extension at
211 Boughton Green Road

WARD: Sunnyside

APPLICANT: Dr. T. Muttammad
AGENT: Mr P Toone

REFERRED BY: Cllr Parekh
REASON: Increased noise, over-development / too many residents, turnover of the residents, increased traffic, change to the character of the area, rubbish / waste management and general management issues.

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

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

The siting, design and appearance of the extension is acceptable and will not be detrimental to visual or residential amenity in accordance with Policies H18 and E20 of the Northampton Local Plan.

2. THE PROPOSAL

2.1 The erection of a two storey side extension 5 metres wide and 10 metres deep at ground floor, which incorporates the existing garage footprint, and 8.5m at first floor. The extension would have a hip roof and be constructed of materials to match the existing dwelling. At ground floor it would provide a garage and study and at first floor two new bedrooms and two bathrooms.

3. SITE DESCRIPTION

- 3.1 Detached dwelling constructed of brick with a flat roof garage to the side. There are dwellings situated to the rear and south-western sides and a public house situated to the north east. There is a long driveway to the front which can hold 2 cars.

4. PLANNING HISTORY

- 4.1 N/2011/0273 – Two storey side extension – refused for the reasons:

(1) By reason of its design, size and position, the proposed extension would result in a contrived form of development of excessive dimensions unrelated to the existing building to the detriment of the appearance of the dwelling in particular and visual amenity of the locality in general contrary to Policies H18 and E20 of the Northampton Local Plan.

(2) By reason of its design and siting, the proposed extension would result in a detrimental effect on the outlook and lead to a loss of privacy caused by an new side facing bedroom window to the detriment of the amenity of the adjoining dwelling No. 209 Boughton Green Road contrary to Policies H18 and E20 of the Northampton Local Plan.

5. PLANNING POLICY

5.1 Development Plan

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

5.2 National Policies

PPS1 – Delivering Sustainable Development.

5.3 Northampton Borough Local Plan

E20 – New Development.

H18 – Extensions.

5.4 Supplementary Planning Guidance

Northamptonshire County Parking Standards SPG 2003.

6. CONSULTATIONS / REPRESENTATIONS

- 6.1 **4 & 6 Abthorpe Avenue** - objection – concerned about an increase in the multi-occupancy of the building, levels of multiple-occupation in the locality and its effect on the character of the area and the resulting increase in noise and parking problems.

- 6.2 **5 Abthorpe Avenue** – objection concerns over an increase in the multi-occupancy of the building and associated issues including a shopping trolley having been left in the front garden and insufficient parking provision.
- 6.3 **209 Boughton Green Road** – objection – The extension will result in a more intense multi-occupancy use, levels of multiple-occupation in the locality and its effect on the character of the area and a reduction in parking provision.

7. APPRAISAL

- 7.1 The previous application for an extension was refused due to its impact on the adjoining property No. 209 Boughton Green Road and its contrived design having a detrimental effect on the street scene. However, this revised scheme is considered acceptable as the design of the extension has been significantly improved and there would be less of an impact on the neighbouring dwellings.
- 7.2 The extension would have a more conventional design with a hip roof better related to the existing building which would not be detrimental to the street scene. Furthermore, this design results in less mass to the extension and as it would have no side facing bedroom window at first floor overlooking the adjoining property, there would be no significant impact on the amenity of the occupiers of that dwelling especially as there is a separation distance of at least 5 metres between these houses.
- 7.3 Nearby residents have raised concerns over the possible future use of the property. The dwelling has recently housed 5 persons and is lawfully in use as a Class C4 house in multiple occupation (HIMO, i.e. for 3 to 6 residents). The internal drawings submitted with the application show that the existing house has two bedrooms at ground floor and three at first floor, whereas the proposed drawing shows no bedrooms at ground floor and five at first floor (i.e. the three existing first floor bedrooms retained plus two new ones in the extension). Notwithstanding these drawings the ground floor rooms could potentially be used as bedrooms again in the future.
- 7.4 As the property is already in lawful use as a C4 HIMO it could be used to house six residents without the extension and there are presently other ground floor reception rooms (e.g. a lounge and a dining room) that could be easily converted and used as an extra bedroom without the need for planning permission. A further planning permission would be required if the property houses more than 6 persons.
- 7.5 Therefore, whilst recognising the concerns of the neighbouring residents re the use of the property, it is not considered that the proposed extension would alter the potential intensity of the use of the property or its associated impact on the neighbour amenity or the character of the area.

- 7.6 As the proposed scheme will provide a garage with new turning area it is considered that there is sufficient on-site parking provision especially as the property may well be rented out to students who attend the nearby university.

8. CONCLUSION

- 8.1 The design and appearance of the extension is now considered acceptable and will not have an adverse impact on the amenity of the occupiers of adjoining and nearby dwellings. The existing dwelling has a lawful C4 use which will not be increased in intensity with the building of this extension bearing in mind that the number of persons living there cannot exceed 6 without planning permission.

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. 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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no additional window(s) shall be installed in the side elevation of the proposed extension without the prior written consent of the Local Planning Authority.
Reason: To safeguard the privacy of adjoining properties in accordance with Policy H18 of the Northampton Local Plan.
4. The window in the first floor side elevation shall be glazed with obscured glass before the development hereby permitted is first occupied and thereafter retained in that form at all times.
Reason: To safeguard the privacy of adjoining properties in accordance with Policy H18 of the Northampton Local Plan.

10. BACKGROUND PAPERS

- 10.1 N/2011/0273
N/2011/1279

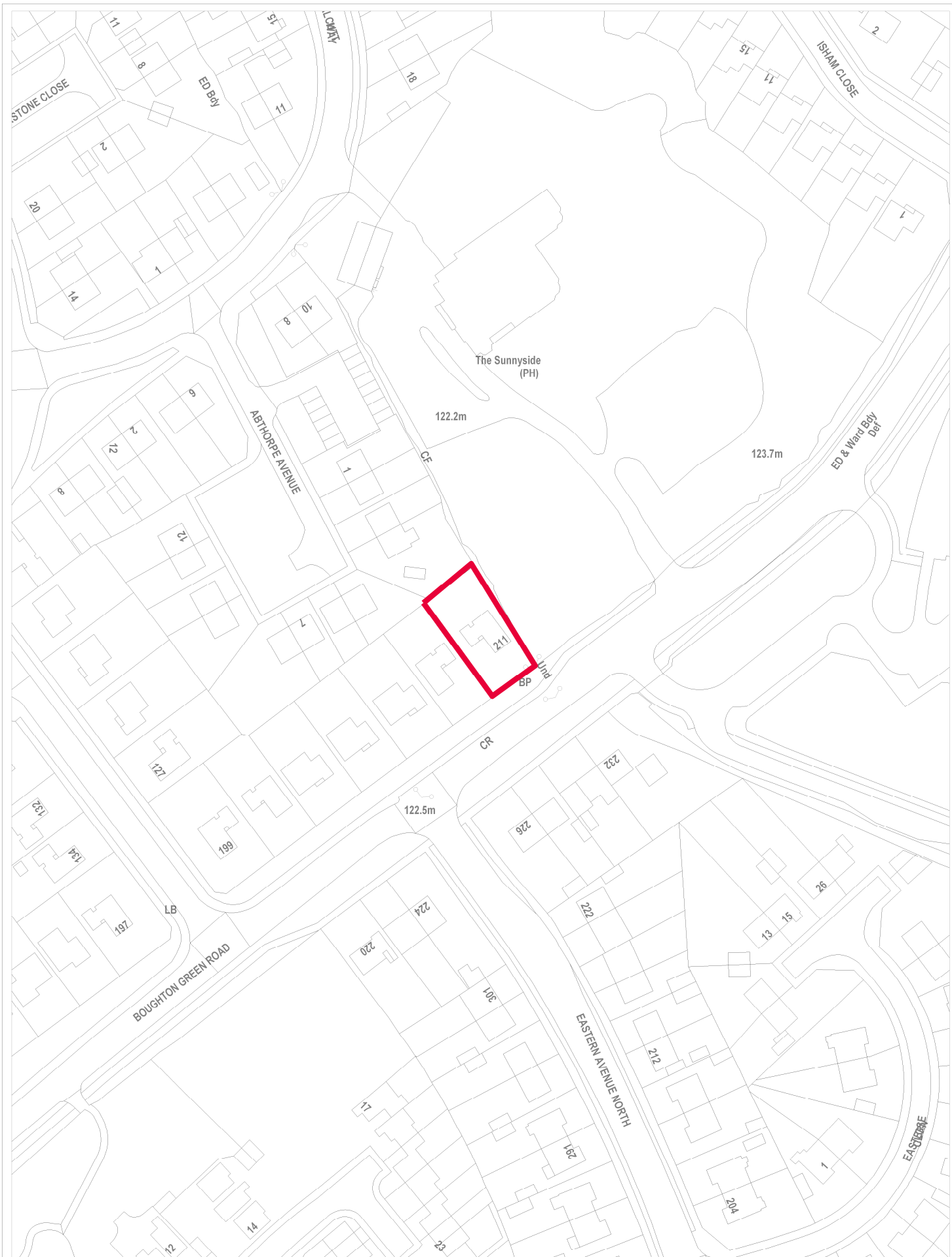
11. LEGAL IMPLICATIONS

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.

Position:	Name/Signature:	Date:
Author:	Geoff Wyatt	15/02/2012
Development Control Manager Agreed:	Gareth Jones	23/02/2012



Name: Registration
 Date: 23rd February 2012
 Scale: 1:1250
 Dept: Planning
 Project: Location Plan

Title

211 Boughton Green Road

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PLANNING COMMITTEE: 6 March 2012
DIRECTORATE: Planning and Regeneration
HEAD OF PLANNING: Susan Bridge

N/2012/0019 **Erection of one three bedroom detached bungalow to rear of 8 Edgemont Road**

WARD: **Weston**

APPLICANT: **Ms Sue Davis**
AGENT: **Mr Martin Beattie**

REFERRED BY: **Cllr N Duncan**
REASON: **Precedent and impact on drainage**

DEPARTURE: **No**

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

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

The proposed development is considered acceptable in this predominantly residential area without having a detrimental impact on the appearance, character and amenity of the locality or on highway safety. Adequate access and parking is provided and satisfactory tree protection and would comply with Policies E11, E20, H6 and H10 of the Northampton Local Plan, Policy 2 of the Regional Plan and aims of PPS1, PPS3, PPS23, PPG13 and PPG24.

2. THE PROPOSAL

2.1 Full planning permission is sought for the erection a three bedroom detached bungalow with double detached garage, private front and rear gardens to the rear of 8 Edgemont Road, a large detached bungalow. The proposed bungalow would have an L-shaped footprint measuring some 14m by 9.2m with a ridge height of some 5m and 2.7m to the eaves. Access to the bungalow would be via the existing drive to the host dwelling off Edgemont Road. This drive would be extended to the northern side of existing bungalow and follow the side boundary to the proposed dwelling / garage. The existing hardstanding and garage to no8 would be retained.

3. SITE DESCRIPTION

- 3.1 The application site forms part of the existing large rear garden of 8 Edgemont Road which measures some 45m long and 25m wide. The proposed plot measures some 23m by 25m. It is currently bound on 3 sides by close-boarded fencing and intermittent tree planting.
- 3.2 The area is residential and characterised by substantial detached dwellings in large plots with a relatively high degree of variety of house types. To the south of the site is no 6 Edgemont Road a two storey detached house. The northern boundary abuts the rear garden boundaries of 6, 7, 8 and 9 Mountclair Court. The eastern boundary is adjacent to Lumbertubs Way.

4. PLANNING HISTORY

- 4.1 No recent planning applications.

5. PLANNING POLICY

5.1 Development Plan

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

5.2 National Policies:

PPS1 – Delivering Sustainable Development
PPS3 - Housing
PPS23 - Pollution Control
PPS25 - Development and Flood Risk
PPG13 - Transport
PPG24 - Noise

5.3 Northampton Borough Local Plan

E11 - Tree Protection
E20 – New Development
H6 - Residential development in primarily residential areas
H10 - Backland Development

5.4 Supplementary Planning Guidance

Northamptonshire County Parking Standards SPG 2003

6. CONSULTATIONS / REPRESENTATIONS

- 6.1 **Public Protection (NBC):** No objection but would suggest conditions relating to contaminated land and noise.

- 6.2 **Arboricultural Officer (NBC):** No objections, the proposed new building will be in close proximity to numerous trees and will require several removals to facilitate the development with the physical protection, the trees are low order and with little public visibility. The conifer hedge to the rear of the site provides an important screen and if retained will be in close proximity to the new building. Recommend conditions for tree protection.
- 6.3 **Highway Authority:** width of turning head should be kept maintained all the way at 3.8metres.
- 6.4 Letters of **objection** received from numbers **2, 4, 5, 6, 7, 9, 21 Edgemont Road:**
- Overlooking and loss of privacy
 - Impact on drainage and flooding
 - Impact on character of area
 - Restrictive covenant in deeds preventing the proposed development
 - Highway safety implications
 - Impact on trees
 - Impact on sunlight
 - Noise from traffic from Lumbertubs Lane
 - Precedent

7. APPRAISAL

- 7.1 The principal considerations are the impact on the appearance and character of the area, impact on amenity of neighbours and whether there is satisfactory access to the proposed dwelling.

Policy context and principle of development

- 7.2 The site is located within an established residential area consisting mainly of detached residential dwellings sited in large plots with substantial rear gardens. Policy H10 of the Local Plan would apply given the proposal is for backland development. This policy states that planning permission will not be granted for backland development unless it can be shown that the siting and layout will not be detrimental to the character and amenity of the locality and will not cause disturbance to or adversely effect the privacy of adjoining dwellings. Policy E20 is also relevant which encourages good design while Policy H6 relates to development in primarily residential areas.

Impact on appearance and character of the area

- 7.3 The proposed dwelling would not be readily visible from the front of the site given that it would be concealed from view behind the existing surrounding dwellings and would therefore have limited effect on the street scene. The proposed design and scale of the property would be in keeping with the appearance of the area and would have an adequate sized garden area providing sufficient amenity to future

occupiers (i.e. approx. 240m²). No8 would retain a substantial garden rear garden (i.e. 19m x 19m).

- 7.4 For the foregoing reasons, whilst it is noted that there are no other apparent examples of backland development in the immediate locality it is considered that the proposal would not be overly detrimental to the character of the area that would justify refusal of planning permission.
- 7.5 A condition to control finishing materials is recommended and as is a condition removing permitted development rights for future extensions in order to prevent over-development.

Impact on amenity and living conditions of neighbours

- 7.6 The proposed bungalow would be 28m from nos. 8 and 6 Edgemont Road and 28m from the nearest dwelling in Mountclair Court (no6). Given the existing boundary treatment (approx, 1.8m high close boarded fencing), separation and relationship to existing properties it is considered that there would unlikely be any significant loss of amenity in terms of overbearing, loss, of outlook, overlooking and overshadowing.
- 7.7 Whilst officers acknowledge that the use of the proposed access would generate an increase in vehicle movements and have some impact on the amenity of the existing dwelling it is considered that this is not reason on its own to withhold the grant of planning permission. The side of the existing dwelling has no windows facing oriented towards the proposed access and subject to conditions for boundary treatment officer consider that there would be an acceptable effect on residential amenity. Neighbouring properties are a sufficient distance away not to be detrimentally affected by the proposed access, particularly bearing in mind that it would serve a single dwelling.

Traffic Noise

- 7.8 To the rear of the site lies the busy Lumbertubs Way dual carriageway which is heavily trafficked throughout the day. The applicant has submitted a detailed Noise Assessment which is considered acceptable by the Council Environmental Health Officer in terms of securing suitable living conditions of future occupiers of the proposed dwelling.

Impact on Trees

- 7.9 The applicant has submitted a Tree Constraints Plan with their application detailing trees to be removed and retained. This is considered acceptable by the Borough Arboricultural Officer who raises no objections subject to tree protection measures which can be secured by condition.

Access and Parking

- 7.10 The proposed new access would run along the side of the attached garage on the side of the host. This arrangement is considered acceptable by the Highway Authority. Regarding parking, the applicant proposes a new double garage to the front of the proposed bungalow which would provide sufficient off road parking for at least 2 cars which accords with national planning policy in PPG13. Sufficient off-street parking would also be retained for the host bungalow in the form of an existing garage and hardstanding which could accommodate at least 3 cars.

Other considerations

- 7.11 Neighbouring residents have also expressed concern about drainage and potential flooding. The site is not in a designated flood zone. The applicant proposes to connect to the existing drainage network; this would be overseen through the Building Control process.
- 7.12 Another concern raised by objectors is that if this proposal were to be permitted it could set an undesirable precedent for other properties to do the same. Nonetheless, precedent of this type is not a material planning consideration, as each application must be considered on its individual merits.
- 7.13 The concern that there is a restrictive covenant preventing further single dwellings is a civil matter and cannot be taken into account in the determination of a planning application.

8. CONCLUSION

- 8.1 The proposed development is considered acceptable in principle given its location within a primarily residential area. Due to its design, siting, scale and acceptable access the proposal would ensure an acceptable level of amenity for future occupiers while ensuring satisfactory impact on existing trees within the site and parking. This would comply with Policies E20, H6 and H10 of the Northampton Local Plan and aims of PPS1, PPS3, PPG13, PPG24 and PPS23.

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) 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 prior to commencement of construction work on site.

Reason - In the interests of visual amenity to comply with Policy E20 of the Northampton Local Plan.

- 3) Full details of the method of treatment of all external boundaries of the site shall be submitted to and approved in writing by the local planning authority, implemented prior to the occupation of the building and retained thereafter.

Reason - To ensure that the boundaries of the site are properly treated so as to secure a satisfactory standard of development to accord with Policy E20 of the Northampton Local Plan.

- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification no extensions shall be erected to the residential development hereby permitted without the prior written consent of the local planning authority.

Reason - To prevent over-development to accord with Policy E20 of the Northampton Local Plan.

- 5) The parking spaces shown on the submitted plan shall be constructed prior to the first occupation of the building hereby approved and retained thereafter.

Reason - In the interests of highway safety to comply with aims of PPG13.

- 6) 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 interest of visual amenity to comply with Policy E20 of the Northampton Local Plan.

- 7) No development shall take place until full details of tree protection measures have been submitted to and approved in writing by the local planning authority. A Tree protection barrier shall be installed outside of the BS 5837;2005 minimum recommended Root Protection Areas for all trees identified for retention on submitted plan no. MBB/10/02. The barrier shall be in accordance with figure 2 of BS 5837; 2005 and installed prior to any development at the site and shall remain in situ and undisturbed until all construction activity is completed and materials and plant removed from the site.

Reason – in the interest of sound arboricultural practice to comply with E11 of the Northampton Local Plan.

- 8) The recommendations and mitigation of the noise assessment undertaken by Auricle Acoustics dated 29 September shall be implemented prior to the development coming into use and the applicant shall demonstrate that these measures have been fully implemented prior to the house being occupied.

Reason – in the interests of residential amenity to comply with PPG24.

9) No development shall take place until a desktop study in respect of possible contaminants within the site is completed and a site investigation has been designed. The scope and methodology of the desk top study and the site investigation report shall be submitted to and approved in writing by the local planning authority. The site investigation and appropriate risk assessments shall be carried out and the results shall be used to produce a method statement for the necessary remedial works (and a phasing programme) which shall be submitted to and approved in writing by the LPA. All remedial works shall be fully implemented in accordance with the approved method statement and phasing programme. Confirmation of the full implementation of the scheme and validation reports shall be submitted to the LPA within 2 weeks of completion.

Reason – In the interests of pollution control to comply with PPS23.

10. BACKGROUND PAPERS

10.1 N/2012/0019.

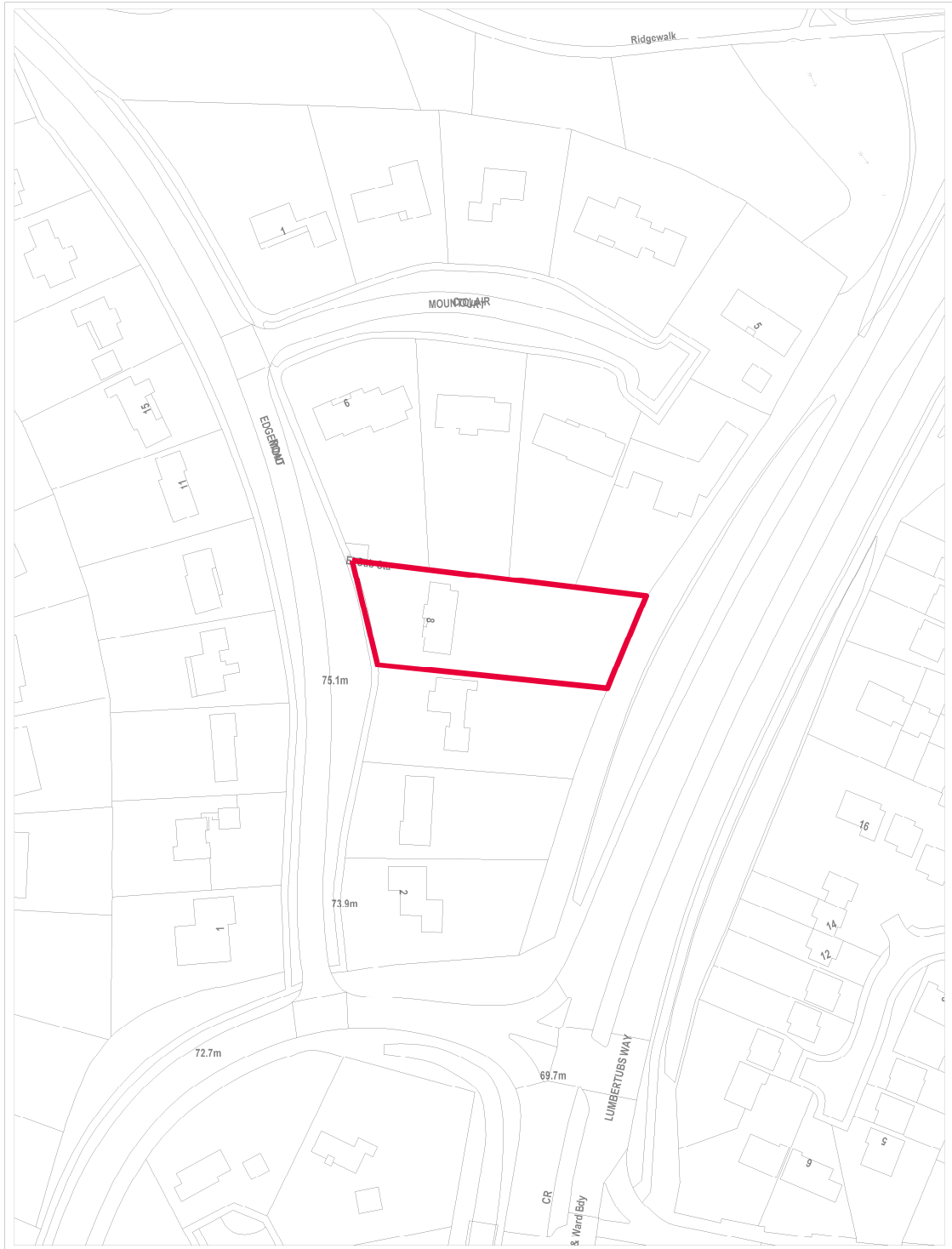
11. LEGAL IMPLICATIONS

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.

Position:	Name/Signature:	Date:
Author:	Jonathan Moore	15/02/2012
Development Control Manager Agreed:	Gareth Jones	23/02/2012



Name: Registration
 Date: 23rd February 2012
 Scale: 1:1250
 Dept: Planning
 Project: Location Plan

Title
8 Edgemont Road

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PLANNING COMMITTEE: 6 March 2012
DIRECTORATE: Planning and Regeneration
HEAD OF PLANNING: Susan Bridge

N/2012/0034: Retention of timber framed outbuilding and conservatory at 28 Southfield Road

WARD: Old Duston

APPLICANT: Mr. N. Humphries
AGENT: Mr. R. Reidy

REFERRED BY: Cllr I A Choudary
REASON: Detrimental impact on the privacy of adjoining neighbours

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

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

The siting, design and appearance of the outbuilding and conservatory are acceptable and will not be detrimental to visual or residential amenity in accordance with Policy E20 of the Northampton Local Plan.

2. THE PROPOSAL

2.1 The structure has recently been constructed and is situated on the rear boundary of this residential property. It is 12.8 metres wide, 4 metres deep with a ridged roof 3.9 metres high and constructed of timber with a slate roof. It contains children's play and activity rooms with a conservatory.

3. SITE DESCRIPTION

3.1 Detached dwelling with rear garden over 45 metres long. The open-space of the St. Crispin's development is situated beyond the rear boundary.

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 East Midlands Regional Plan, the saved policies of the Northamptonshire County Structure Plan and Northampton Local Plan 1997.

5.2 National Policies:

PPS1 – Delivering Sustainable Development

5.3 Northampton Borough Local Plan

E20 – New Development

6. CONSULTATIONS / REPRESENTATIONS

6.1 **Duston Parish Council** - the structure is out of keeping with neighbouring properties and could be used for commercial purposes.

6.2 **24 Southfield Road** have concerns relating to the possible future use of the building for commercial or residential purposes. It is detrimental to the outlook from their property and is illuminated every evening.

6.3 **26 Southfield Road** – objection – the building is overbearing and is out of keeping with the nearby properties. The possible future use of the structure is a concern which would be detrimental to their privacy and amenity. The lighting to the building causes glare and light pollution.

7. APPRAISAL

7.1 Whilst the design and appearance of the structure is not at all similar to the existing dwellings in Southfield Road, due to the long separation distance of at least 35 metres to the adjoining and nearby neighbouring properties, the building is considered acceptable as it is relatively low in height and has a backdrop of the boundary treatment to No. 28. Furthermore, if the building had been constructed a minimum of 2 metres from the rear and side boundaries, it would have been permitted development and consequently exempt from the need for planning permission.

7.2 Local residents have raised concerns regarding any possible future uses of the building for either residential or commercial purposes. However this structure is to be used predominantly for children's play and leisure activities ancillary to the enjoyment of the host dwelling.

Any material change of use caused by non-ancillary residential or independent commercial use of the building would require a further planning permission.

- 7.3 The lighting of the building appears to be relatively low level which does not have a significant impact on residential amenity.

8. CONCLUSION

- 8.1 The outbuilding is located at the rear of a long garden and as such is not considered to be an intrusive feature which would be detrimental to visual amenity. Its present use is ancillary to the existing dwelling. If future residential or commercial activities take place, which may require planning permission, then further investigation of the situation would take place.

9. CONDITIONS

- 9.1 None recommended as this is a retrospective application.

10. BACKGROUND PAPERS

- 10.1 N/2012/0034.

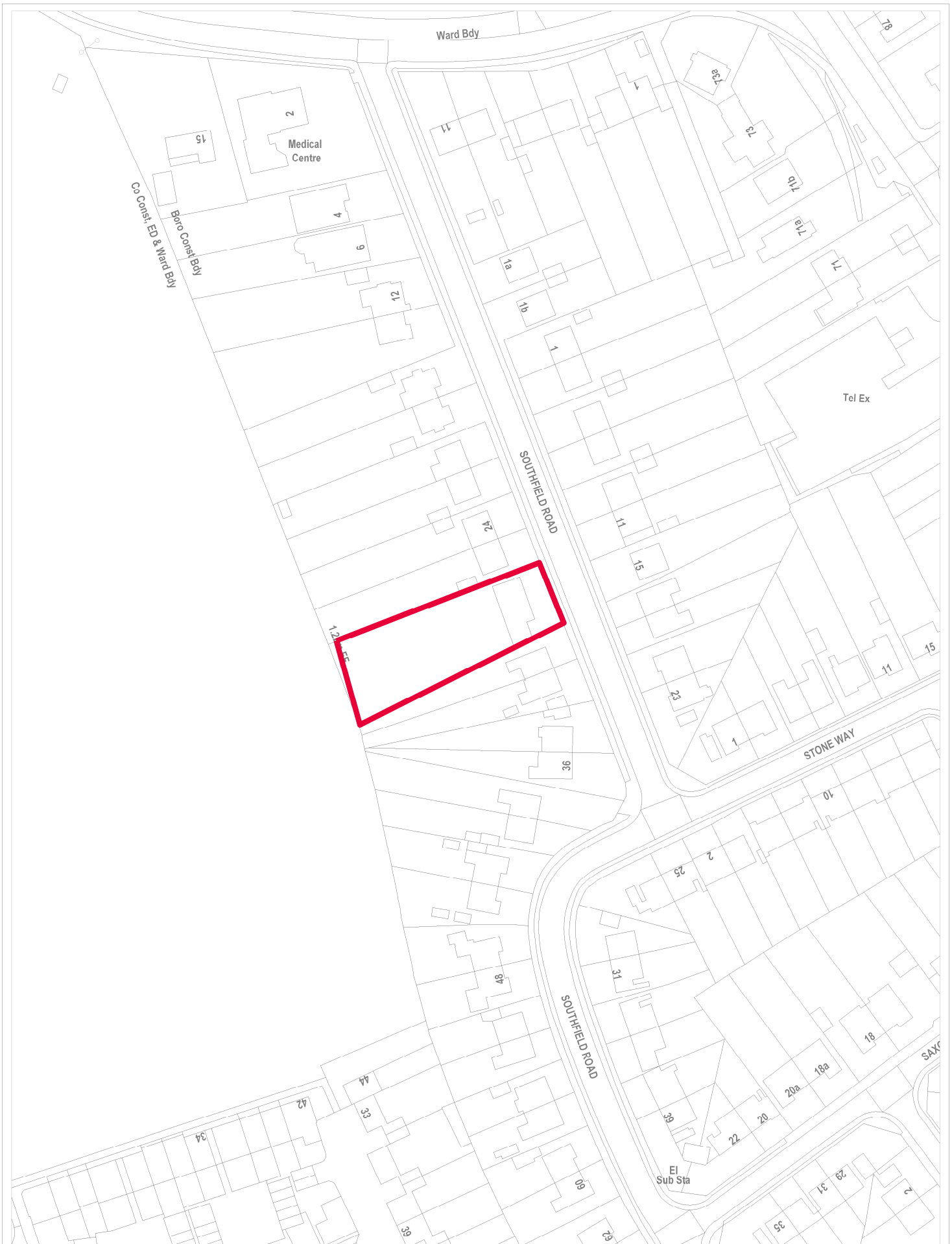
11. LEGAL IMPLICATIONS

- 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.

Position:	Name/Signature:	Date:
Author:	Geoff Wyatt	15/02/2012
Development Control Manager Agreed:	Gareth Jones	22/02/2012



Name: Registration
 Date: 23rd February 2012
 Scale: 1:1250
 Dept: Planning
 Project: Location Plan

Title
28 Southfield Road

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PLANNING COMMITTEE: 6 March 2012
DIRECTORATE: Planning and Regeneration
HEAD OF PLANNING: Susan Bridge

N/2012/0051: **Erection of single storey structure to be used as ticket office at Lower Delapre Park, London Road**

WARD: Delapre

APPLICANT: Northampton Society of Model Engineers
AGENT: Mr John Tomlinson

REFERRED BY: Head of Planning
REASON: Borough Council own land

DEPARTURE: No

APPLICATION FOR DETERMINATION BY:

1. RECOMMENDATION

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

The proposed development due to its siting, design and scale would not have an undue detrimental impact on the appearance and character of the area, amenity of neighbour, flood risk or on the Conservation Area and complies with Policies E9, E18, E20 and E26 of the Northampton Local Plan and aims of PPS1, PPS5 and PPS25.

2. THE PROPOSAL

2.1 Full planning permission is sought for erection of a single storey building to provide ticket office for the existing Society of Model Engineers miniature railway. It would be located to the north portion of the existing Model Engineers' site and would measure some 2.7m high and 2.7m x 2.5m foot print with a canopy projecting some 2.5m.

3. SITE DESCRIPTION

- 3.1 The site is located in the grounds of Delapre Park, an attractive parkland to the south of the town centre of Northampton.

4. PLANNING HISTORY

- 4.1 A number of planning permissions have been granted over the years associated with the Northampton Society of Model Engines including the erection of club premises in 1979. Following this, the organisation was granted permission in 1980 for a workshop and toilets facilities, replacement railway track in 1997 and workshop in 1999.

5. PLANNING POLICY

5.1 Development Plan

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

5.2 National Policies:

PPS1 – Delivering Sustainable Development
PPS5 - Planning for the Historic Environment
PPS25 - Development and Flood Risk
PPG24 - Noise

5.3 Northampton Borough Local Plan

E9 - Locally Important Landscape Area
E18 - Sites of Acknowledged Nature Conservation Value
E20 – New Development
E26 - Conservation Areas

6. CONSULTATIONS / REPRESENTATIONS

- 6.1 **Built Conservation (NBC)** - No objection, this minor development is unlikely to have any harm on the conservation area or listed building.

- 6.2 **Public Protection (NBC)** - No comments

- 6.3 **Environment Agency** - Comments awaited

7. APPRAISAL

- 7.1 The principal considerations are the impact on the appearance and character of the area, impact on neighbouring amenity, flood risk and effect on the Conservation Area / Listed Building.

Impact on appearance and character of the area

- 7.2 The proposed building is of modest scale measuring metres 2.7 metres long by 2.5 metres wide to a height of 2.7 metres and would have limited impact on the appearance of the area for this reason. Given that it would be a small building within the context of extensive parkland it would form a very minor form of development clearly not out of character with the nearby buildings associated with the railway of similar character. Due to its position, it would not have any adverse impact on the streetscene, as it would not be readily visible from London Road.

Impact on amenity and living conditions of neighbours

- 7.3 Due to the separation of 47 metres from the rear of the closest neighbours on Southfield Road to the proposed building and screening behind an existing 2 metre high fencing, it is considered that the impact on residential amenity would be minimal in terms of overbearing, overlooking and overshadowing. In terms of noise, the proposed building is unlikely to result in any significant impact over and above the existing use due to the nature of the proposed use combined with its siting some distance from the nearest residences. The Council's Environmental Health Section has been consulted and raises no concerns.

Flood Risk

- 7.4 The site is located within a high-risk flood zone given the proximity to the River Nene. The applicant has submitted a Flood Risk Assessment with the application and the Environment Agency (EA) has been consulted. At the time of drafting this report The EA's comments are awaited and these will be reported via the Committee Addendum. The recommendation to approve the application could be revised in light of comments received from the EA.

Impact on appearance and character of Conservation Area / Listed Building / Historic Battlefield

- 7.5 Given the modest scale of development, the Borough Conservation Officer raises no objections to the proposal in terms of the effect on the character and appearance of the Conservation Area, listed building or the registered battlefield.

Nature Conservation

- 7.6 Due to the very small scale of development proposed, it is considered that there would not be any significant detrimental impact on the area in terms of the effect on the setting of the park as part of the wider area and would reinforce the use of the site as an existing leisure facility.

8. CONCLUSION

- 8.1 For the reasons cited the proposed development is considered acceptable and compliant with local and national planning policy and is therefore recommended for approval subject to the conditions below.

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) 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 prior to commencement of construction work on site

Reason - In the interests of visual amenity to comply with Policy E20 of the Northampton Local Plan and aims of PPS1 and PPS5.

10. BACKGROUND PAPERS

- 10.1 N/2012/0051

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.

Position:	Name/Signature:	Date:
Author:	Jonathan Moore	13/02/12
Development Control Manager Agreed:	Gareth Jones	21/02/12



Name: Registration
 Date: 23rd February 2012
 Scale: 1:2000
 Dept: Planning
 Project: Location Plan

Title

Northampton Society Of Model Engines, Delapre Park

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PLANNING COMMITTEE: 6 March 2012
DIRECTORATE: Planning and Regeneration
HEAD OF PLANNING: Susan Bridge

N/2012/0058: Application for the variation of Condition 3 of Planning Permission N/2011/0588 to allow the pharmacy to be open between the hours of 7.30 and 22.30 on Mondays to Fridays, 8.00 and 22.30 on Saturdays and 8.00 – 18.30 on Sundays, Bank Holidays and Public Holidays
Abington Health Complex, 51a Beech Avenue, Northampton

WARD: Phippsville

APPLICANT: Mr. Nawaz; Beech Avenue Ltd
AGENT: Mr. B. Waine; Christopher Cox Solicitors

REFERRED BY: Cllr. A. King
REASON: The proposal would have an impact upon anti-social behaviour and security and generate late night noise

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 REFUSAL for the following reason:

By reason of the extent of the proposed operating hours, 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.

2. THE PROPOSAL

2.1 The applicant seeks permission to vary Condition 3 of Planning Permission N/2011/0588, which permits use of the pharmacy by members of the public between the hours of 8.00 – 22.30 on

Mondays to Fridays; 8.00 – 21.45 on Saturdays and 8.00 – 18.30 on Sundays and Bank Holidays.

3. SITE DESCRIPTION

- 3.1 The application site is located within a complex containing a doctor's surgery, clinic, opticians, dentists and a pharmacy. The immediate vicinity contains residential accommodation and a primary school located adjacent to the western boundary. The Birchfield Road East Local Centre is located approximately 100m to the south of the application site. Although a local centre, there are few late night uses beyond a relatively small number of hot food takeaways.

4. PLANNING HISTORY

- 4.1 An application for a comparable proposal was submitted in 2010 (application reference number N/2010/0700); however, this was withdrawn prior to a decision be issued. Subsequent to this, an application for a Certificate of Lawfulness for a Proposed Use (reference: N/2011/0338) was submitted as the applicant contended that planning permission was not required for the proposal. This application was also withdrawn.
- 4.2 The most recent application (reference N/2011/0588) was considered by the Planning Committee at the August 2011 meeting, which sought planning permission to operate a pharmacy at the premises. Although the application was refused, the subsequent appeal was successful, on account of the Inspector considering that subject to the imposition of appropriate conditions, including that the pharmacy should be only be open to members of the public between the hours of 8.00 – 22.30 on Mondays to Fridays; 8.00 – 21.45 on Saturdays and 8.00 – 18.30 on Sundays and Bank Holidays.

5. PLANNING POLICY

5.1 Development Plan

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

5.2 National Policies:

PPS1 – Delivering Sustainable Development
PPS4 – Planning for Sustainable Economic Growth
PPS23 – Planning and Pollution Control
PPG13 – Transport
PPG24 – Planning and Noise

5.3 **East Midlands Regional Plan**
Policy 2 – Promoting Better Design
Policy 22 - Regional Priorities for Town Centres & Retail
Development

5.4 **Northampton Borough Local Plan**

E40 – Planning and crime and anti-social behaviour
T11 – Commercial uses in residential areas
T12 – Development requiring servicing

5.5 **Supplementary Planning Guidance**
Northamptonshire County Parking Standards
Planning Out Crime in Northamptonshire

6. **CONSULTATIONS / REPRESENTATIONS**

6.1 **Environmental Health (NBC)** – No objections

6.2 **Highways (NCC)** – No objections

6.3 **Cllr. A. King** – Requesting that the application be determined by the Planning Committee as a result of concerns being expressed regarding the proposal in terms of anti-social behaviour, security and noise.

6.1 Letters of objection from **17 Abington Park Crescent; 4 Ambleside Close; 1 Ashley Close, Moulton; 135a Barton Road, Barton Seagrave; 51f, 74, 90, 92, 122 and 127 Beech Avenue; 146 and 166 Birchfield Road; 271 and 424 Birchfield Road East; 68 Booth Lane South; 84 Broadway; 101, 121, 125, 127 and 131 Broadway East; 48 and 169 Bush Hill; 29 Cedar Road; 118, 160 and 184 Cedar Road East; 51 Conyngham Road; 16 Cottingham Drive; 1 Earl Street; 44 Ecton Lane, Sywell; 6 Fieldway; 37 Grangewood; 16 Greenview Drive; 35 Hawthorn Road; 9 Holmfield Way; 310 Kettering Road; 56 Kingsley Park Terrace; 20 and 34 Lime Avenue; 4 Lindsay Terrace; 27 Mistletoe Place; 42 Oaklands Drive; 20 Overstone Road, Sywell; 154 Park Avenue North; 25 Pinetrees; 15 and 23 Ridgeway; 9 Sandiland Road; 10 Sheraton Close; 163 Sherwood Avenue; 11 Stanfield Road; 6 The Avenue; 53 The Drive; 24 The Headlands; 11 Weston Way; Abington Pharmacy; Fleetland Farm, New Duston; Heath Bank, Rugby Road, Lower Harlestone, Northamptonshire Local Pharmaceutical Committee; one unaddressed letter and a petition signed by 15 individuals. Comments can be summarised as:**

- The extended opening hours are not suitable for a residential area and the use is not complementary to the neighbouring land uses.
- The proposal would generate excessive noise and disturbance

- The opening hours were considered by the Planning Inspectorate, which deemed that 96³/₄ hours were acceptable. Given the limited time between the consideration of the appeal and this application, no justification has been put forward as to why the hours should be increased. These hours were intended to prevent an over intensification of the use.
- There has been no change in planning policy
- No justification has been submitted for increasing the number of opening hours
- There would be a detrimental impact upon traffic and highway safety
- The need for the facility is debatable
- Existing pharmacies are already operational
- The safety of staff is questioned
- Vandalism and anti-social behaviour is also likely to occur. This may be exacerbated by leaving the car park gates open.
- Comparable facilities are accessible from this location.
- The land owner would be responsible for the prescription and supplier of medication, which may create conflict.
- Alternative opening hours would create less of an impact
- The Inspector's decision should have been final.

6.2 Letters of support from the occupiers of **10 Addison Road; 126 Ardington Road; 30 Druids Way; 22 Fullingdale Road; 17 Highfield Road; 233 Kettering Road** (two letters); **32 Lauderdale Avenue; 18 Longmeadow; 21 Sheraton Close; 17 Spinney Hill Road; 22 Stanfield Road, 19 Underbank Lane, Moulton; 26 West Leys Court; 15 Wheatfield Gardens** and two unaddressed letters. Comments can be summarised as:

- The proposal would benefit patients and local residents by providing a service when other pharmacies are closed.
- The car park gates are already open until 9pm without causing disturbance
- There is no evidence of noise being created or groups of individuals congregating at the site.
- Adequate car parking would be provided and no external changes are required to the building.
- Not all residents have their own cars and public transport is limited on Sundays
- As the pharmacy can open at 8:00am, an opening time of 7:30am is unlikely to lead to any greater impacts.

7. APPRAISAL

7.1 This application focuses upon the wording of Condition 3 of Planning Permission N/2011/0588, which states that the pharmacy should be only be open to members of the public between the hours of 8.00 – 22.30 on Mondays to Fridays; 8.00 – 21.45 on Saturdays and 8.00 – 18.30 on Sundays and Bank Holidays. Within the appeal Inspector's

decision, it was held that a pharmacy operating these hours would not harm the amenity of surrounding properties through increased noise and disturbance. The applicant now seeks to vary these opening hours to operate for an additional 30 minutes on Mondays to Fridays (opening at 7.30), an extra 45 minutes on Saturdays (opening until 22:30). Sunday and Bank Holiday trading times would remain unchanged.

- 7.2 In considering this application, it should be recognised that the 2011 application (reference N/2011/0588) was revised to include these hours and it was these hours that the Committee refused Planning Permission and the Council prepared its statement of case when submitted to the Planning Inspectorate.
- 7.3 In allowing the appeal, the Inspector appears to discount these hours and expressly imposed different times as set out within Paragraph 7.1 above. Therefore, it is reasonable conclusion that the Inspector had considered the longer opening hours and deemed them unacceptable, hence the wording of Condition 3 that he opted to impose. Circular 11/95 provides guide on the use of conditions in order to render a planning application acceptable.
- 7.4 In order to grant a variation of condition in such instances, it is necessary to identify whether changed circumstances would render a different approach acceptable. Within the vicinity of the site, there have been no changes in the character of surrounding uses or their hours of operation. Furthermore, there have been no changes to national and local planning policies with relation to the matter of noise. This is combined with the short time frame between the Inspector's decision (which was issued in December 2011) and the submission of this application, it is considered that there are substantive or material changes in circumstances, which would warrant the granting of this application. For this reason, it is considered that the additional hours of operation, which would be focussed upon the early morning/night time periods, would generate excessive noise and disturbance to the detriment of residential amenity. For this reason, it is considered that the proposed revision of Condition 3 fails to comply with the requirements of PPG24 – Planning and Noise.
- 7.5 It is noted that a number of observations have been submitted regarding the impact on business viability. Although this point is noted, it is considered that it is not one that can be given any significant amount of weight in the planning process. In any event, the previous appeal conferred consent to the operation of a pharmacy within this location and as such the principle of the use has already been established.

8. CONCLUSION

8.1 By reason of the unchanged planning context between the consideration of this application and the previous appeal decision, it is considered that there is insufficient justification to warrant a greater period of opening for the pharmacy beyond that which the Inspector, on behalf of the Secretary of State, considered with reference to Circulate 11/95 to be maximum permissible. Therefore, it is considered that the revision of Condition 3 would give rise to an undue detrimental impact upon residential amenity and should therefore be refused.

9. BACKGROUND PAPERS

9.1 N/2010/0700
N/2011/0338
N/2011/0588

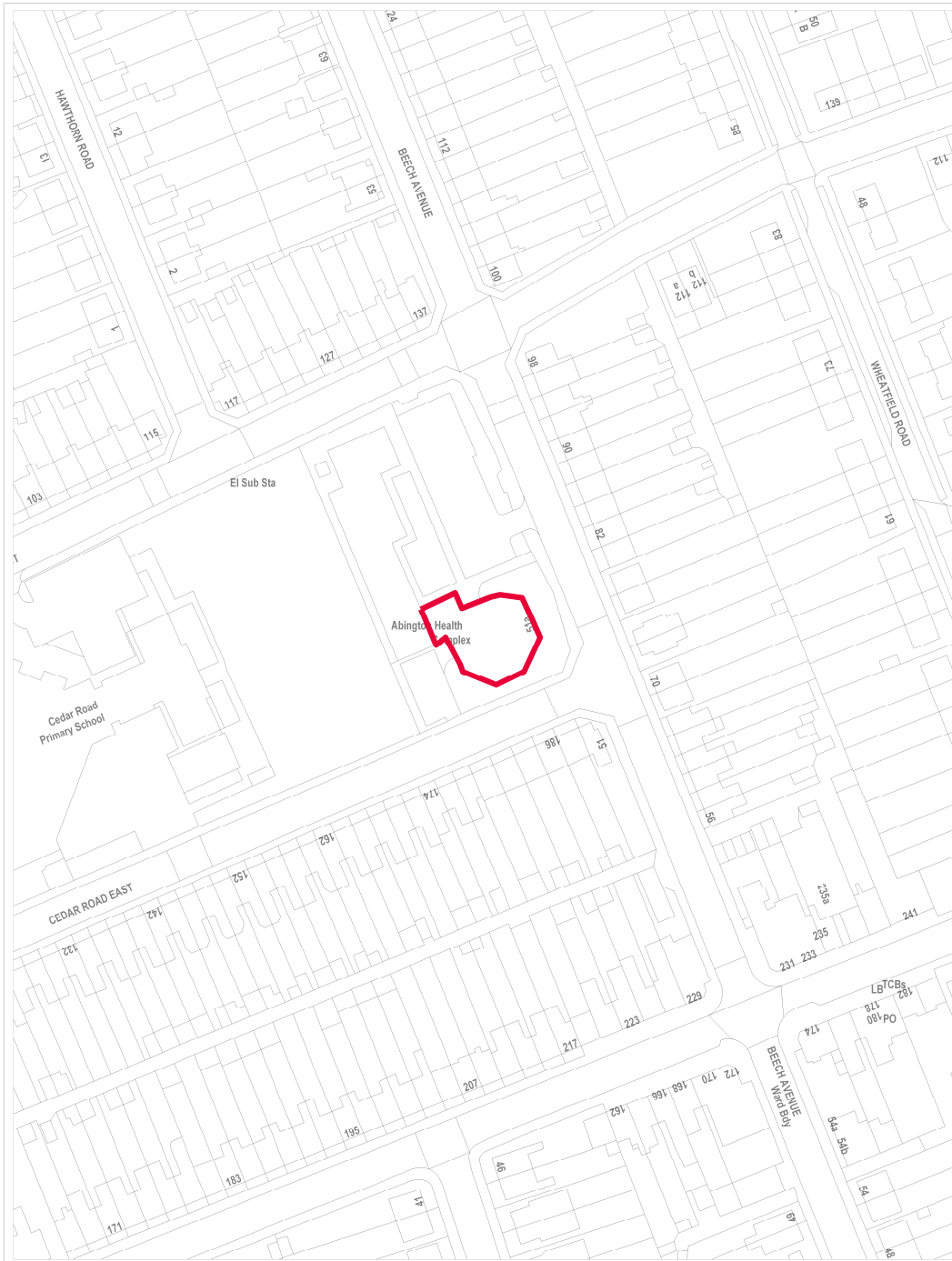
10. LEGAL IMPLICATIONS

10.1 None.

11. SUMMARY AND LINKS TO CORPORATE PLAN

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

Position:	Name/Signature:	Date:
Author:	Ben Clarke	22/02/2012
Development Control Manager Agreed:	Gareth Jones	22/02/2012



Name: Registration
 Date: 23rd February 2012
 Scale: 1:1250
 Dept: Planning
 Project: Location Plan

Title
Abington Health Complex, 51A Beech Avenue

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PLANNING COMMITTEE: 6th March 2012
DIRECTORATE: Planning and Regeneration
HEAD OF PLANNING: Susan Bridge

APP: N/2012/0070 Change of use from dwelling house (Use Class C3) to house in multiple occupation (Use Class C4) at 1 Chadstone Avenue, Northampton

WARD: Sunnyside

APPLICANT: Mr. Paul Stones
AGENT: Mr. Lee Randall

REFERRED BY: Cllr. Parekh
REASON: Detrimental impacts of the proposal on neighbour amenity and parking.

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

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

The proposal would not result in an over-concentration of similar uses in the area, the property is of sufficient size, and adequate off-street parking has been provided, and is therefore in accordance with Policy H30 of the Northampton Local Plan.

2. THE PROPOSAL

2.1 Permission is sought for a change of use from single dwelling (C3) to a house in multiple occupation (C4) which requires permission due to the Article 4(1) Direction in this area.

3. SITE DESCRIPTION

3.1 A detached two storey two bedroom house within a cul-de-sac in a residential area. Chadstone Avenue contains twelve houses with a mix of semis and detached houses.

4. PLANNING HISTORY

- 4.1 79/1138 – ground floor rear extension – approved

5. PLANNING POLICY

5.1 Development Plan

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

5.2 National Policies:

PPS1 – Delivering Sustainable Development
PPS3 – Housing

5.3 Northampton Local Plan

E20 – New Development
E19 – Implementing Development
H30 – Houses in Multiple Occupation

5.4 Supplementary Planning Guidance

Northamptonshire County Parking Standards SPG 2003

6. CONSULTATIONS / REPRESENTATIONS

- 6.1 **NBC Public Protection** – no objections

- 6.2 **NCC Highway Authority** – no response at the time of writing this report.

- 6.4 **Objections** received from **9, 49, 51 Yardley Drive; 60 Falcutt Way; 2, 6, 7, 12, 14 Chadstone Avenue; 1, 2 Upton Close** and a petition containing 72 signatures. The following summarises the neighbour objections:

6.4.1 Proposed use will exacerbate existing parking problems within the cul-de-sac and surrounding area, and prevent access by emergency vehicles and refuse lorry, also vehicles obstruct footpaths by parking on them;

6.4.2 The over-intensive use of the property will result in noise and general disturbance to residents;

6.4.3 The proposed use will have a detrimental effect upon the character and amenities of an established single family residential area;

6.4.4 Already a high proportion of houses in multiple occupation in the Sunnyside area which has a detrimental effect on the character of the area;

- 6.4.5 Possible restrictions in property's conveyance that would prevent the planning application being proposed legally;
- 6.4.6 The reason the Article 4 Direction was introduced was due to numerous problems and subsequent distress caused to neighbours of houses occupied by students;
- 6.4.7 Proposal will set a precedent for Chadstone Avenue and adjoining streets;
- 6.4.8 Dropped-kerb not wide enough to accommodate proposed additional off-street parking;
- 6.4.9 Drawing with application contravenes current building regulations;
- 6.4.10 Application goes against Council's original concept of having a private residential housing estate at Sunnyside; and
- 6.4.11 Two recent refusals of similar development cited.

7. APPRAISAL

- 7.1 Information provided with the application states that the proposal is intended for student accommodation, and that the property will be fully accredited by NBC, in partnership with the University of Northampton, and the National Landlord's Association. The management plan for the property includes a tenancy contract which covers issues which may affect surrounding amenity, e.g. noise disturbance, handling of rubbish/recycling materials, and the general maintenance of the property.
- 7.2 The proposed use is assessed against Policy H30 of the Northampton Local Plan which states that permission for such a use would be granted as long as:
 - The property is of sufficient size;
 - It would not result in an over-concentration of similar uses which would be detrimental to the amenities of neighbouring residents in the locality; and
 - Would not create a substantial demand for on-street parking in areas experiencing local difficulties in this respect.

Size of property

- 7.3 The submitted plans indicate five bedrooms within the house (3 at first floor and 2 at ground floor), with shared space (kitchen/diner and living room) on the ground floor and a communal bathroom at first floor. These plans demonstrate that the property is large enough to house 5 people as all of the rooms are of a sufficient size, configuration and shape to support the proposed use and there is adequate amenity and general space within the curtilage of the dwelling.

Over-concentration of use/Neighbour amenity

- 7.4 When assessing this issue, recent data collected from Council records (Council Tax and Private Sector Housing) combined with the case

officer's observations of the area indicates that there are very few houses in multiple occupation within this vicinity, and none within Chadstone Avenue itself.

- 7.5 Other issues that may affect neighbour amenity usually associated with HIMO's are accumulations of refuse on the street, and disturbance due to noise and the intensified use of the site. In response to these potential issues officers have requested information from the applicant regarding the management of the property / use proposed and the applicant has demonstrated his intention to manage these issues via a management plan (see para. 7.1). This matter can be controlled via condition.

Parking

- 7.6 Notwithstanding the concerns of neighbouring residents as to existing parking problems in the area, the proposal includes 5 off-street parking spaces. It is considered that this satisfactorily mitigates any potential additional parking issues that may result from the proposed use of this property.

Other concerns of neighbours

- 7.7 Issues raised by neighbours in points 6.4.1 to 6.4.4 have been considered in the above paragraphs. In response to the remaining points, which are not material planning considerations:
- Point 6.4.5: any planning permission granted does not prejudice any covenants on the deeds of the property.
- Point 6.4.6: the Article 4(1) Direction provides the Council with some control over such changes of use that would normally be permitted under the Use Classes Order.
- Point 6.4.7: applications are assessed on their individual merits; precedent of this type is not a material consideration.
- Point 6.4.8: the installation of a dropped-kerb in this location does not require planning permission.
- Point 6.4.9: any permissions required under the Building Regulations are separately applied for.
- Point 6.4.10: the proposed use does not change the residential nature of the area.
- Point 6.4.11: each application is assessed individually.

8. CONCLUSION

- 8.1 With the above assessment, it is considered that this application is in accordance with policy: the property is large enough for five people; there is clearly no over-concentration of similar uses in the area which would result in a detrimental impact upon amenity and character of the area; and adequate off-street parking has been provided.
- 8.2 The proposed use is of a residential nature within a residential area, and accordingly the application is recommended for approval.

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) Prior to the first use of the property for the use hereby permitted a Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Management Plan shall ensure the proper supervision of the residents of the premises to minimise the impact on surrounding residents and be so implemented at all times the property is in multiple occupation use. The use shall only proceed and continue in full accordance with the approved Management Plan.

Reason: In the interests of residential amenity and the character of the area and to comply with policy H30 of the Northampton Local Plan.

- (3) The premises shall be used as a house in multiple occupation for a maximum of five residents only.

Reason: To ensure that a satisfactory standard and layout of accommodation is provided in the interests of the amenity of occupants and nearby residents in accordance with Policy E20 of the Northampton Local Plan.

- (4) 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. Refuse shall at all times be stored fully within the curtilage of the site, except on the day of collection.

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

10. BACKGROUND PAPERS

- 10.1 None.

11. LEGAL IMPLICATIONS

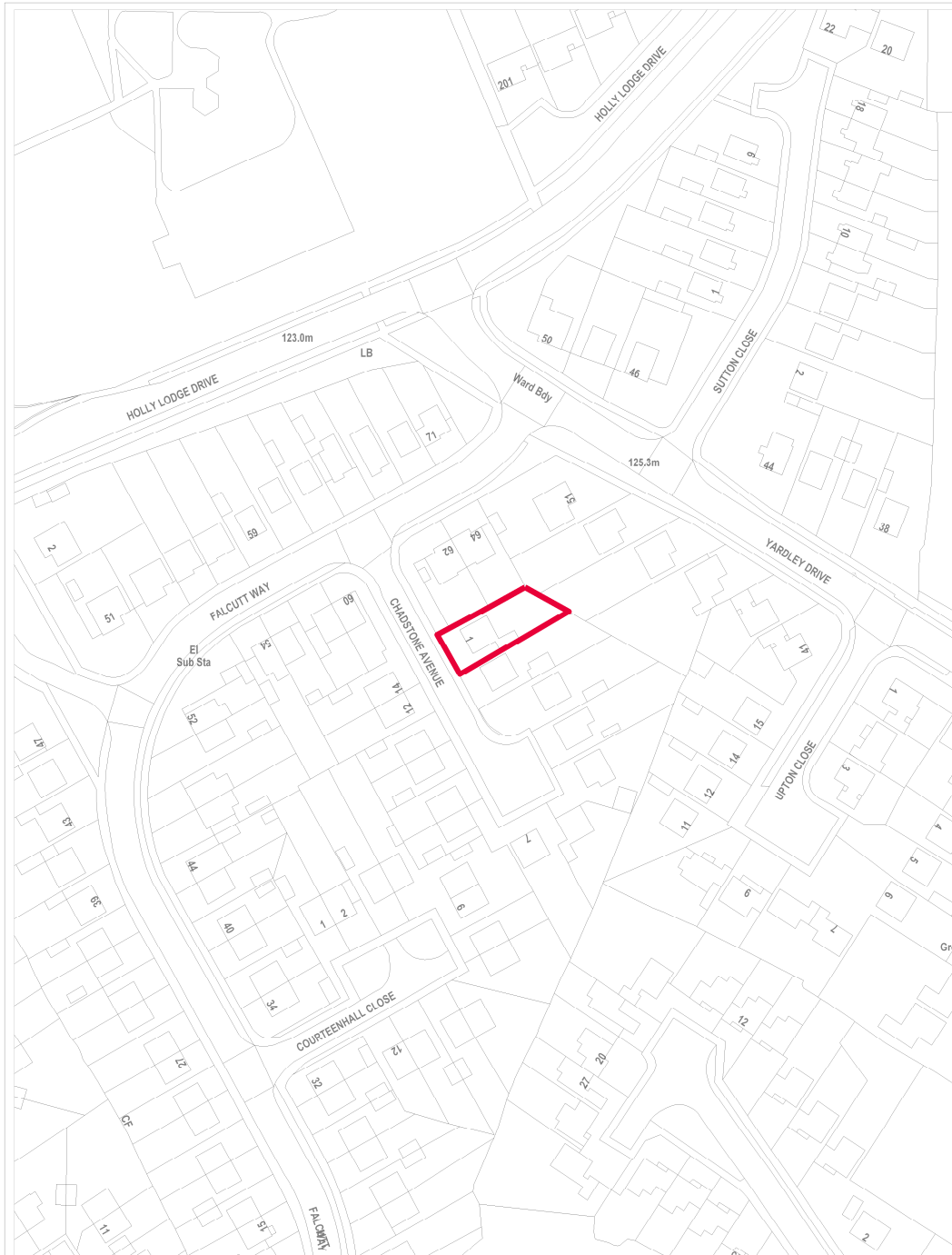
- 11.1 None.

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.

Position:	Name/Signature:	Date:
Author:	E. Williams	23/02/2012
Development Control Manager Agreed:	Gareth Jones	24/02/2012



 <p>NORTHAMPTON BOROUGH COUNCIL</p>	<p>Name: Registration Date: 23rd February 2012 Scale: 1:1250 Dept: Planning Project: Location Plan</p>	<p>Title 1 Chadstone Avenue</p> <p>Produced from the 2011 Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100019655</p>
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