



NORTHAMPTON
BOROUGH COUNCIL

PLANNING AGENDA

Tuesday, 30 July 2013

The Jeffrey Room, St. Giles Square, Northampton,
NN1 1DE.

6:00 pm

Members of the Committee

Councillor: Brian Oldham (Chair), Matthew Lynch (Deputy Chair)

Councillors: Iftikhar Choudary, Nazim Choudary, Penny Flavell, Michael Ford, Matthew Golby, Jamie Lane, Lee Mason, Dennis Meredith, David Palethorpe and Mohammad Aziz Rahman

Chief Executive David Kennedy

If you have any enquiries about this agenda please contact
democraticservices@northampton.gov.uk or 01604 837587

PLANNING COMMITTEE

AGENDA

Meetings of the Planning Committee will take place at 6.00pm on 19 November, 16 December 2014. 28 January, 17 February and 24 March 2015.

The Council permits public speaking at the Planning Committee as outlined below:

Who Can Speak At Planning Committee Meetings?

- Up to 2 people who wish to object and up to 2 people who wish to support an individual planning applications or any other matter on the public agenda.
- Any Ward Councillors who are not members of the Planning Committee. If both Ward Councillors sit on the Planning Committee, they may nominate a substitute Councillor to speak on their behalf.
- A representative of a Parish Council.

How Do I Arrange To Speak?

- Anyone wishing to speak (not including Ward Councillors who must let the Chair know before the start of the meeting) must have registered with the Council's Democratic Services section not later than midday on the day of the Committee.
NB: the Council operate a 'first come, first serve' policy and people not registered to speak will not be heard. If someone who has registered to speak does not attend the meeting their place may be relocated at the discretion of the Chair.

Methods of Registration:

- By telephone: 01604 837587
- In writing to: Northampton Borough Council, The Guildhall, St. Giles Square, Northampton , NN1 1DE, Democratic Services (Planning Committee)
- By email to: democraticservices@northampton.gov.uk (if no acknowledgement is received please telephone)

When Do I Speak At The Meeting

- A Planning Officer may update the written committee report then those registered to speak will be invited to speak.
- Please note that the planning officer can summarise issues after all the speakers have been heard and before the matter is debated by the Planning Committee Members and a vote taken.

How Long Can I Speak For?

- All speakers are allowed to speak for a maximum of three minutes.

Other Important Notes

- Speakers are only allowed to make statements – they may not ask questions or enter into dialogue with Councillors, Officers or other speakers.
- Consideration of an application will not be delayed simply because someone who is registered to speak is not in attendance at the time the application is considered
- Confine your points to Planning issues: Don't refer to non-planning issues such as private property rights, moral issues, loss of views or effects on property values, which are not a material consideration on which the decision will be based.
- You are not allowed to circulate new information, plans, photographs etc that has not first been seen and agreed by the Planning Officers
- Extensive late representations, substantial changes, alterations to proposals etc. will not be automatically accepted, due to time constraints on Councillors and Officers to fully consider such changes during the Planning Committee Meeting.

NORTHAMPTON BOROUGH COUNCIL

PLANNING COMMITTEE

Your attendance is requested at a meeting to be held:
in The Jeffrey Room, St. Giles Square, Northampton, NN1 1DE.
on Tuesday, 30 July 2013
at 6:00 pm.

D Kennedy
Chief Executive

AGENDA

1. APOLOGIES

2. MINUTES

3. DEPUTATIONS / PUBLIC ADDRESSES

4. DECLARATIONS OF INTEREST/PREDETERMINATION

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

6. LIST OF CURRENT APPEALS AND INQUIRIES

Report of Head of Planning (copy herewith)

7. OTHER REPORTS

(A) LA/2010/0011 AND 0013, LAND OFF SOUTH MEADOW ROAD, ST CRISPINS, DEED OF VARIATION TO S106 AGREEMENT

Report of the Head of Planning (copy herewith).

8. NORTHAMPTONSHIRE COUNTY COUNCIL APPLICATIONS

None.

9. NORTHAMPTON BOROUGH COUNCIL APPLICATIONS

None.

10. ITEMS FOR DETERMINATION

(A) N/2013/0513 CHANGE OF USE FROM RESIDENTIAL (USE CLASS C3) INTO HOUSE IN MULTIPLE OCCUPATION FOR 3NO. OCCUPANTS (USE CLASS C4) AT 31 LESLIE ROAD, SEMILONG

Report of Head of Planning (copy herewith).

Ward: Semilong.

(B) N/2013/0587 ERECTION OF TWO STOREY DWELLING (REVISION OF PLANNING PERMISSION N/2011/1120) AT 56 GREENFIELD ROAD

Report of Head of Planning (copy herewith).

Ward: Eastfield.

11. ENFORCEMENT MATTERS

None.

12. ITEMS 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:-**

NORTHAMPTON BOROUGH COUNCIL

PLANNING COMMITTEE

Tuesday, 2 July 2013

PRESENT: Councillor Flavell (Chair); Councillor Golby (Deputy Chair);
Councillors Aziz, Caswell, I. Choudary, N Choudary, Lane, Mason,
Oldham and Palethorpe

1. APOLOGIES

Apologies for absence were received from Councillor Meredith.

2. MINUTES

The minutes of the meeting held on 11 June 2013 were agreed and signed by the Chair.

3. DEPUTATIONS/PUBLIC ADDRESSES

RESOLVED: That Mr Seamark, Ms Percival, Councillor Davies and Mr Oliver be granted leave to address the Committee in respect of item N/2012/0909.

That Mr Shah be granted leave to address the Committee in respect of item N/2013/0267.

That Councillor Mennell be granted leave to address the Committee in respect of item N/2013/0445.

(A) RECORDING/FILMING OF MEETINGS

The Chair stated that there would be a change to the Constitution to allow members of the public to film and record proceedings at meetings. The Borough Secretary detailed the rules that would apply for such recordings, which were that they must not be disruptive to the business of the meeting or be personal intrusive.

4. DECLARATIONS OF INTEREST/PREDETERMINATION

Councillor Iftikhar Choudary declared a personal non-prejudicial interest in application no. N/2013/10267 as he occasionally used the Community and Education Centre and had some contact with committee members there.

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

None.

6. LIST OF CURRENT APPEALS AND INQUIRIES

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

RESOLVED: That the report be noted.

7. OTHER REPORTS

None.

8. NORTHAMPTONSHIRE COUNTY COUNCIL APPLICATIONS

None.

9. NORTHAMPTON BOROUGH COUNCIL APPLICATIONS

None.

10. ITEMS FOR DETERMINATION

(A) N/2011/1278 RESIDENTIAL DEVELOPMENT COMPRISING 45 NO, APARTMENTS, ASSOCIATED ACCESS, PARKING, DRAINAGE, LANDSCAPE AND PUBLIC OPEN SPACE. LAND AT OLD TOWCESTER ROAD, SOUTHBRIDGE, NORTHAMPTON

The Head of Planning submitted a report in respect of application no. N/2011/1278, elaborated thereon and referred to the Addendum in which an additional condition relating to cycle storage facilities was proposed and further comments of NCC Development Management were reported.

The Committee discussed the report.

RESOLVED:

1. That the application be **APPROVED IN PRINCIPLE** subject to the prior finalisation of a S106 legal agreement, and conditions (including an additional condition in respect of cycle storage facilities set out in the Addendum) and for the following reason:

The proposal would represent the effective re-use of a vacant previously developed site and would not unduly impact on neighbouring amenity, highway safety or the character of the area. The proposal is therefore in accordance with National Planning Policy Framework and Policies 1, 4, 5, 9, 10 and 27 of the Central Area Action Plan.

2. That delegated authority be given to the Head of Planning to negotiate the detail of a **Section 106 Legal Agreement** to secure the provision of 5 affordable housing units on site or if a suitable Registered Social Landlord cannot be found, the provision of a commuted sum to contribute towards the provision of affordable housing off-site. The reasons for this are set out in paragraphs 7.20 – 7.23 of the Committee report.
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 refuse or finally dispose of the application at their discretion on account of the necessary mitigation measures not being secured in order to make the proposed development acceptable.

(B) N/2012/0909 PROPOSED RESIDENTIAL DEVELOPMENT OF 142 DWELLINGS, GARAGES AND ASSOCIATED WORKS, INCLUDING NEW ACCESS ROUNDABOUT, LAND OFF LANCASTER WAY, TOWCESTER ROAD, NORTHAMPTON

The Head of Planning submitted a report in respect of application no. N/2011/0909, elaborated thereon and referred to the Addendum that contained several further comments and the officer responses to those comments as well as revised wording to paragraph 7.38 of the Committee report.

The Borough Solicitor referred to an email from Mr Seamark, which queried the accuracy of the ownership certificate provided with the application. The Borough Solicitor stated that a planning authority cannot entertain an application for planning permission unless it is accompanied by an appropriate certificate as to ownership. In this case, the applicants have submitted a certificate which at face value complies with the legal requirements and no clear evidence has been provided to indicate that the certificate is inaccurate.

The Head of Planning stated that there is a factual error in the Council's Environmental Impact Assessment (EIA) screening opinion letter in respect of the proposed development. He briefly explained the screening process and added that the proposed development had been correctly screened but that the letter confirming that no EIA is required contained a factual error regarding the site history. Therefore the recommendation was changed as follows: officers would re-screen the application to establish if an EIA is required. If an EIA is not required the application would proceed as per paragraphs 1.1 to 1.3 of the Committee report. If an EIA is required the Committee and the applicant would be advised and then the matter would be pursued accordingly with the application being brought back to the Committee for consideration in due course.

Mr Seamark, representing the Buckingham Fields Community Action Group, addressed the Committee. He referred to issues regarding the ownership of the land and that it was an area for housing, not commercial use. He stated that the report did not refer to heavy metals on the site and to contamination, to land which the developer did not own, land which might be turned into a road without the owner's consent, the need to know ground levels missing documents, and that it would not be possible to see the back gardens from houses in some cases.

Ms Percival, representing the Buckingham Fields Community Action Group, addressed the Committee. She stated that the Urban Designer's comments were less enthusiastic than suggested in the report and referred to the Police Crime Prevention Design Advisor's objection to a link from the site to Towcester Road and Leah Bank. She referred to parking issues which had not been addressed and to vehicle dominance plus areas being left undeveloped. She also referred to properties from which it would not be possible to see their own back gardens.

Councillor Davies, as a Ward Member, addressed the Committee stating that she and the other speakers were not against the application per se but wanted the Committee to be able to make an informed decision. The community were happy to work with the developer to make the development less obtrusive. The path through the site would become a road but would not be adopted as the owner was unknown.

She stated that land levels needed to be known to ascertain the effect of the development on neighbouring properties. She referred to the T junction which was acceptable to all parties, rather than a roundabout, but which was not mentioned in the report, to contamination on the site and to Police concerns not addressed in the report.

Mr Oliver, representing Bovis Homes, addressed the Committee. He stated that the company was confident they could deliver the scheme, on which the local authority and residents had been consulted. The scheme would include 50 affordable units and a S106 package worth £1.2m. There would be management plans for all areas on the site and land could be requisitioned under s228 of the Highways Act 1980 if needed for a development. The difference in level across the site was approximately 11m and Bovis did not intend to raise levels around the boundary. Bovis intended to use local contractors on the development wherever possible.

The Committee discussed the report.

RESOLVED:

1. That the application be **APPROVED IN PRINCIPLE** subject to re-screening to ascertain whether an Environmental Impact Assessment is required, conditions and the matters in paragraphs 1.2 and 1.3 of the report for the following reason:

The proposed development, subject to conditions, would result in the effective reuse of this vacant site and would not have undue adverse impact upon visual and neighbour amenity and highway safety. The proposal is therefore compliant with the requirements of the National Planning Policy Framework and Local Plan Policies E11, E19, E20, E40 and H8.

2. That delegated authority be given to the Head of Planning to negotiate the detail of a Section 106 Legal Agreement to secure the following or combination of these with a view to optimising the affordable housing provision provided on site:
 - i) 35% on-site affordable housing;
 - ii) Primary School Education payment;
 - iii) A payment towards the increase in capacity of Queen Eleanor interchange in accordance with the A45/M1 Growth Management Scheme;
 - iv) A payment towards improvements in highway capacity;
 - v) A payment towards increasing public transport provision;
 - vi) That the on-site Public Open Space is maintained and made available for public access in perpetuity;
 - vii) That the on-site Public Open Space and allotments are maintained in accordance with the Landscape Management Plan, dated April 2013 and received by the Council on the 9th May 2013;
 - viii) Training opportunities for construction workers and associated administration costs;

- ix) A payment towards Community Development (which can include the provision and/or enhancement of off-site open space, such as Delapre Parkland);
 - x) Place Making payment (which can include public realm improvements, public art and town/local centre improvements);
 - xi) The Council's monitoring fee.
3. That in the event of the Section 106 Legal Agreement not being completed within three calendar months of this Committee meeting, in addition to being able to grant planning permission as recommended above, the Head of Planning be given delegated authority to either refuse or finally dispose of the application (at their discretion) on account of the necessary mitigation measures have not been secured in order to make the proposal acceptable in line with the requirements of Northampton Local Plan Policy E19 and the National Planning Policy Framework.

(C) N/2013/0235 CREATION OF ADDITIONAL 1,303SQM RETAIL FLOORSPACE AT MEZZANINE LEVEL AT UNIT C, NENE VALLEY RETAIL PARK, TOWCESTER ROAD

The Head of Planning submitted a report in respect of application no. N/2011/0235, elaborated thereon and referred to the Addendum that contained further correspondence from the applicant and the officer response, including a suggested amendment to allow the sale of convenience goods from an ancillary café facility.

The Committee discussed the report.

RESOLVED: That the application be **APPROVED** subject to the terms of the unilateral undertaking that has been submitted by the applicants (S106) to limit the increase in the overall level of mezzanine floorspace at the park and secure a payment towards the improvement of the Gas Street roundabout and the conditions set out in section 9 of the report (plus an amendment to allow the sale of convenience goods from an ancillary café facility as set out in the Addendum) and for the following reason:

The mezzanine floorspace proposed is located within an existing retail unit within an out of centre location. However, it is considered that there are no sequentially preferable sites that are available, viable and suitable for the proposed development and the restriction of sales to 'bulky goods' (as set out in the attached conditions) will ensure that the scheme will not result in any significant adverse impact upon the town centre or district / local centres within the area. Furthermore, under the terms of the unilateral undertaking, the proposal will not result in an increase in the level of mezzanine floorspace at the retail park over and above that approved under application reference N/2012/0540. The identified highway impact resulting from increased vehicular trips can be adequately mitigated through off-site highway improvements secured through a unilateral undertaking. Consequently, it is considered that the proposal is compliant with the aims and objectives of the National Planning Policy

(D) N/2013/0267 VARIATION OF CONDITION 3 OF PLANNING PERMISSION N/2010/1037 TO ALLOW THE COMMUNITY AND EDUCATION CENTRE TO OPERATE BETWEEN 10AM AND 1AM FOR A MAXIMUM OF 30 DAYS PER CALENDAR YEAR. THE CENTRE TO OPERATE BETWEEN 10AM AND 11PM ON ALL OTHER DAYS, FORMER CLICKER PUBLIC HOUSE, 1 COLLINGDALE ROAD NORTHAMPTON.

The Head of Planning submitted a report in respect of application no. N/2011/0267 and elaborated thereon.

Mr Shah addressed the Committee, stating that he was acting as the solicitor for the applicants. He stated that permission had been granted in the previous year on a trial basis and there had been no problems. The application was so that the applicants did not have to seek planning consent on an annual basis. The extension of hours was for the period of Ramadan to allow breaking of the fast and worship. Many people left before 1.00am on those days, with only approximately 25 people staying until that time. As the days became shorter so the time people stayed at the centre would become shorter. There had been some issues regarding car parking, mainly on Friday afternoons but these had been resolved through introducing a car parking marshal and allowing the school to use the premises car park for drop off and collection of pupils.

Councillor Lynch had indicated that he wished to speak on the application but was not present at the meeting. The Head of Planning stated that Councillor Lynch had raised the issue of cars parking in neighbouring streets at the site meeting.

The Committee discussed the report.

RESOLVED: That the application be **APPROVED** subject to conditions (including that the number of days approved be thirty consecutive days) and for the following reason:

The proposal, by reason of the limited number of days involved and subject to conditions, would have a neutral impact upon residential amenity and therefore is in compliance with the requirements of the National Planning Policy Framework.

(E) N/2013/0445 CHANGE OF USE OF GROUND FLOOR FROM RETAIL (CLASS A1) TO HOT FOOD TAKEAWAY (CLASS A5) AND CREATE 1NO. SELF-CONTAINED FLAT ON FIRST FLOOR AND SECOND FLOOR; INSTALLATION OF EXTRACTION FLUE TO THE REAR AND ALTERATION OF SHOP FRONT INCLUDING ACCESS TO UPPER FLOOR FLAT AND ALTERATION TO EXISTING ROLLER SHUTTER TO FRONT.70 KINGSLEY PARK TERRACE

The Head of Planning submitted a report in respect of application no. N/2011/0445, elaborated thereon and referred to the Addendum that contained comments from the Crime Prevention Design Officer.

Councillor Mennell as Ward Member addressed the Committee, referring to litter and rubbish which would be likely to accumulate around the entrances to the premises if the application were to be approved. She also referred to a bus stop sited outside the premises, a lodge where vulnerable people lived which faced the premises and the congested nature of the Kettering Road.

The Committee discussed the report.

RESOLVED: That the application be **APPROVED** subject to conditions as agreed (including the provision, subject to ownership issues, of a litter bin) and for the following reason:

Whilst the change of use of the premises to a hot food takeaway would result in the loss of a shop use within the Local Centre there would remain a sufficient number of units and frontage in retail use within the locality such that the shopping character of the Local Centre would be retained. The proposal would bring back into use a vacant premises on a prominent shopping frontage in line with government objectives to encourage economic growth. Sufficient parking provision is available such that highway conditions would not be adversely affected and subject to the conditions proposed surrounding amenity would not be adversely affected and would also allow for suitable residential accommodation on the upper floors of the premises. The proposal is therefore in accordance with Policy R9, Policy H7 and Policy H26 of the Northampton Local Plan and NPPF paragraphs 17, 18, 19 & 49 and is considered acceptable.

11. ENFORCEMENT MATTERS

None.

12. ITEMS FOR CONSULTATION

None.

The meeting concluded at 7:50 pm.

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



List of Appeals and Determinations – 30th July 2013

Written Reps Procedure			
Application	Del/PC	Description	Decision
N/2012/1166 APP/V2825/H/13/2194528	DEL	Externally illuminated advertisement display panels at Royal Mail, 55 Barrack Road	AWAITED
N/2012/1219 APP/V2825/A/13/2196964	DEL	Conversion of existing garage into a 1no. bed dwelling including front and rear dormers to roof and erection of front bay window and side porch at 9 Manor Road, Kingsthorpe	AWAITED
N/2012/1267 APP/V2825/A/13/2197666	DEL	Change of use to house of multiple occupation for up to 8 people (Use Class Sui Generis) – Retrospective at 1 Manfield Road	AWAITED
N/2012/0904 APP/V2825/D/13/2198748	PC	Two storey side extension, single storey front and rear extensions and erection of front canopy at 1 Whittlebury Close.	AWAITED
N/2012/1281 APP/V2825/D/13/2198764	PC	Single storey front porch extension, first floor balcony/terrace to rear & detached double garage at 5 Belfry Lane	AWAITED
N/2013/0131 APP/V3825/A/13/2198834	PC	Redevelopment of site to provide a convenience store (class A1) including ancillary parking and service area at Ashtree Service Station, 237-245 Main Road, Duston	AWAITED
N/2013/0181 APP/V2825/D/13/2200499	DEL	Single storey rear extension, hipped roof converted to gable and erection to rear dormer at 46 Berry Lane	AWAITED
N/2013/0226 APP/V2825/H/13/2200032	DEL	Non illuminated display boards (8 at 5m x 4m) at first floor and infill panel together with mural at ground floor at The White Horse Public House, 25A Harborough Road	AWAITED
N/2013/0297 APP/V2825/A/13/2200829	PC	Erection of single-storey dwelling including detached garage (as amended by revised plans and additional information received 21/05/2013) at land rear of 25 Penfold Lane	AWAITED
Public Inquiry			
		None	
Hearing			
		None	

The Address for Planning Appeals is: Mr Brian Rowe, Room 301, The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN.	Appeal decisions can be viewed at - www.planningportal.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



PLANNING COMMITTEE: 30 July 2013

DIRECTORATE: Regeneration, Enterprise and Planning

HEAD OF PLANNING: Susan Bridge

REPORT TITLE: LA/2010/0011 and 0013, Land Off South Meadow Road, St Crispins, Deed of Variation to S106 agreement

1. RECOMMENDATION

- 1.1 That the Committee agree to the variation of the S106 agreement as set out in this report.

2. BACKGROUND

- 2.1 In February 2011, WNDC (the Planning Authority at the time) entered into a S106 agreement in relation to an application to erect 80 dwellings on land off South Meadow Road, adjacent to the St. Crispin's estate.
- 2.2 The S106 contains a number of obligations with regard to affordable housing, off-site highway works and financial contributions to be made under WNDC's 'Standard Charge' contributions mechanism. The standard charge payments from the scheme are to be made over 4 instalments. Any obligations on WNDC, the former Planning Authority, transferred to NBC in April 2012.
- 2.3 Construction is underway at the site and a number of obligations have been discharged. The first standard charge payment has been made.
- 2.4 In terms of affordable housing, 35% (27 dwellings) of the scheme will comprise affordable units, with a mix of 70/30 social rent/ shared ownership. The Registered Social Landlord (RSL) taking forward the affordable units is Home Group Ltd.

3. PROPOSED VARIATION

- 3.1 Home Group Ltd wish to vary paragraph 10 (c) of the agreement which relates specifically to the shared ownership (intermediate) units. This paragraph and the associated paragraph 14 require that any tenants of

a shared ownership unit who wish to dispose of that unit, shall not do so on the open market unless they have satisfied the following requirements:

- Served notice on the affordable housing provider and the Borough Council, stating their intention to dispose of the property;
- Provided three written assessments of the market value of the property;
- Allowed the affordable housing provider to market the property through the housing allocations and choice based lettings scheme at a price to be agreed.

3.2 Essentially, these requirements allow dwellings in which the tenant owns a part stake to be re-marketed. These requirements should fall away once a tenant has 'staircased' up and acquired 100% equity in the property i.e. there is little point in the affordable provider marketing a property in which a 100% stake has been acquired because it would have full market value making it unaffordable. However, due to a drafting error in the S106 at paragraph 10(c) (Schedule 4), tenants who acquire 100% are still required to go through this process under the terms of the agreement.

3.3 Accordingly, Home Group Ltd has proposed an amendment to the S106 by deed of variation which would amend paragraph 10(c). The new wording would state that the restrictions on the disposal of the affordable housing units shall

(c) cease to apply to a tenant of an intermediate Housing Unit who has acquired 100% share in the value of the Intermediate Housing Unit and any successors in title

4. CONCLUSION

4.1 Officers have discussed the amendment with colleagues from Housing Strategy and are satisfied that the wording in the original S106 was included in error. Once a tenant has acquired 100% stake in a dwelling, they should be free from any restrictions set out in the S106 agreement, insofar as it relates to the disposal of the dwelling. It is therefore recommended that the agreement is amended as set out above.

5. LEGAL IMPLICATIONS

5.1 As set out in the report.

6. SUMMARY AND LINKS TO CORPORATE PLAN

6.1 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.



Addendum to Agenda Items Tuesday 30th July 2013

10. ITEMS FOR DETERMINATION
<p>10a N/2013/0513 Change of use from residential (use class C3) into house of multiple occupation for 3no. occupants (use class C4). 31 Leslie Road, Semilong</p>
<p>None.</p>
<p>10b N/2013/0587 Erection of 2 storey detached 3-bedroom dwelling (revision of Planning Permission N/2011/1120). 56 Greenfield Road</p>
<p>Amended Condition 6: The oriel bay window of Bedroom 3 facing the rear garden of the adjacent dwelling at No. 44 Elmhurst Avenue shall be glazed with obscure glass and fixed at all times. The windows to the bathroom/ en-suite and landing on the first floor shall also be glazed with obscure glass prior to the development hereby permitted is occupied and retained in that form at all times.</p> <p>Reason: To safeguard the privacy of the adjoining properties in accordance with Policy E20 of the Northampton Local Plan.</p>
11. ENFORCEMENT MATTERS
<p>None</p>
12. ITEMS FOR CONSULTATION
<p>None</p>



PLANNING COMMITTEE: 30 July 2013
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Susan Bridge

N/2013/0513 **Change of use from residential dwelling (use class C3) into house in multiple occupation for 3 occupants (use class C4) at 31 Leslie Road, Northampton**

WARD: **Semilong**

APPLICANT: **Mr Darren Newland**
AGENT: **None**

REFERRED BY: **Councillor Les Marriott**
REASON: **Over concentration of HIMOs in area**

DEPARTURE: **No**

APPLICATION FOR DETERMINATION

1. RECOMMENDATION

APPROVAL subject to conditions and for the following reason:

- 1.1 The proposal would not have an undue detrimental impact on the character of the locality or on the residential amenity of the area and would not give rise to highway safety problems. The proposal is therefore compliant with the guidance contained within the National Planning Policy Framework and with Policies H6 and H30 of the Northampton Local Plan.

2. THE PROPOSAL

- 2.1 Full planning permission is sought for change of use of a dwelling house to 3 persons HIMO. Permission is required as the site falls within the Article 4 Direction Area which removes permitted development rights for changes of use to small HIMOs (between 3 and 6 persons).

3. SITE DESCRIPTION

- 3.1 The application site is located in Semilong and consists of a 2 storey terraced dwelling along a residential street of similar properties. It has a modest private rear garden and parking is provided on street to the front.

4. PLANNING HISTORY

- 4.1 No recent relevant history.

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 the saved policies of the Northampton Local Plan 1997.

5.2 National Policies:

National Planning Policy Framework (NPPF)

5.3 Northampton Borough Local Plan

H6 - Housing within Primarily Residential Areas
H30 - Houses in Multiple Occupation

5.4 Supplementary Planning Guidance

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

6. CONSULTATIONS/ REPRESENTATIONS

- 6.1 **Highway Authority (NCC)** No objections.

- 6.2 **Public Protection (NBC)** The following problems are associated with this type of development:-

- Noise between adjacent residential units
- Noise and vibration from sanitary and mechanical services

If minded to grant the application, recommend that conditions are imposed relating to controlling the above.

- 6.3 Objection from the **Semilong Forum** (the Local Residents Association) on:-
- The Semilong area is already over-subscribed with shared rented accommodation with its associated social problems.
- 6.4 Objection from **County Councillor Sarah Uldall** on:-
- Concerns on potential over-crowding and refuse issues
 - Impact on neighbours amenity
 - Concerns on impact on fire service and regulations.
- 6.5 Referred to Committee by **Councillor Les Marriott** on grounds of over-concentration of such uses in the area.

7. **APPRAISAL**

Policy context

- 7.1 The National Planning Policy Framework (NPPF) does not offer specific guidance to Local Planning Authorities (LPAs) in respect to dealing with applications for the change of use from a dwelling to a house in multiple occupation. It does however urge LPAs to plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (paragraph 50). Saved policies H30 contained within the Northampton Local Plan states that permission for such a use should be granted as long as the property is of sufficient size, that proposals should not result in an over-concentration of similar uses that would be detrimental to the amenities of neighbouring residents in the locality, and should not create a substantial demand for on-street parking in areas experiencing local difficulties in this respect. The specific requirements of Policy H30 shall be considered individually within the following sections of this appraisal.

Size of property

- 7.2 The submitted plans clearly show that the property provides 3no. separate bedrooms, one on the ground floor and 2 on the first floor (total of 3 residents). In addition, a shared kitchen and lounge are provided at ground floor level. The property also benefits from a private rear garden of modest size. It is considered that the property is of sufficient size to accommodate the proposed use. All of the proposed bedrooms appear to be appropriately proportioned whilst a communal living area would also be provided.

Over-concentration of use and impact on amenity of neighbours

- 7.3 From recent Council records, it is evident that there are HIMO's on the same street. However these represent a very small proportion of the properties in the street (there are some 54 no. properties on Leslie

Road, of which combined Planning, Private Sector Housing and Council Tax records indicate that there are 3 recorded HIMO's in the Street). It is therefore considered that a further HIMO would not adversely harm the existing character of the surrounding area. While the area as a whole contains a substantial number of flat and HIMO conversions undertaken over recent years it is considered that in the vicinity of the application site the number of uses are low in total.

- 7.4 The site is afforded a small private amenity area to the rear, which could be used for the storage of refuse and recyclables. In terms of potential noise and disturbance, it is not considered that the number of residents would cause unacceptable impact over and above the existing use as a dwellinghouse.
- 7.5 Concerns raised by Council Environmental Health Officers are noted. However, no substantive work is proposed within the property apart from the provision of an additional bedroom on the ground floor and no planning condition is necessary in this instance.
- 7.6 It is considered that the proposed 3no. occupants does not represent substantial intensification in comparison to how the property was used as a family home. It is therefore considered that potential disturbance would be unlikely to be significant. All habitable rooms are served by adequate outlook from existing windows providing occupiers with acceptable levels of residential amenity.
- 7.7 The applicant's Management Plan details that neighbours will be provided with contact details of the landlord in the event of emergencies or problem arising and the building would be suitably alarmed.

Parking

- 7.8 The application site has no off-street parking like the majority of the houses in the street. On-street parking is available in Leslie Road and the surrounding streets. Visits to the site by officers indicated that there is spare capacity and the area would not appear to be experiencing notable difficulty in terms of accommodating demand for on-street parking. This view is also supported by the Highway Authority who raise no objection to this proposal.

Other matters

- 7.9 Concerns raised on fire regulations are matters outside the control of Planning as they relate to Building Regulations.

CONCLUSION

- 7.10 The proposal would not have an undue detrimental impact on the character of the locality or on the residential amenity of the area and would not give rise to highway safety problems. The proposal is

therefore compliant with the guidance contained within the National Planning Policy Framework and with Policies H6 and H30 of the Northampton Local Plan.

8. CONDITIONS

(1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

(2) The premises shall be used as a house in multiple occupation for a maximum of three 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 H30 of the Northampton Local Plan.

(3) The development hereby permitted shall be carried out in accordance with the following approved plans: proposed floor plans.

Reason: For the avoidance of doubt and to accord with the terms of the planning application.

9. BACKGROUND PAPERS

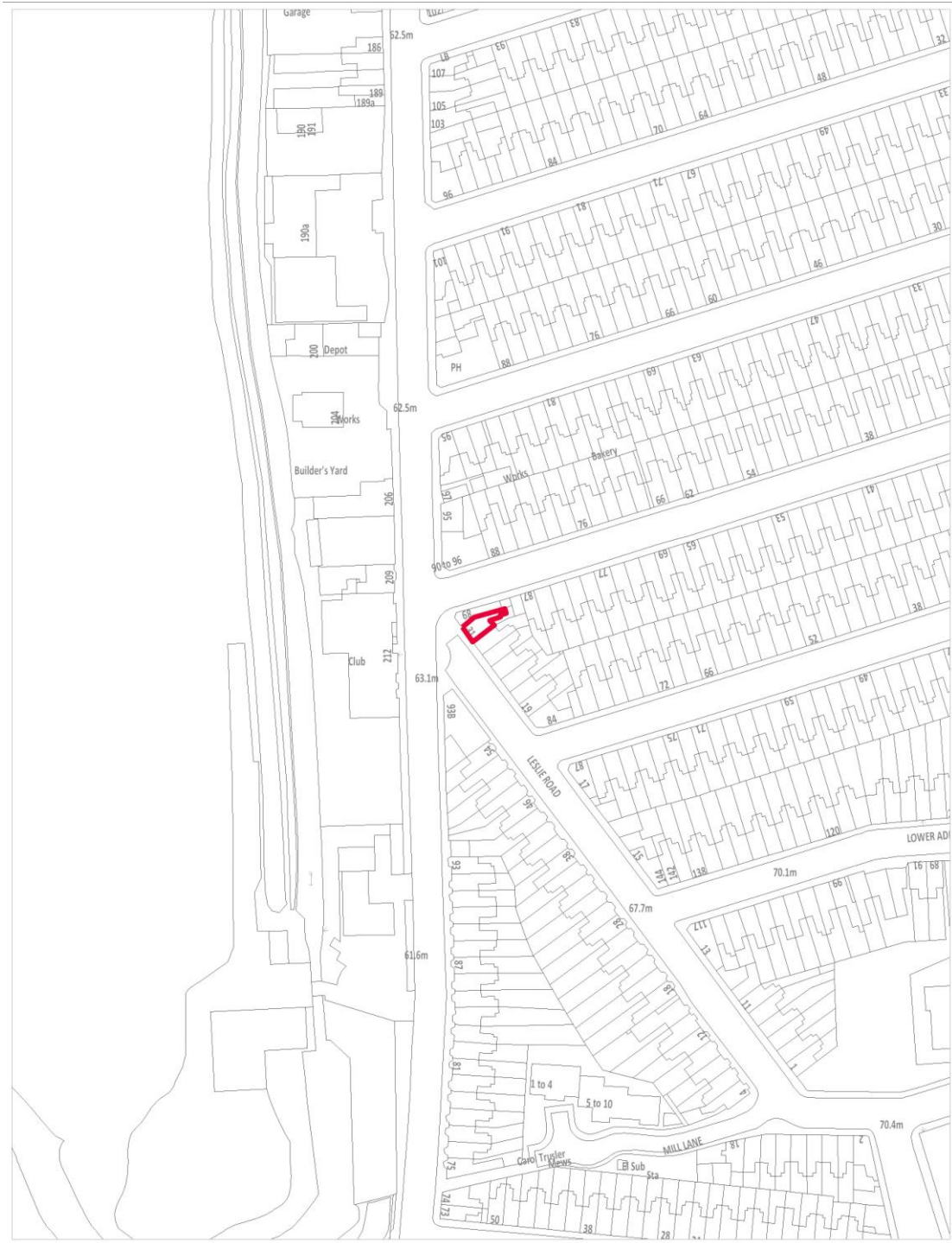
9.1 N/2013/0513

10. Legal Implications

10.1 None

11. 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.



Name: Planning
 Date: 17th July 2013
 Scale: 1:1250
 Dept: Planning
 Project: Committee

Title
31 Leslie Road

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



PLANNING COMMITTEE: 30 July 2013
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Susan Bridge

N/2013/0587: Erection of two storey dwelling (revision of planning permission N/2011/120) at 56 Greenfield Road

WARD: Eastfield

APPLICANT: Mr. B. Lee
AGENT: Mr. P. Toone

REFERRED BY: Cllr Gowen
REASON: The proposal has insufficient detail regarding parking arrangements and is out of character with the locality

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

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

The revision to the residential development is acceptable as its siting, design and appearance 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 Revision of an approved scheme for the erection of a two storey detached dwelling to be constructed of brick and render finish. The site comprises 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. Work has already commenced on the construction of a dwelling on this site based on the premise that it is the development previously approved by Planning Committee in March 2012 under reference N/2011/1120.

- 2.2 The revision to the previously approved scheme includes an increase in the number of bedrooms from two to three, which would require a first floor rear addition of approximately 5.7 square metres compared to the originally approved dwelling and the installation of an oriel window in the western side elevation which would be partially obscure glazed.

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. There is a private vehicular access situated to the west of the site which serves properties in Greenfield Road.

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.
N/2011/1120 Erection of detached dwelling approved by the Planning Committee on 6 March 2012.

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 Northampton Local Plan 1997.

5.2 National Policies

National Planning Policy Framework (NPPF)

5.3 Northampton Borough Local Plan

E20 - New Development

E19 - Implementing Development

H6 - Housing Development within Primarily Residential Areas

6. CONSULTATIONS/ REPRESENTATION

The representations received are summarised as follows:

- 6.1 **50 Greenfield Road** - No objections.
- 6.2 **54 Greenfield Road** – Objection – the proposal would be overbearing to property and there would be loss of light into garden, privacy would be affected. The third bedroom will add an additional apex to the roof restricting even more light into property, overbearing and further privacy lost. Development has started and have to bare the noise from the works.

- 6.3 **44 Elmhurst Avenue** – Objection – the revised plans include a window which is not fully obscured and will result in overlooking their property.
- 6.4 **45 Elmhurst Avenue** - Objection – will result in overlooking, result in parking problems and the development is not in keeping with the locality.
- 6.5 **49 Elmhurst Avenue** – Objection – fail to see how the Council could approve the amendment to make the property a three bedroom dwelling when an almost identical design was previously withdrawn and revised to the current two bedroom property; would add to parking problem in the area.
- 6.6 **51 Elmhurst Avenue** – Objection – would lead to overlooking of nos. 44 and 45 Elmhurst Avenue as the window of the requested 3rd bedroom will have clear glass to one side; parking situation will be worsen.
- 6.7 **Councillor Elizabeth Gowen** – would like to call in application on the grounds of insufficient detail on parking arrangements and not keeping in character with immediate surrounding dwellings.

7. APPRAISAL

- 7.1 The revisions to the approved scheme are considered acceptable as they would not have a significant impact on visual or residential amenity. The proposed dwelling would be built on the same footprint as the approved one and there would not be an increase in the ground floor area of the building. There is a slight increase in the area of the first floor by approximately 6 square metres to provide an extra bedroom but as this is such a marginal increase in size this would not result in an overdevelopment of the plot.
- 7.2 This addition has been designed with a hipped roof to reduce any impact on the garden of the property to the rear at No. 54 Greenfield Road. Furthermore, the proposed first floor addition is less than 4 metres wide with a separation of over a metre to the boundary with that property which would ensure there is only a marginal impact on the amenity of the occupiers of No. 54.
- 7.3 Any overlooking of the adjoining dwelling at No. 44 Elmhurst Avenue would be significantly reduced by the installation of an oriel window which would be configured such that the bay window facing the rear garden of that property and it would be obscure glazed and fixed thereby mitigating potential overlooking / loss of privacy.
- 7.4 Whilst there is no parking provision for either the proposed or existing dwellings, there are no parking restrictions on Elmhurst Avenue or the nearby streets. Furthermore, although the number of bedrooms of the dwelling would be increased to three, this may not result in the future

occupiers having more demand for parking than if there were only two bedrooms.

8. CONCLUSION

- 8.1 The proposed revisions to the approved scheme are considered to be only modest and will not have an adverse impact on the amenity of nearby residents, the character of the locality or result in parking issues.

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 building hereby permitted and retained thereafter.

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

4. Notwithstanding the provisions of the Town and Country 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.

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 additional window(s) shall be installed in the first floor side and rear elevations of the proposed development 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.

6. The oriel bay window of Bedroom 3 facing the rear garden of the adjoining dwelling at No. 44 Elmhurst Avenue shall be glazed with obscure glass and fixed at all times. The windows to the bathroom/en-suite and landing on the first floor shall also be glazed with obscure glass prior to the development hereby permitted is occupied and 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.

7. The development hereby permitted shall be carried out in accordance with the following approved plan: PT.10511.2.

Reason: For the avoidance of doubt and to accord with the terms of the planning application.

10. BACKGROUND PAPERS

- 10.1 N/2001/0986, N/2007/1541, N/2011/1120 and N/2013/0587.

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.



Name: Planning
 Date: 18th July 2013
 Scale: 1:1250
 Dept: Planning
 Project: Committee

Title
56 Greenfield Road

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