

NORTHAMPTON BOROUGH COUNCIL

PLANNING COMMITTEE

Tuesday, 2 September 2014

PRESENT: Councillor Oldham (Chair); Councillor Lynch (Deputy Chair);
Councillors Aziz, I. Choudary, N Choudary, Flavell, Ford, Lane,
Mason and Meredith

Steven Boyes, Director of Regeneration, Enterprise and Planning;
Rita Bovey, Development Manager; Paul Lewin, Planning Policy and
Heritage Manager; Ben Clarke, Senior Planning Officer; David
Rowen, Principal Planning Officer; John Maher, Solicitor; Nathan
Birch, Democratic Services Officer

1. APOLOGIES

Apologies for absence were received from Councillors Golby and Palethorpe.

2. MINUTES

The Chair noted that at item 10b the agreed determination had been incorrectly recorded.

Upon a proposal by the Chair, seconded by Councillor I Choudary it was **RESOLVED** to amend the minute at item 10b to add a further line to the resolution; "That determination of the application be delegated to the Head of Planning to resolve the outstanding objections as detailed within the report, (including amending and adding to the list of Conditions as included within the report,) and, if necessary, refer the application to the Secretary of State."

Councillor Flavell asked the minutes note her apologies were given for the meeting.

With the amendments as agreed, the minutes of the meeting held on 29th July 2014 were **AGREED** and signed by the Chair.

3. DEPUTATIONS / PUBLIC ADDRESSES

RESOLVED: That under the following items the members of the public listed be granted leave to address the Committee.

- N/2014/0010 Shalimar Great Billing Park
Cllr Mary Markham
Shilpa Parekh (Applicant)

- N/2014/0580 162 - 166 Wellingborough Road
Christopher Bradshaw
Geraldine Harrison
Dipesh Surti (Agent)
- N/2014/0598 Ladybridge Park
Jill Hope
Brian Hoare (West Hunsbury PC)
Mick Watts (Welland Valley FC)
Catherine Hall (FA Development Officer)
- N/2014/0676 93 Station Road
Dave Collins (Agent)
- N/2014/0677 Unit 2 Goldings Supermarket, Prentice Court
Ali Ay (Agent)
- N/2014/0692 128 Artizan Road
Cllr Stone (Ward Member)
Paul Lamb (Applicant)
- N/2014/0735 74 Earl Street
Cllr Stone (Ward Member)
Barrie Waine (Agent)
- N/2014/0788 The National Lift Tower
Jill Hope (County Councillor)
Kurt Perryman (Applicant)
- N/2014/0841 131 St Andrews Road
Cllr Marriot (Ward Member)
Brian Wagstaff (Applicant)
- N/2014/0890 Former Pearce Leather Works
David Huffadine-Smith
John Lagan (Applicant)
- N/2014/0786 Welford Road
- John Clarke (Chair Boughton PC)

4. DECLARATIONS OF INTEREST/PREDETERMINATION

Councillor Oldham declared a personal, non-prejudicial interest in item 10d He was the ward member for the area, but he could however approach the matter with an open mind and without any predetermination or bias.

Councillor I Choudary declared a personal, non-prejudicial interest in item 10c He was the ward member for the area, but he could however approach the matter with an open mind and without any predetermination or bias.

Councillor Aziz declared a pecuniary and prejudicial interest in item 10h as a Director of KAAZ Estates Ltd, the applicant in the matter. He advised the Committee that he would leave the meeting during the presentation and deliberation of the item.

Councillor Ford declared a personal, non-prejudicial, interest in item 10b; in that the neighbouring property is occupied by his family doctor. He could however approach the matter with an open mind and without any bias or predetermination.

Councillor Meredith declared a personal and prejudicial, interest in item 10f; in that as the Ward member and Chair of Southfields Residents Association he had spoken with and advised the applicant on this and other matters. He advised the Committee that he would leave the meeting during the presentation and deliberation of the item.

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.

The Development Manager introduced the written report and elaborated thereon. She advised the Committee further that application N/2013/1325 - Danes Camp Way - would be considered at an appeal hearing on 28th October. She reminded the panel that further public representations could be directed to the Planning Inspectorate.

RESOLVED: That the report be noted

7. OTHER REPORTS

(A) NORTHAMPTON RELATED DEVELOPMENT AREA 5 YEAR HOUSING LAND SUPPLY ASSESSMENT

The Director of Regeneration, Enterprise and Planning advised the Committee that the report was not a decision making one. Officers did however have a duty to report to the Committee on the 5 Year Land Supply for Northampton as part of the wider planning framework.

The Planning Policy and Heritage Manager introduced the written report and elaborated thereon.

RESOLVED: That the report be noted

8. NORTHAMPTONSHIRE COUNTY COUNCIL APPLICATIONS

None

9. NORTHAMPTON BOROUGH COUNCIL APPLICATIONS

None

10. ITEMS FOR DETERMINATION

(A) N/2013/1300 - 46 SPENCER STREET: ERECTION OF 25 DWELLINGS COMPRISING 9 HOUSES, A BLOCK OF 16 SELF CONTAINED FLATS WITH ASSOCIATED PARKING AND LANDSCAPING

The Senior Planning Officer outlined the report of the Head of Planning, as set out in the agenda. The recommendation was for approval in principle with the conditions set out in the report.

In response to a question from the Committee the Senior Planning Officer confirmed that any contamination investigation would be conditioned and taking place after consent was granted, but before building works taking place.

The Committee discussed the report.

RESOLVED: That the application be **APPROVED IN PRINCIPLE** subject to the conditions set out in the report and the prior completion of a Section 106 Agreement to secure a financial payment for the provision of health care provision and a training scheme for construction workers, including a further financial payment.

(B) N/2014/0010 - SHALIMAR, GREAT BILLING PARK, WELLINGBOROUGH ROAD: VARIATION OF CONDITION 2 OF PLANNING PERMISSION N/2011/0694 TO ALLOW INSTALLATION OF WINDOWS TO SIDE ELEVATIONS

The Development Manager outlined the report of the Head of Planning, as set out in the agenda. The recommendation was for approval with the conditions set out in the report.

The Chair invited Councillor Markham to address the Committee. Councillor Markham explained she was addressing the Committee in a personal capacity, in support of the application. She stressed that householders had always been respectful to their neighbours and that the opening windows did not present an issue on the south side due to the open space nature of the site.

In response to questions from the Committee Councillor Markham stated she believed that the open space was a site of acknowledged nature conservation value and designated as green space in the Local Plan.

The Chair invited Shilpa Parekh, the applicant, to address the Committee. She stated that in deviating from the agreed design the applicant had been advised by Building Control and Fire Officers. The adjoining empty site had not been used for any purpose in recent years and that, before the extension was built, the neighbouring property and their own had been overlooked by each other.

In response to questions from the Committee Mrs Parekh agreed that the windows did overlook. She also added that the advice to fit the windows had been given by Building Control, in conjunction with their architects.

In response to questions from the Committee the Development Manager added the following information:

- The windows are overhanging adjoining property . While it was a civil matter, officers normally would advise against such proposal at the application stage.
- The application details before the Committee were proposed by the applicant. If the application was refused and changes not made to the windows then enforcement issues would remain in place to be dealt with as the windows are currently breaching a planning condition.
- The open space was designated green space, but was privately owned and any future application to develop the land would be considered on its own merits.
- The new windows to the north side were considerably higher than those in place before the extension work and resulted in significant overlooking of neighbouring property.
- The 10cm window restrictor was proposed by the applicant and could be removed in an emergency.

The Committee discussed the report.

RESOLVED: That the application be **APPROVED** subject to the conditions set out in the report.

(C) N/2014/0580 - 162 - 166 WELLINGBOROUGH ROAD: CHANGE OF USE AND REAR EXTENSION OF GROUND FLOOR TO FORM RESTAURANT (A3); CREATION OF SIX FLATS (CONVERSION OF FIRST AND SECOND FLOOR TO FORM THREE FLATS AND ERECTION OF REAR EXTENSION AT FIRST FLOOR TO FORM THREE FLATS)

The Principal Planning Officer outlined the report of the Head of Planning, as set out in the agenda. The recommendation was for refusal as set out in the report.

The Chair invited Mr Bradshaw, neighbour to the application site, to address the Committee. Mr Bradshaw advised the Committee that when they bought their property they were aware of the approved application for a restaurant, but the new plans went well beyond that would substantially diminish the light and amenity to his property.

The Chair invited Ms Harrison, neighbour to the application site, to address the Committee. Ms Harrison advised the Committee that the new plans were a substantial change that would impact her property. She believed some demolition work had already taken place without permission and she had little faith that the standard and progress of the build would be appropriate.

The Chair invited Mr Surti, the agent for the applicant, to address the Committee. Mr Surti stated that the applicant was willing to address all concerns raised in the report and that many of the objections would be overcome.

In response to questions from the Committee Mr Surti supplied the following information:

- Residents of the proposed flats could use the local car parks if needed.
- He believed the comments from Highways Authority were standard for the area and had been disregarded on many other applications.

In response to a question from the Committee the Principal Planning Officer confirmed that there may be potential to build three flats within the existing building, subject to planning consent.

The Committee discussed the report.

RESOLVED: That the application be **REFUSED** for the reasons set out in the report.

(D) N/2014/0598 - OPEN SPACE LADYBRIDGE PARK: ERECTION OF A SINGLE-STOREY BUILDING ADJACENT TO EXISTING CAR PARK TO BE USED AS CHANGING ROOMS FOR FOOTBALL CLUB

The Development Manager outlined the report of the Head of Planning, as set out in the agenda. The recommendation was for approval with the conditions as set out in the report. She also pointed out that paragraph 3.2 of the report shall read “three temporary storage containers” and not two.

The Chair invited Councillor Hope to address the Committee. Councillor Hope welcomed the new building, but had reservations about the retention of the containers for storage.

In response to a question from the Committee Councillor Hope confirmed she was in fact not the member for the County Division in which the application site was located. She also added that she had not approached the football club directly regarding the removal of the containers.

The Chair invited Mr Hoare of West Hunsbury Parish Council to address the Committee. Mr Hoare stated that the Parish Council had raised the issue of the

containers during the consultation, but timing of their removal had not been agreed. The timing of construction work was also a concern.

In response to a question from the Committee Mr Hoare stated that the Parish Council had not expressed a view in favour or against the application, but had sought clarification regarding the containers.

The Chair invited Mr Watts, Chairman Welland Valley FC, to address the Committee. Mr Watts stated that the club was one of only 12 Community Charter Award clubs in Northamptonshire, with over 200 players. They did not however have any permanent changing or toilet facilities. This application would address that need. The plan was to complete the build work in 16 weeks, then remove two of the larger containers and screen the one remaining.

The Chair invited Ms Hall, FA Development Officer to address the Committee. She stated that the new facility was a key to future development of the club, including further girls and disability teams.

The Committee discussed the report.

RESOLVED: That the application be **APPROVED** subject to the conditions set out in the report

(E) N/2014/0676 - 93 STATION ROAD: ERECTION OF 3 BED DETACHED DWELLING

The Principal Planning Officer outlined the report of the Head of Planning, as set out in the agenda. The recommendation was for approval with the conditions set out in the report.

The Chair invited Mr Collins, agent for the applicant, to address the Committee. Mr Collins believed this was a suitable design on a large plot, which would retain a 25m garden. He believed it was in keeping with the area.

In response to questions from the Committee the Principal Planning Officer confirmed that properties two bathroom windows may face each other, but would be obscured glass. He also responded that Station Road had no uniform style and had several other infill developments.

The Committee discussed the report.

RESOLVED: That the application be **APPROVED** subject to the conditions set out in the report

(F) N/2014/0677 - UNIT 2 GOLDINGS SUPERMARKET, PRENTICE COURT: SINGLE-STOREY REAR/SIDE EXTENSIONS

Councillor Meredith left the meeting room for the duration of the item.

The Senior Planning Officer outlined the report of the Head of Planning, as set out in the agenda. The recommendation was for approval with the conditions set out in the report.

The Committee discussed the report.

RESOLVED: That the application be **APPROVED** subject to the conditions set out in the report

(G) N/2014/0692 - 128 ARTIZAN ROAD: CHANGE OF USE FROM DWELLING (C3) INTO HOUSE OF MULTIPLE OCCUPATION FOR 5 OCCUPANTS (C4)

The Senior Planning Officer outlined the report of the Head of Planning, as set out in the agenda. The recommendation was for approval with the conditions set out in the report.

The Chair invited Councillor Stone, the Ward member, to address the Committee. Councillor Stone stated this was an overdevelopment and would be the loss of another family home. She believed that the influx of HMO developments led to a breakdown in community cohesion. She added that she had been approached to lobby on this matter by the local resident association.

The Chair invited Mr Lamb, the applicant, to address the Committee. Mr Lamb explained he was present to answer any questions the Committee may wish to raise.

In response to questions from the Committee Mr Lamb supplied the following information:

- The house would be occupied by scholarship footballers, age 16 and studying at Malcolm Arnold Academy, along with a housemaster to chaperone them.
- He accepted parking was an issue in the area, but only one of the proposed occupants would be old enough to drive.
- He accepted the age range could change, but the scholarship scheme was his proposed and preferred option.

The Committee discussed the report.

RESOLVED: That the application be **APPROVED** subject to the conditions set out in the report

(H) N/2014/0735 - 74 EARL STREET: CHANGE OF USE FROM DWELLING (C3) TO HOUSE IN MULTIPLE OCCUPATION FOR 8 PEOPLE (SUI GENERIS) (RETROSPECTIVE)

Councillor Aziz left the meeting room for the duration of the item.

The Senior Planning Officer outlined the report of the Head of Planning, as set out in the agenda. The recommendation was for approval with the conditions set out in the report.

The Chair invited Councillor Stone, the Ward member, to address the Committee. Councillor Stone stated that stability in local housing supply and population was needed. HMO developments failed to deliver this. She believed such large developments also led to pressure on services. The retrospective nature of the application was also a concern.

In response to questions from the Committee Councillor Stone supplied the following responses:

- She agreed this was a mixed residential and commercial road, but mainly family homes.
- Any previous unregulated activity did not make the application appropriate.
- She had raised her objections without any knowledge of the property ownership.

The Chair invited Mr Waine, the agent for the applicant, to address the Committee. Mr Waine explained that the current owners had purchased the property in December 2013. They had been assured the property had been in continuous use as a HMO for 10 years or more. The seller though had not supplied the relevant evidence and they had now taken the proper and required steps to regularise the building's use. He further suggested that his experience was that HMO properties had a lower than average car use.

In response to questions from the Committee the Senior Planning Officer confirmed that conditions of the planning permission were monitored by the Planning Enforcement team.

The Committee discussed the report.

RESOLVED: That the application be **APPROVED** subject to the conditions set out in the report

(I) N/2014/0788 - THE NATIONAL LIFT TOWER, TOWER SQUARE: CHANGE OF USE OF BUILDING TO COMBINE LIFT TESTING FACILITIES/ABSEILING CENTRE (SUI GENERIS) AT NATIONAL LIFT TOWER

The Development Manager outlined the report of the Head of Planning, as set out in the agenda. The committee's attention was also drawn to the circulated addendum. The recommendation was for approval with the conditions set out in the report and addendum.

The Chair invited Councillor Hope to address the Committee. She had been approached by several residents with concerns over parking, future events and damage to the grass areas.

In response to questions from the Committee Councillor Hope confirmed she had received 10 objections, some before and some after the application was made.

The Chair invited Mr Perryman, the applicant, to address the Committee. He explained the nature of the business and that he was always happy to work with local residents to improve matters.

In response to questions from the Committee Mr Perryman supplied the following information:

- The grass parking area was not always used and had not deteriorated over the past 23 months.
- He would address any misinformation given by marshals directly, if the matters are raised with him.
- He believed the misuse of the roundabout was most widespread amongst residents.

In response to questions from the Committee the Development Manager confirmed the following:

- Issues on road signage may need to be addressed to the Highways Authority.
- One resident letter of objection had been received. Environmental Health had received no complaints regarding the site over the past 23 months.
- Action could be taken under the enforcement regime if conditions are breached.
- English Heritage and Conservation Officers had raised no objection to the building use.

The Committee discussed the report.

RESOLVED: That the application be **APPROVED** subject to the conditions set out in the report

(J) N/2014/0841 - 131 ST ANDREWS ROAD: CHANGE OF USE FROM DWELLING (C3) INTO HOUSE OF MULTIPLE OCCUPATION (C4) FOR UP TO 4 OCCUPANTS (RETROSPECTIVE)

The Senior Planning Officer outlined the report of the Head of Planning, as set out in the agenda. The committee's attention was also drawn to the circulated addendum. The recommendation was for approval with the conditions set out in the report.

The Chair invited Councillor Marriott, the Ward Member, to address the Committee. He highlighted the large number of HMO properties in the area, which resulted in a

reduced family housing stock. He drew attention to a list compiled by the resident's forum which showed another 46 unregistered HMO developments in the area.

The Chair invited Mr Wagstaff to address the Committee. He explained he was in attendance to answer any questions the Committee may have.

In response to questions from the Committee Mr Wagstaff supplied the following information:

- The building had been a HMO for 6 months.
- He had obtained the relevant licence, but only became aware planning permission was required after this.
- The property was used as student accommodation.

The Committee discussed the report.

RESOLVED: That the application be **APPROVED** subject to the conditions set out in the report

(K) N/2014/0889 - SIXFIELDS STADIUM, WALTER TULL WAY: APPLICATION FOR VARIATION OF CONDITION 2 OF PLANNING APPROVAL N/2013/1048 TO ALTER LAYOUT AND ACCOMMODATION WITHIN THE EAST STAND

The Principal Planning Officer outlined the report of the Head of Planning, as set out in the agenda. The recommendation was to delegate authority to the Head of Planning to approve subject to conditions set out in the report.

The Committee discussed the report.

RESOLVED: Delegate authority to the Head of Planning to **APPROVE** subject to conditions set out in the report

(L) N/2014/0890 - FORMER PEARCE LEATHER WORKS, WELLINGBOROUGH ROAD: APPLICATION TO VARY THE SECTION 106 AGREEMENTS IN RESPECT OF APPLICATIONS 10/0027/FULWNN DATED 13/10/10 AND N/2012/0926 DATED 07/08/2013 REGARDING AFFORDABLE HOUSING

The Development Manager outlined the report of the Head of Planning, as set out in the agenda. The committee's attention was also drawn to the circulated addendum. The recommendation was that the Committee agree to vary the Section 106 agreements to reduce the level of affordable housing provision to zero and to delegate the decision to vary the Section 106 obligations, as set out in this report, to the Head of Planning subject to no further representations being received before the end of the consultation period.

The Chair invited Mr Huffadine-Smith to address the Committee. He believed the developer was forcing the Council to agree the S106 variation, by threatening to withdraw from the site. He believed the developers published accounts showed there was a potential to maintain the S106 or to provide for an off-site contribution.

The Chair invited Mr Lagan to address the Committee. He explained that a financial viability of the site had been submitted for independent review and accepted by the Council. Further resources would not be forthcoming and only the S106 variation would allow the listed buildings to be converted as agreed.

In response to questions from the Committee Mr Lagan confirmed the following:

- Without agreement the development would have to stop.
- Abington Christian Centre were the organisation who had agreed to take over the main listed building. They would provide a church, nursery and community facilities.
- The viability assessment showed the potential for a £3.9m loss.
- In 2013 Lagan Homes recorded a loss of £4m.

The Committee discussed the report.

RESOLVED: The committee **AGREE** to vary the Section 106 agreements as set out in this report and to delegate the decision to vary the Section 106 obligations to the Head of Planning subject to no further representations being received before the end of the consultation period.

11. ENFORCEMENT MATTERS

None

12. ITEMS FOR CONSULTATION

(A) LAND AT WELFORD ROAD :OUTLINE APPLICATION FOR UP TO 41 DWELLINGS, ESTATE ROAD, OPEN SPACE AND ASSOCIATED WORKS

The Principal Planning Officer outlined the report of the Head of Planning, as set out in the agenda. The Committee's attention was also drawn to the circulated addendum. He advised the Committee that the determination of the application would be made by Daventry District Council (DDC) and this report would form part of the formal consultation response. A further issue for DDC to consider in their determination of the application, nature conservation, was also presented to Members.

The Chair invited Mr Clarke to address the Committee. Mr Clarke expressed the Parish Council concerns at the further development on the edge Northampton, potentially making Boughton part of an urban extension. Buckton Fields, with 100

potential properties, had effectively rendered the Boughton Parish Local Plan irrelevant.

The Committee discussed the report.

RESOLVED: That Northampton Borough Council has no objections to the principle of development subject to the issues outlined in the report, including the issue of nature conservation and addendum being addressed by Daventry District Council

(B) LAND TO SOUTH OF BOUGHTON ROAD: OUTLINE APPLICATION FOR DEVELOPMENT OF UP TO 125 DWELLINGS, INCLUDING AFFORDABLE HOUSING, ACCESS AND ASSOCIATED WORKS, OPEN SPACE INCLUDING STRATEGIC LANDSCAPING, FORMAL SPORTS PITCHES AND CHILDREN'S PLAYSPACE, CAR AND COACH PARKING AREA TO SERVE MOULTON

The Principal Planning Officer outlined the report of the Head of Planning, as set out in the agenda. He advised the Committee that the determination of the application would be made by Daventry District Council (DDC) and this report would form part of the formal consultation response.

The Committee discussed the report.

RESOLVED: That Northampton Borough Council has no objections to the principle of development subject to the issues outlined in the report being addressed by Daventry District Council

(C) LAND ADJACENT TO CAREY CLOSE: CONSTRUCTION OF 56 DWELLINGS INCLUDING VEHICULAR ACCESS, PEDESTRIAN & CYCLE LINKS, PUBLIC OPEN SPACE, CAR PARKING, LANDSCAPING & DRAINAGE

The Principal Planning Officer outlined the report of the Head of Planning, as set out in the agenda. He advised the Committee that the determination of the application would be made by Daventry District Council (DDC) and this report would form part of the formal consultation response.

The Committee discussed the report.

RESOLVED: That Northampton Borough Council has no objections to the principle of development subject to the issues outlined in the report being addressed by Daventry District Council

The meeting concluded at 10:30 pm