NORTHAMPTON BOROUGH COUNCIL

PLANNING COMMITTEE

Tuesday, 11 April 2017

PRESENT: Councillor Oldham (Chair); Councillor Golby (Deputy Chair);

Councillors Birch, Gowen, Kilbride, Kilby-Shaw, Lane, M Markham,

McCutcheon and Walker

OFFICERS: Peter Baguley (Head of Planning); Rita Bovey (Development

Manager); Nicky Toon (Development Management Team Leader); Ben Clarke (Principal Planning Officer); Ed Bostock (Democratic

Services Officer); and Simon Aley (Solicitor).

1. APOLOGIES

Apologies for absence were received from Councillor B Markham, Davenport and Haque.

2. MINUTES

The minutes of the meeting held on 14th March 2017 were agreed and signed by the Chair.

3. DEPUTATIONS / PUBLIC ADDRESSES

RESOLVED: That under the following items, the members of the public and Ward Councillors listed below were granted leave to address the Committee.

N/2016/1473

Cllr M Markham D Harding Ms Rachel Boyles Mr Stephen Bass Mr David Bass

N/2016/1553

Cllr Stone

N/2016/1569

Mr Patrick Markey Cllr Stone Mr Abdul Ahad Ms Ausra Uzakauskaite

N/2016/1588

Mr Rod Kilsby

N/2016/1593

Ms Catherine Mason

N/2017/0013

Ladi Tobias

N/2017/0187

Councillor Stone

4. DECLARATIONS OF INTEREST/PREDETERMINATION

Councillor Kilby-Shaw declared a personal non pecuniary interest in Item 10f, N/2016/1593 as the Ward Councillor.

Councillor M Markham declared a personal and pecuniary interest in Item 10g as a board member of Northampton Partnership Homes (NPH)

Councillor Kilbride declared a personal and pecuniary interest in Item10g as a board member of Northampton Partnership Homes (NPH)

Councillor Walker declared a personal non pecuniary interest in Item 10e, N/2016/1588 as the Ward Councillor.

Rita Bovey, Development Manager stated that as she lives near the application site for Item 10B, she would leave the room when the Item was considered.

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

There were none.

6. LIST OF CURRENT APPEALS AND INQUIRIES

The Development Manager submitted a List of Current Appeals and Inquiries and elaborated thereon. It was noted that the appeal in relation to application N/2016/0380 at 96 Hood Street had been allowed, with the Inspector reporting that the additional HIMO would bring the concentration to between 17% and 19%; above the Council's policy guidelines but not enough to cause the Inspector concern. It was also noted that prospective residents would be either students or low-income earners, with both groups being of low car ownership.

The appeal for Application N/2016/0876 at 89 Adams Avenue was also allowed, with the Inspector finding that the property was well served by public transport and any increase in on-street parking would be minor.

Two other appeals in relation to applications, N/2016/0809 and N/2016/1236, were found unacceptable by Inspectors and dismissed.

7. OTHER REPORTS

(A) N/2016/1073 - SECTION 106 AGREEMENT IN RELATION TO THE FORTHCOMING APPEAL AGAINST REFUSAL OF THE OUTLINE PLANNING APPLICATION (WITH ALL MATTERS RESERVED EXCEPT

ACCESS) FOR RESIDENTIAL DEVELOPMENT OF UP TO 30 RESIDENTIAL DWELLINGS WITH ASSOCIATED OPEN SPACE, CAR PARKING AND VEHICULAR ACCESS FROM BOOTH RISE AND DEMOLITION OF 58 AND 62 BOOTH RISE - LAND REAR OF 62 BOOTH RISE

The Principal Planning Officer submitted a report and elaborated thereon. It was explained that the report sought the agreement of the Committee to delegate authority to the Director of Regeneration, Enterprise and Planning to agree terms and to negotiate for a S106 Agreement, in relation to the forthcoming appeal.

RESOLVED:

That it be **AGREED** that authority be delegated to the Director of Regeneration, Enterprise and Planning to negotiate and agree terms for a Section 106 Agreement including terms for the transfer to the Council of open space land.

8. NORTHAMPTONSHIRE COUNTY COUNCIL APPLICATIONS

There were none.

- 9. NORTHAMPTON BOROUGH COUNCIL APPLICATIONS
- (A) N/2016/1425 NEW FOUR STOREY BUILDING TO PROVIDE SHARED OFFICE SPACE & UNIT ROOMS FOR CREATIVE NEW SMALL AND MEDIUM-SIZED ENTERPRISES (SMES). LINNELLS MOTORS, FETTER STREET

The Development Management Team Leader submitted a report and elaborated thereon. Member's attention was drawn to the additional information that was contained within the addendum. It was noted that the report sought approval for the demolition of a building and redevelopment of the site with the erection of a four storey building to provide a creative industries hub.

The Committee discussed the report.

RESOLVED:

That the application be **APPROVED** subject to the conditions as set out in the report including additional Condition 19, amendments to Conditions 12 and 13, and for the following reason:

The proposed development is acceptable and would contribute to the aims of regenerating and providing a creative hub in this part of the town centre and providing employment opportunities. The design, scale and appearance of the proposed building is considered acceptable reflecting the character of more recent development within the vicinity and would not lead to any undue adverse impact on the setting of the Derngate Conservation Area or the setting of adjacent listed buildings. The proposal would not lead to any undue impacts in respect of flood risk, highways or impact on surrounding amenity and is considered to be in accordance with Policies S7, S10, E7, BN5, BN7, BN9, N1 and N2 of the West Northamptonshire

Joint Core Strategy and Policies S01, S02, 1, 2, 5, 10, 15 and 21 of the Northampton Central Area Action Plan.

(B) N/2016/1428 & N/2016/1388 - PLANNING AND LISTED BUILDING APPLICATIONS FOR DEVELOPMENT OF NEW THREE STOREY STRUCTURE ON ANGEL STREET AND RE-USE OF EXISTING GRADE II LISTED BUILDINGS FOR THE UNIVERSITY OF NORTHAMPTON'S INSTITUTE FOR CREATIVE LEATHER TECHNOLOGY & LEATHER CONSERVATION CENTRE AND TO PROVIDE LETTABLE UNITS FOR CREATIVE INDUSTRIES INCLUDING THE DEMOLITION OF LEAN-TO STRUCTURE, TOILET BLOCK AND TWO STOREY HOUSE. 34-38 GUILDHALL ROAD.

The Development Management Team Leader submitted a report and elaborated thereon. Members' attention was drawn to information contained within the addendum which showed that historical bodies had no objections to the application. It was noted that a similar scheme had previously been approved and that the proposed development was in line with Council policies and would contribute towards the town's employment and bringing listed buildings back into use.

In response to questions, Members heard that whilst there was no provision for onsite parking, the development was very close to town centre parking and well served by public transport.

RESOLVED:

N/2016/1428 – Planning Application:

That the application be **APPROVED** subject to the conditions as set out in the report, additional Condition 20, amendments to Conditions 13, 14, and for the following reason:

The development as proposed is acceptable and would contribute to the aims of regenerating the town centre, providing employment opportunities and bring a prominent group of underused Grade II listed buildings within Derngate Conservation Area back into a viable long term use, the harm to which arising from the proposed alterations, additions and demolition is considered to be less than substantial and outweighed by the public benefits. The design and appearance of the new build element would be in contrast with but sympathetic to the existing heritage assets and surrounding build context. The proposal would not lead to any undue impacts in respect of flood risk, highways or impact on surrounding amenity in accordance with the aims and objectives of the National Planning Policy Framework, Policies S7, S10, E7, BN5, BN9, N1 and N2 of the West Northamptonshire Joint Core Strategy and Strategic Objectives S01 and S02, Policies 1, 2, 5, 10, 15 and 21 of the Northampton Central Area Action Plan.

N/2016/1388 – Listed Building Application

That the application be **APPROVED IN PRINCIPLE** subject to the conditions as set out in the report, subject to no adverse comments received from the Society for the Protection of Ancient Buildings, and for the following reason:

The development as proposed is acceptable and would bring a prominent group of underused Grade II listed buildings within Derngate Conservation Area back into a viable long term use. The harm to the listed buildings arising from the proposed alterations, additions and demolition is considered less than substantial and outweighed by the public benefits of the scheme in bringing these Grade II listed buildings back into use with a use sympathetic to the buildings' heritage which would make a positive contribution to the regeneration of the town centre and conservation are and lead to the creation of employment opportunities. The design and appearance of the new build element would be in contrast with but sympathetic to the buildings' heritage assets and surrounding build context. The proposal is therefore considered to be in accordance with the aims and objectives of the National Planning Policy Framework, Policies S10 and BN5 of the West Northamptonshire Joint Core Strategy and Policy 1 of the Northampton Central Area Action Plan.

(C) N/2016/1672 - LISTED BUILDING CONSENT FOR PHASE 1 INTERNAL REFURBISHMENT AND REPAIRS TO VARIOUS AREAS. ABINGTON MUSEUM, MANOR HOUSE, ABINGTON PARK.

The Principal Planning Officer submitted a report and elaborated thereon. It was noted that the applicant sought listed building consent to carry out internal alterations to improve and redecorate the interior of the museum which would increase the facilitation of holding public and private functions.

It was explained that the application met all of the requirements needed.

10. ITEMS FOR DETERMINATION

(A) N/2016/1022 - PROPOSED ERECTION OF 5 DWELLING HOUSES ON LAND OFF CRESTWOOD ROAD SOUTH OF EASTERN DISTRICT (NORTH) SOCIAL CLUB. EASTERN DISTRICT SOCIAL CLUB, CRESTWOOD ROAD

The Chair notified the Committee that this application had been withdrawn from the agenda.

(B) N/2016/1473 - ERECTION OF 2 NEW DWELLINGS TO REAR OF 9 AND 10 THORBURN ROAD AND SHARED ACCESS DRIVE. LAND REAR OF 9 AND 10 THORBURN ROAD.

The Development Manager left the committee room.

The Development Management Team Leader submitted a report and elaborated thereon. Members heard that the application sought to allow planning permission for two four-bedroom dwellings to the rear of numbers 9 and 10 Thorburn Road. Members were advised that the scheme had been amended to reduce the footprint of the development and increase the distance from neighbouring boundaries.

Councillor M Markham addressed Members as the Ward Councillor, stating that this was a classic case of garden grabbing and that the Council should use the power

given to them to prevent this from happening. She commented that gardens were miniature nature reserves and should not be put before profit.

At this juncture of the meeting, Councillor M Markham left the room.

Rachel Boyles, a local resident, addressed Members, starting that backland development had become more prevalent in recent years, leading to a noticeable increase in noise in the immediate area. She voiced concerns about this application setting a precedent for further backland development and overlooking.

D Harding, a local resident, agreed with objections raised and further stated that as her property was at the bottom of a slope, the new development would tower above her property. She informed Members that she had taken retirement due to medical reasons and needed peace, which would be severely affected should the application be approved.

Mr Stephen Bass, the applicant and trustee of late mother's estate, addressed the Committee. He informed Members that this was the largest site on the road with just one of the gardens measuring ¾ of an acre. The plots were also almost invisible from Thorburn Road. Mr Bass stated that he believed in neighbour consultation and many adjustments, some of which were not material planning matters, had been made before the application had been submitted.

Mr David Bass, the agent for the application, addressed the Committee, stating that he was very careful to follow the Planning policy guidelines. He noted that the entry wings on the front of the properties had been reduced and there were no upper windows overlooking neighbouring properties. He also noted that the trees bordering the land would not be removed, further protecting neighbours' privacy.

In response to questions asked, Members heard that neighbours had been notified of the Committee by letter, also by email where possible.

The Committee discussed the report.

RESOLVED:

That the application be **APPROVED** subject to the conditions as set out in the report and for the following reason:

The proposed development is considered acceptable in principle being within an established residential area. It would also contribute to the Council's 5 Year Housing Supply. Due to its design, scale and siting, the proposal would not have an undue detrimental impact on the appearance and character of the area, amenity of adjoining occupiers, parking, highway safety and existing trees to comply with Policies E20 and H10 of the Northampton Local Plan, Policies H1, BN3, BN9 and S10 of the West Northamptonshire Joint Core Strategy and the aims and objectives of the National Planning Policy Framework.

The Development Manager re-joined the meeting at this point.

Councillor M Markham re-joined the meeting at this point.

(C) N/2016/1553 - CHANGE OF USE OF DWELLING (USE CLASS C3) TO HOUSE IN MULTIPLE OCCUPATION (USE CLASS C4) FOR 5 RESIDENTS. 75 ABINGTON AVENUE.

The Principal Planning Officer submitted a report and elaborated thereon. Members' attention was drawn to the addendum, showing that the applicant was related to an Officer at Northampton Borough Council. The application sought approval to change the use of a 4 bed terraced house to a 5 bed House in Multiple Occupation (HIMO). Although the Highways Authority were objecting to the application on parking grounds, Members were asked to note that a similar application nearby had been refused at a recent Planning Committee due to Highways recommendations but later allowed at appeal.

Councillor Stone, as the ward Councillor, spoke against the application. During canvassing in the area, residents' main concerns were high amounts of traffic, especially with a busy mosque on the street. Councillor Stone also disagreed with the comments made by Private Sector Housing as she felt the bedrooms were inadequately sized. She stated that a person's desire for profit should not come before a family's need of housing.

In response to questions, the Principal Planning Officer confirmed the layout of the property and confirmed that the presence of a nearby mosque and parking restrictions were considered at the recent appeal.

The Committee discussed the report.

RESOLVED:

That the application be **REFUSED** against officer recommendations and for the following reason:

Due to their being no residual parking capacity for vehicles in the area, and the fact that the proposed change of use would generate a greater demand than existing, the proposed development would have a detrimental impact upon parking provision, highway safety and surrounding amenity contrary to Policy H5 of the West Northamptonshire Joint Core Strategy, Policy H30 of the Northampton Local Plan and the aims and objectives of the National Planning Policy Framework.

(D) N/2016/1569 - CHANGE OF USE FROM DWELLING (USE CLASS C3) TO A HOUSE IN MULTIPLE OCCUPATION (USE CLASS C4) FOR 5 RESIDENTS TOGETHER WITH ERECTION OF SINGLE STOREY REAR EXTENSION. 44 QUEENS ROAD.

The Principal Planning Officer submitted a report and elaborated thereon. The application sought to change the use of a 3 bed dwelling to a 5 bed House in Multiple Occupation (HIMO). It was noted that a condition would be added to ensure that the basement would be used solely as a communal living space. It was further noted that although the Highways Authority had raised objections due to there being no residual parking in the area, it should not be taken as grounds for refusal as the property was within 400m of public transport routes.

Mr Markey addressed the Committee and spoke against it, stating that fly tipping and antisocial behaviour was a big problem in the area and that although he had not personally seen the offenders, transient residents in HIMOs were the likely culprits. He also stated that there seemed to be a lot more HIMOs in the area than the report showed. Responding to questions, Mr Markey stated that there was permit parking on the street, 2 per house, and free parking for a maximum of an hour at the bottom of the street.

Councillor Stone addressed the Committee as the Ward Councillor and commented that the area had reached tipping point due the number of HIMOs, both licenced and unlicensed. She also took issue with the recommendations from Private Sector Housing, stating that the rooms did not provide adequate living space for a person.

Mr Abdul Ahad, the landlord of the property, addressed the Committee. He stated that for the previous 3 months he had been to and from the building whilst work was being carried out and there had been available parking each time. He also commented that he always adhered to policy requirements and did his best to look after his tenants. Mr Ahad also noted that parking enforcement was prevalent in the area. Responding to questions, Mr Ahad stated that this was his first HIMO, that he would be hiring a cleaner to maintain the communal areas on a weekly basis but would be passing the running of the property to a management company.

Miss Uzakauskaite, the property manager, addressed the Committee. She echoed comments made by Mr Ahad, stating that she too had visited the property on several evenings and not had a problem locating a parking space. She further noted that high rental prices pushed many people towards HIMOs and that this property would only be rented out to working professionals.

In response to questions asked to the Principal Planning Officer, Members were informed that there were no guidelines relating specifically to the amount of waste storage a HIMO should have, but officers were aware of the likely number of refuse sacks and recycling boxes and would ensure that such storage would be fit for purpose.

Furthermore, it was confirmed that the intention of the recommended Condition 4 was to prevent the basement from being used as a bedroom, but that this condition could be amended to add clarity.

The Committee discussed the report.

RESOLVED:

That the application be **APPROVED** subject to the conditions as set out in the report, with an amendment to Condition 4, "for the avoidance of doubt, the basement shall not be used as a bedroom at any time" and for the following reason:

The proposed development is considered acceptable in principle as it would not result in an overconcentration of similar uses within the vicinity of the site, would provide adequate facilities for future occupants and would not be at risk from flooding. Notwithstanding existing parking conditions in the local area, the site is in a

sustainable location close to bus stops and amenities and would provide adequate facilities for cycle storage and refuse storage. The proposal thereby complies with policies E20 and H30 of the Northampton Local Plan, the Council's Houses In Multiple Occupation Interim Planning Policy Statement (IPPS) and the aims and objectives of the National Planning Policy Framework.

(E) N/2016/1588 - CHANGE OF USE OF DWELLING HOUSE (USE CLASS C3) AT NUMBERS 54 AND 56 THORN HILL TO TWO PROPERTIES EACH CONTAINING 3 STUDIO FLATS AND TWO SINGLE BEDROOMS WITH SHARED FACILITIES (8 RESIDENTS PER DWELLING). 54 - 56 THORN HILL

The Development Manager submitted a report and elaborated thereon. Members' attention was first drawn to the addendum, showing objections raised by local residents. She also reported an additional representation from 38 Thornhill. The application sought to subdivide the building into 2 and each contains 3 studio flats and two single bedrooms with shared facilities. It was noted that a recent independent parking survey showed that there was residual parking in the area.

Mr Rod Kilsby, the planning consultant, addressed Members and commented that the proposed development was in agreement with all of the Council's planning policies. He noted that the change in use would contribute to the Council's 5 year housing supply and reiterated the point of residual parking in the area. Responding to questions, Mr Kilsby stated that some facilities would be shared throughout the buildings, including washing machines and tumble driers.

The Committee discussed the report.

RESOLVED:

That the application be **APPROVED** subject to the conditions as set out in the report and for the following reason:

The proposed conversion of the property to flats and shared facilities is considered acceptable in principle being within an established residential area and would contribute towards the Council's 5 Year Housing Land Supply. The proposal would, due to its siting, scale and design, not have an undue detrimental impact on residential amenity, parking or highway safety and complies with Policies E20, H21 and H23 of the Northampton Local Plan, S10 and H1 of the West Northamptonshire Joint Core Strategy and aims and objectives of the National Planning Policy Framework.

(F) N/2016/1593 - VARIATION OF CONDITION 6 OF N/2014/0475 (OUTLINE PERMISSION FOR THE DEMOLITION OF THE EXISTING UNIVERSITY FACILITIES AND ERECTION OF NEW BUILDINGS COMPRISING RESIDENTIAL ACCOMMODATION (USE CLASS C3) OF UP TO 800 UNITS) TO AMEND WORDING OF CONDITION TO ENSURE THE PROVISION OF AN AVERAGE OF TWO PARKING SPACES PER

DWELLING (UP TO A MAXIMUM OF 800 DWELLINGS). UNIVERSITY OF NORTHAMPTON PARK CAMPUS, BOUGHTON GREEN ROAD.

The Principal Planning Officer submitted a report and elaborated thereon. Members heard that toutline planning permission had previously been granted for up to 800 dwellings It was noted that there was a lot of green character to the site, with many of the trees having Tree Preservation Orders on them as well as some heritage assets. The current wording of Condition 6 could result is a greater impact on these features than would be desirable. As a result, the revised wording, would enable a better character of development to be created, whilst maintaining the originally intended minimum standards.

Miss Catherine Mason, the agent, addressed Members, stating that the application had arisen from additional design work and that the change of wording from "1600 parking spaces" to "an average of 2 per property" was much more appropriate. Responding to questions, Ms Mason stated that the probable number of properties on the site was likely to be less than 800. She also stated that as traffic provision had been assessed in a previous application, there was no need for it this time. It was also noted that although some of the on-site student accommodation would remain in the short-term, it would be demolished eventually. She also commented that it was the current position of the agency that no dwellings would be retained as single person accommodation.

In response to questions, the Principal Planning Officer confirmed that the revised wording of Condition 6 would maintain a definitive minimum provision. Whilst it was appreciated the final development could contain less than 800 dwellings, consideration should also be given to the character of developments and creating a good sense of place. The proposed revision would facilitate the retention of and provision of a greater number of heritage assets, trees and green space and sports facilities.

The Committee discussed the report.

RESOLVED:

- 1. That the application be **APPROVED IN PRINCIPLE** subject to the completion of a Legal Agreement to secure:
 - i) On-site affordable housing;
 - ii) A payment towards education provision
 - iii) The provision of on-site open space and sports facilities and for this space to be continually maintained and made available for public access; and
 - iv) The Council's monitoring fee.
- 2. The conditions set out in the report, subject to a S106 Agreement and for the following reason:

The proposed development, subject to conditions, represents an acceptable land use which would contribute to the Council's five year housing supply and would have a neutral impact upon the character and appearance of the surrounding area, visual and neighbour amenity and the highway system. The development is therefore in conformity with the requirements of the National

Planning Policy Framework, Policies S1, S3, S10 and H1 of the West Northamptonshire Joint Core Strategy and Policy E20 of the Northampton Local Plan.

(G) N/2017/0013 - PROPOSED INSTALLATION OF AUTOMATED ENTRY GATE SYSTEM TO CAR PARK. DOVER COURT, ST JAMES ROAD.

The Development Manager submitted a report and elaborated thereon. The application sought to allow the erection of an entry gate system to a car park. The gate would be set back from the road so as not to cause obstructions; there had been no objections from the Highways Authority.

Mr Ladi Tobias, the Project Manager for Northampton Partnership Homes, addressed Members. He stated that the flats at Dover Court had recently been refurbished and this gate would further help residents by deterring trespassers and fly-tippers, although there would be pedestrian access.

The Committee discussed the report.

RESOLVED:

That the application be **APPROVED** subject to the conditions as set out in the report and for the following reason:

The proposed development would have no adverse impact on the street scene, on the amenities of adjoining occupiers or on highway safety, whilst providing enhanced security. The development is therefore in conformity with the requirements of Policy S10 of the West Northamptonshire Joint Core Strategy, Policy E20 of the Northampton Local Plan and the National Planning Policy Framework.

(H) N/2017/0187 - CHANGE OF USE FROM DWELLING (USE CLASS C3) TO HOUSE IN MULTIPLE OCCUPATION (USE CLASS C4) FOR A MAXIMUM OF 4 RESIDENTS. 46 LEA ROAD.

The Principal Planning Officer submitted a report and elaborated thereon. Members heard that the application sought to change the use of a 3 bed dwelling to a 4 bed House in Multiple Occupation (HIMO), bringing the concentration to 4.8% in a 50mr. It was noted that although there had been objections from the Highways Authority due to the lack of residual parking, the property was within 400m of public transport routes. It was further noted that the proposed change would not drastically increase the potential number of vehicles at the property.

Councillor Stone addressed the Committee as a County Councillor. She commented that whilst she had been canvassing in the area residents had conveyed to her that parking was the biggest problem in the area. She noted that some ecclesiastical buildings had been demolished in the vicinity to be replaced with homes but no provision for parking and that the parking situation was so bad in the area that residents were getting stuck trying to enter and exit the street on a regular basis.

The Committee discussed the report.

RESOLVED:

That the application be **APPROVED** subject to the conditions as set out in the report and for the following reason:

The proposed development is considered acceptable in principle as it would not result in an overconcentration of similar uses within the vicinity of the site, would provide adequate facilities for future occupants and would not be at risk from flooding. Notwithstanding existing parking conditions in the local area, the site is in a sustainable location close to a Local Centre, bus services and amenities and would provide adequate facilities for cycle storage and refuse storage. The proposal thereby complies with Policies H1, H5 and S10 of the West Northamptonshire Joint Core Strategy, saved Policies E20 and H30 of the Nothampton Local Plan, the Council's Houses In Multiple Occupation Interim Planning Policy (IPPS) and the aims and objectives of the National Planning Policy Framework.

11. ENFORCEMENT MATTERS

There were none.

12. ITEMS FOR CONSULTATION

There were none.

13. EXCLUSION OF PUBLIC AND PRESS

The Chair moved that the Public and Press be excluded from the remainder of the meeting on the grounds that there was 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.

The Motion was Carried.

The meeting concluded at 9:25 pm