

NORTHAMPTON BOROUGH COUNCIL

PLANNING COMMITTEE

Tuesday, 26 September 2017

PRESENT: Councillor Lane (Chair); Councillors Birch, Choudary, Davenport, Golby, J Hill, Kilbride, B Markham, McCutcheon and Smith

OFFICERS: Peter Baguley (Head of Planning), Rita Bovey (Development Manager), Nicky Toon (Development Management Team Leader), Adam Smith (Principal Planning Officer), James Chadwick (Senior Litigation Solicitor), Ed Bostock (Democratic Services Officer)

1. APOLOGIES

Apologies for absence were received from Councillors Oldham, M Markham, and Kilby-Shaw.

2. MINUTES

The minutes of the meeting held on 5th September 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 were granted leave to address the Committee:

N/2017/0025

Paul Mower
Georgia Gale

N/2017/0517

John Bright
Mark Evans

N/2017/0868

Dominic McGuinness
John Jones

N/2017/0957

Danielle Stone

N/2017/0998

Paul Smith

N/2017/0999

Paul Smith

N/2017/1000

Paul Smith

N/2017/1040

Councillor Smith

Danielle Stone

Richard Dawson

N/2017/1075

Alan Harland

Mr Craven

Tracey Brough

4. DECLARATIONS OF INTEREST/PREDETERMINATION

Councillor Kilbride declared a personal non-pecuniary interest in items 10e and 10f as a board member of Northampton Partnership Homes.

Councillor Smith declared a predetermination in respect of item 10l.

Councillor Davenport declared a personal non-pecuniary interest in items 10b, 10h, 10i, and 10j as the Ward Councillor.

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 explained that applications N/2017/0145 and N/2017/0409 were refused under delegated powers and the appeals had been dismissed.

Application N/2017/1476 had been allowed as the Inspector considered the site to be in a sustainable location notwithstanding the concerns regarding parking and traffic generation.

In response to questions, the Committee were informed that applications refused on parking grounds were more likely to be allowed at appeals than refusals for concentration reason as the appeal decisions had shown.

RESOLVED:

That the report be noted.

7. OTHER REPORTS

- (A) N/2013/1035 - APPLICATION FOR THE DISCHARGE OF PLANNING CONDITIONS 1 (MASTERPLAN AND DESIGN CODE), 2 (PHASING PLAN), 25 (ARCHAEOLOGICAL WORK), 28 (ECOLOGICAL CONSTRUCTION METHOD STATEMENT) AND 29 (LANDSCAPING AND ECOLOGICAL MANAGEMENT PLAN) IN RELATION TO OUTLINE PLANNING**

PERMISSION N/2013/1035 FOR THE NORTHAMPTON SOUTH SUSTAINABLE URBAN EXTENSION (SUE). LAND SOUTH OF ROWTREE ROAD AND WEST OF WINDINGBROOK LANE

The Principal Planning Officer submitted a report on behalf of the Head of Planning and elaborated thereon. It was explained that original planning applications submitted in 2013 were refused, but the outline one was later allowed at appeal in August 2016, subject to conditions and a Section 106 Legal Agreement. It was explained that the Inspector imposed conditions on the appeal decision that must be discharged before a reserved matters application can be submitted, including masterplan, design code and phasing plan conditions, and that these conditions are the subject of the current application. Extracts from the submitted condition details were shown to Members.

In response to questions, the Committee heard that pollution and noise issues had been noted and that a Stakeholder Group had been set up, in which noise experts, Environmental Health Officer and other related authorities, Ward Members, Parish Councils and local residents could discuss concerns.

Members discussed the report.

RESOLVED:

That the report be noted.

(B) N/2017/0988 - VARIATION OF S106 AGREEMENT OF PLANNING PERMISSION N/2010/0785 (OUTLINE APPLICATION FOR THE DEMOLITION OF EXISTING B8 BUSINESS UNITS AND ERECTION OF 14NO 2 BED AND 8NO 1 BED APARTMENTS, FORMATION OF NEW ACCESS AND PARKING AREAS) RELATING TO AFFORDABLE HOUSING PROVISION H BROWN REMOVALS, 174 ST ANDREWS ROAD

The Development Management Team Leader submitted a report on behalf of the Head of Planning and elaborated thereon. The Committee heard that permission was sought to vary the S106 Agreement of application N/2010/0785 after an assessment carried out by the current developer showed that a policy compliant scheme with 35% affordable housing, 8 of the 22 units, and a £15,000 CIL payment, would result in the development running at a loss. The proposal therefore sought to remove the requirement for the provision of on-site affordable housing.

In response to questions, the Committee heard that any deviation to the plans would be subject to further applications.

Members discussed the report.

RESOLVED:

That the S106 Agreement variation be **AGREED** as per the recommendation.

8. NORTHAMPTONSHIRE COUNTY COUNCIL APPLICATIONS

There were none.

9. NORTHAMPTON BOROUGH COUNCIL APPLICATIONS

There were none.

10. ITEMS FOR DETERMINATION

(A) N/2017/0025 - PART DEMOLITION AND CONVERSION OF EXISTING BUILDING TO 54 APARTMENTS AND ERECTION OF NEW THREE STOREY BUILDING TO PROVIDE A FURTHER 10 APARTMENTS, TOGETHER WITH BIN AND CYCLE STORAGE AND PARKING. BARKER BUILDINGS, COUNTESS ROAD

The Development Management Team Leader submitted a report on behalf of the Head of Planning and elaborated thereon. Members' attention was drawn to the addendum which contained a further condition relating to refuse storage, and amendments to conditions 8 and 14 and an additional condition 16. It was noted that much of the site lay within Flood Zone 2 and that the development sat close to industrial units, some of which had no restrictions on operating times; the Environmental Health department had not raised any noise related objections, however a scheme for noise mitigation was recommended as a condition.

Mr Mower, the owner of a local business, spoke against the application and commented that although there had been no objections from Environmental Health, there would be once people were living in close proximity to industrial units. He further commented that he was not aware of any noise assessments having taken place. He also questioned the land ownership in relation to part of the site and the proximity of the new building to the access road to the industrial units used by HGVs and other large vehicles.

In response to questions, the Committee heard that the existing residential buildings were at least double the distance away from the industrial units than the proposed development, and that the existing buildings acted as sound barriers.

Georgia Gale, the applicant, spoke in favour of the application and commented that improvements had been made to the original plans. She stated that various related agencies had been worked with closely to ensure that the proposed development was in line with policies. Ms Gale explained that two separate noise assessments had been carried out to further ensure compliance.

In response to questions, the Committee heard that the Environmental Health department originally raised objections to the application, but withdrew them following the noise assessments. It was noted that the green space to the north of the development would not be infringing on the access road. Members also heard that the new plan included no studio apartments; the units were larger but the price range would remain the same overall. It was explained that there were ongoing discussions with Mr Mower to settle the dispute relating to access but that at the time, nothing had been resolved.

Members discussed the report.

RESOLVED:

That the application be **APPROVED** subject to the conditions and reasons as set out in the report and the addendum.

(B) N/2017/0517 - CHANGE OF USE FROM DWELLINGHOUSE (USE CLASS C3) TO HOUSE IN MULTIPLE OCCUPATION (USE CLASS C4) FOR 4 OCCUPANTS. 18 LONDON ROAD

Councillor Choudary joined the meeting at this point.

The Development Manager submitted a report on behalf of the Head of Planning and elaborated thereon. It was explained that information received from a local resident indicated that the concentration of HIMO properties in a 50m radius was 15.5%; 30 and 32 London Road were being used as one HIMO property and were considered, in planning terms, to be one unit. However, extensive investigation had taken place and 165 nearby properties had been checked. Of those, 72 properties were found to be existing HIMOs, 80 were found to be not HIMOs, 8 were awaiting a Planning decision, and a further 5 properties remained to be investigated. With this up-to-date information, the concentration in a 50m radius was found to be 13.8%. Members heard that there were 2 parking spaces to the rear of the property, accessed by a service road.

John Bright, a local resident, addressed the Committee and spoke against the application, stating that the HIMO property at 30/32 London Road should be viewed as two properties since it had two front doors and two postal addresses. He stated the concentration should be 15.5%. He also commented that the rear service road was frequently blocked by cars and fly tipping.

Mark Evans, the owner and applicant, spoke in favour of the application and commented that a parking survey revealed there was surplus parking on nearby Southfield Avenue; he pointed out that there had been no objections from the Highways Authority and asked that the Committee approve his application.

Members discussed the report.

RESOLVED:

That the application be **APPROVED** subject to the conditions and reasons as set out in the report.

(C) N/2017/0690 - CHANGE OF USE FROM DWELLINGHOUSE (USE CLASS C3) TO HOUSE IN MULTIPLE OCCUPATION (USE CLASS C4) FOR 5 OCCUPANTS. 47 SOUTHAMPTON ROAD

This item was withdrawn from the agenda.

(D) N/2017/0868 - PROPOSED NEW DWELLING. KYLEMORE, 12 THE AVENUE, DALLINGTON

The Development Management Team Leader submitted a report on behalf of the Head of Planning and elaborated thereon. Members' attention was drawn to the addendum which contained an amendment to the reason for approval. It was explained that garden developments were common in the area but that there were no privacy or loss of light issues in relation to the proposed new dwelling. The Highways Authority did not object to the application but did note that visibility could be diminished by the proximity of trees to the site entrance.

Dominic McGuinness, a local resident, spoke against the application and commented that consideration was not given to overconcentration in the area. He also voiced concerns regarding adverse impact on the nearby trees, the levels of traffic the road saw, and suggested that the applicants could apply for a variance of the plans, should they be approved.

John Jones, the owner and applicant, spoke in favour of the application and commented that the new, front-facing building would enhance the overall appearance of the street. He stated that the design of the proposed dwelling, being of a Georgian design, would fit in perfectly with other nearby buildings.

In response to questions, the Committee heard that if the property were to be subdivided to two dwellings planning permission would be required.

Members discussed the report.

RESOLVED:

That the application be **APPROVED** subject to the conditions and reasons as set out in the report and the addendum.

(G) N/2017/0957 - CHANGE OF USE FROM DWELLINGHOUSE (USE CLASS C3) TO HOUSE IN MULTIPLE OCCUPATION (USE CLASS C4) FOR 5 OCCUPANTS. 49 BIRCHFIELD ROAD

The Principal Planning Officer submitted a report on behalf of the Head of Planning and elaborated thereon. The Committee heard that although the Highways Authority had objected to the application due to a lack of residual parking, the officer recommendation was for approval as the building was considered to be in a sustainable location.

Councillor Stone addressed the Committee in her capacity as the Ward County Councillor and spoke against the application, voicing parking concerns. She commented that local residents had considerable fears about the road safety and the hazardous junction and that any extra pressure on the parking situation was too much. She also noted that no HIMO investigations had been carried out in this part of the town, suggesting that the actual number may be higher than records showed.

In response to questions, the Committee heard that there was the potential for other HIMO properties to exist that had not been brought to light, but that no recent complaints had been received to that effect.

It was noted that paragraph 11.1 of the report was an error and the development was not CIL liable.

Members discussed the report.

A proposal was made to refuse the application against officer recommendation.

Upon a vote, the motion was passed and the application **REFUSED** for the following reason:

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

(H) N/2017/0998 - CHANGE OF USE FROM DWELLINGHOUSE (USE CLASS C3) TO HOUSE IN MULTIPLE OCCUPATION (USE CLASS C4) FOR 3 OCCUPANTS. 56 ST LEONARDS ROAD

The Development Manager submitted a report on behalf of the Head of Planning and elaborated thereon. Members' attention was drawn to the addendum, which contained confirmation from Private Sector Housing regarding facilities and amenities, and an amendment to the concentration of HIMO properties. It was noted that there were no objections from the Highways Authority.

Paul Smith, the agent for the applicant, spoke in favour of the application and stated that a modest change was sought; as the property would be a 3 bed HIMO there would potentially be fewer people occupying it. He noted that improvements had been made by way of cycle and waste storage. He further noted that the applicant formed personal relationships with neighbours to ensure that any complaints were dealt with swiftly.

Members discussed the report.

RESOLVED:

That the application be **APPROVED** subject to the conditions and reasons as set out in the report and addendum.

(I) N/2017/0999 - CHANGE OF USE FROM DWELLINGHOUSE (USE CLASS C3) TO HOUSE IN MULTIPLE OCCUPATION (USE CLASS C4) FOR 3 OCCUPANTS. 145 EUSTON ROAD

The Development Manager submitted a report on behalf of the Head of Planning and elaborated thereon. Members heard that the application sought to change the use from dwellinghouse to a HIMO property for 3 occupants.

Members discussed the report.

RESOLVED:

That the application be **APPROVED** subject to the conditions and reasons as set out in the report.

(J) N/2017/1000 - CHANGE OF USE FROM DWELLINGHOUSE (USE CLASS C3) TO HOUSE IN MULTIPLE OCCUPATION (USE CLASS C4) FOR 3 OCCUPANTS. 101 EUSTON ROAD

The Development Manager submitted a report on behalf of the Head of Planning and elaborated thereon. Members heard that the application sought to change the use

from dwellinghouse to a HIMO property for 3 occupants. She referred to the addendum with an amendment to the concentration of HIMO properties.

Members discussed the report.

RESOLVED:

That the application be **APPROVED** subject to the conditions and reasons as set out in the report and addendum.

(K) N/2017/1027 - REMOVAL OF CONDITION 2 OF PLANNING PERMISSION N/2014/1209 (THE ERECTION OF A PEDESTRIAN FOOTBRIDGE TO CROSS THE BROOK) TO ALLOW FOR THE PERMANENT RETENTION OF THE FOOTBRIDGE. WESTBRIDGE MOTORS, ST JAMES ROAD

The Development Management Team Leader submitted a report on behalf of the Head of Planning and elaborated thereon. Members' attention was drawn to the addendum, which contained an amendment to the reason for approval. The Committee heard that the application sought to allow permanent retention of the footbridge and that no objections had been received.

Members discussed the report.

RESOLVED:

That the application be **APPROVED** subject to the conditions and reasons as set out in the report and the addendum.

(L) N/2017/1040 - EXTENSION, INTERNAL ALTERATIONS AND CHANGE OF USE FROM 6 BED HOUSE IN MULTIPLE OCCUPATION (USE CLASS C4) TO 7 BED HOUSE IN MULTIPLE OCCUPATION (SUI GENERIS) FOR 7 OCCUPANTS, 42 VERNON WALK

At this juncture of the meeting, Councillor Smith moved to public seating.

The Principal Planning Officer submitted a report on behalf of the Head of Planning and elaborated thereon. Members' attention was drawn to the addendum, which contained amendments to the Highways Authority's statement. The Committee were informed that concentration was not a concern for this application due to the property already being used as a HIMO. Since the application only sought to increase the occupancy by one and the property being in a sustainable location, the officer recommendation was for approval.

Councillor Smith spoke against the application, voicing concerns regarding parking. She stated that due to the sustainability of the location, non-residents frequently used the area to park their cars, exacerbating the problem for local residents.

Having addressed the Committee, Councillor Smith left the room for the remainder of the item.

Councillor Stone spoke against the application as County Councillor and commented that the local residents felt under siege by the number of HIMOs in the area. She

stated that meetings had been set up with the Police to investigate illegal parking on the estate.

Richard Dawson, the owner and applicant, spoke in favour of the application and stated that the property met all of the requirements for a 7 person HIMO. He further stated that car ownership was low among students, who were his target tenants.

In response to questions, the Committee heard that Mr Dawson did not put any conditions related to a limit on vehicles into his tenancy agreements as it would be unenforceable. It was noted that there were no other HIMOs in a 50m radius and that the area was well served by public transport and by local amenities.

Members discussed the report.

RESOLVED:

That the application be **APPROVED** subject to the conditions and reasons as set out in the report and the addendum.

**(M) N/2017/1075 - RETENTION OF WOODEN SUMMER HOUSE
(RETROSPECTIVE). 39 WHEATFIELD ROAD**

Councillor Smith re-entered the room and took her seat at the Committee table.

The Development Manager submitted a report on behalf of the Head of Planning and elaborated thereon. Members' attention was drawn to the addendum, which contained an amended condition. The Committee were informed that the summer house was 17cm higher than permitted development allowed. It was noted that guttering had been installed, discharging water into water butts.

Alan Harland, of Watts Furnishers, spoke against the application, stating that since the summer house had been erected, he had experienced water penetration in his premises' show room. He also questioned the practicality of water butts, commenting that they very quickly overflowed.

In response to questions, Mr Harland told the Committee that he noticed the damp around July 2016, less than a year after the building was erected. He also stated that his premises did not have a damp proof system.

Mr Craven, a local resident, spoke against the application and commented on the size of the summer house, which he considered to be excessive. He stated that the erection of any outbuilding on Council owned land required the Council's permission and that electrical works should be carried out professionally, which in his opinion had not happened. Mr Craven also explained that noise levels in his garden had increased since the summer house had been built and there were impacts of a reduction in light to his property and light pollution.

Tracey Brough, the applicant, spoke in favour of the application. She stated that the electrical works were carried out by a professional and that the Council had been provided with the related paperwork. She further stated that her previous garden shed had suffered damage from water running off the roof of Watts Furnishers.

The Development Manager explained that guttering on this type of building was not necessary and that electrics were not a planning consideration. It was also noted that although the summer house could be seen from neighbouring properties, it was not overbearing and did not overshadow any properties.

Members discussed the report.

RESOLVED:

That the application be **APPROVED** subject to the conditions and reasons as set out in the report and the addendum.

11. ENFORCEMENT MATTERS

There were none.

12. ITEMS FOR CONSULTATION

(A) N/2017/1064 - RESIDENTIAL DEVELOPMENT OF UP TO 110 DWELLINGS WITH ACCESS (OUTLINE) PHASE 3 LAND AT WOOTTON FIELDS, NEWPORT PAGNELL ROAD, WOOTTON. CONSULTATION BY SOUTH NORTHAMPTONSHIRE COUNCIL

Councillor Davenport left the meeting at this juncture.

The Development Management Team Leader submitted a report on behalf of the Head of Planning and elaborated thereon. The Committee heard that the application sought to approve outline permission for up to 110 dwellings. The site was not allocated in the West Northamptonshire Joint Core Strategy or the South Northamptonshire Local Plan, however, the proposed development would contribute to housing needs identified by the West Northamptonshire Joint Core Strategy.

In response to questions, the Committee heard that CIL payments would be made to South Northamptonshire Council.

Members discussed the report.

RESOLVED:

That the Planning Committee **RAISED NO OBJECTIONS** to the development as proposed subject to the issues outlined in the report being addressed by South Northamptonshire Council.

(E) N/2017/0947 - VARIATION OF CONDITION 2 OF PLANNING PERMISSION N/2016/0773 (ERECT SINGLE STOREY BUILDING FOR CONVENIENCE STORE) TO AMEND PLANS TO CHANGE WINDOWS/SHOP FRONT AND INSTALL AN EXTERNAL ROLLER SHUTTER UNDER CANOPY. RETROSPECTIVE. ST PETERS HOUSE, CASTLE STREET

Councillor Davenport returned to the meeting.

Councillor Kilbride left the meeting at this juncture.

The Principal Planning Officer submitted a report on behalf of the Head of Planning and elaborated thereon. Members' attention was drawn to the addendum, which contained amended conditions. The Committee heard that this retrospective application sought to regularise the amendments to the original scheme.

Members discussed the report.

RESOLVED:

That the application be **APPROVED** subject to the conditions and reasons as set out in the report and the addendum.

(F) N/2017/0948 - VARIATION OF CONDITION 2 OF PLANNING PERMISSION N/2016/0771 (EXTERNAL ALTERATIONS TO TOWER BLOCK INCLUDING RECLADDING AND ENCLOSURE OF BALCONIES, REFURBISH COMMUNAL AREAS AND GROUND FLOOR EXTENSIONS) TO AMEND THE ENTRANCE ELEVATION OF THE GROUND FLOOR EXTENSION. RETROSPECTIVE. ST KATHERINES COURT, CASTLE STREET

The Principal Planning Officer submitted a report on behalf of the Head of Planning and elaborated thereon. The Committee heard that amendments to the original proposal were considered minor. It was noted that the cladding had been completed.

In response to questions, it was explained that the cladding used complied with current regulations.

Members discussed the report.

RESOLVED:

That the application be **APPROVED** subject to the conditions and reasons as set out in the report.

The meeting concluded at 9:00 pm