

NORTHAMPTON BOROUGH COUNCIL

PLANNING COMMITTEE

Tuesday, 29 June 2010

PRESENT: Councillor Collins (Chair); Councillor Meredith (Deputy Chair);
Councillors Church, J. Conroy, Davies, Golby, Hawkins, Lane,
Malpas, Matthews and Woods

1. APOLOGIES

Apologies for absence were received from Councillor Hill.

2. MINUTES

The minutes of the meeting held on 1 June 2010 were signed by the Chair.

3. DEPUTATIONS / PUBLIC ADDRESSES

RESOLVED: (1) That Mr Hameed and Councillors Crake and Yates
be granted leave to address the Committee in respect
of the reports in respect of E/2009/0352, E/2009/0724
and E/2009/0725.

4. DECLARATIONS OF INTEREST

There were none.

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 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

None.

11. ENFORCEMENT MATTERS

(A) E/2008/0230- BREACH OF PLANNING CONTROL AT 125 HARLESTONE ROAD

The Head of Planning submitted a report in respect of E/2008/0230, elaborated thereon and further commented that during a site inspection on 28 June 2010 nine parked cars had been observed at the front of the property within the curtilage of the site. In answer to a question the Head of Planning confirmed that it was usual for the conversion of a hostel to residential use to require planning permission.

The Committee discussed the report.

RESOLVED: (1) That the Borough Solicitor be authorised to issue an Enforcement Notice in respect of the unauthorised change of use of the premises from a hostel to a mixed use of residential, office, light industrial and warehouse with a compliance period of 6 months pursuant to Section 171A(1)(a) of Town and Country Planning Act 1990, (as amended).

(2) That in the event of non compliance with the requirements of the Notice, the Borough Solicitor be authorised take any other necessary, appropriate and proportionate enforcement action pursuant to the provisions of the Town and Country Planning Act 1990 (as amended).

(B) E/2009/0352- BREACH OF PLANNING CONTROL AT 120 HINTON ROAD

The Head of Planning submitted a report in respect of E/2009/0352 and in particular noted paragraph 2.2: the changes to the Town and Country Planning (Use Classes) Order 1987 to create a new C4 class which covered small shared dwelling houses occupied by unrelated individuals who share basic amenities. In answer to questions, the Head of Planning noted that these changes did not effect owner/ occupiers who had lodgers and that the existing extension to the property had planning permission. The Head of Planning reported that the property had nine bedrooms which irrespective of the changes to the Use Classes Order in April made the property a HIMO. A planning application submitted by the owner for a HIMO had been refused in January 2010. The owner had not appealed this decision.

Mr Hameed, the owner, noted that he had received planning permission for an extension in 2009. He had more than six student tenants and did not realise that he needed a different permission. He had subsequently submitted a new planning application which had been refused. Subsequently, he decided to reduce the numbers of bedrooms and make the necessary internal alterations as suggested by the Planning Officers. This had been agreed before the change to the Use Classes Order. He intended to carry out the works after 30 June when the current tenancies ended. At a recent meeting with the Head of Planning he had been advised that because of the changes to the Use Classes Order that he needed to make a planning application for C4 use. He did not believe that this was necessary as he had agreed to have six or less students but would do so if it was required. In answer to a question Mr Hameed

confirmed that the property currently had five ensuite bedrooms, four bedrooms, a bathroom, a kitchen and a sitting room.

Councillor Yates, as a ward Councillor, commented that Boughton Green was a quiet residential area, close to the university and therefore attractive as an area of student accommodation. He believed that Mr Hameed's development of the property was an abuse of the housing system, a commercial enterprise cashing in on the university. He had received many e-mails from residents complaining about this property. He had concerns in respect of the six month compliance period suggested in the report. In answer to questions Councillors Yates noted that there was no dropped kerb to the property and that only two vehicles could be parked within the curtilage of the site; that at present there were few vehicles parked there because most students had now left the university for the summer and the road was presently being resurfaced; residents had not expressed concerns to him when planning permission for the existing extension had been applied for; and that residents had reported to him the possibility of more than nine students living there.

Councillor Crane, as a ward Councillor, commented that she had been made aware of the problems associated with this property about 18 months previously. She had discussed the situation with the Planning Officers. The area was generally characterised by family housing. The conversion of properties into bedsits changed the dynamic of the area. Residents had reported to her that 15 people might be sleeping at this property. Parking on the pavements had cracked the slabs and there had been problems with the builders lorries blocking the pavements when the extension works had been carried out. There were also concerns about the amount of waste/ recycling that was being generated from the property given that it only had the same bins as a normal domestic property. In answer to a question, Councillor Crane confirmed that she had witnessed an increase in car parking since the property was being used in its current way.

The Head of Planning commented that a six month compliance period was recommended as tenancies were often for six month periods and an Inspector at any future appeal was likely to view a lesser period as unreasonable. Before 6 April when the changes to the Use Classes Order came into effect, Mr Hameed could have applied for a Certificate of Lawfulness but this could not be granted if it was impeded by an unlawful use. The property still had nine bedrooms with all the existing petitions in place. To bring the property back within C3 use bedrooms and occupation needed to be reduced to six.

The Committee discussed the report.

- RESOLVED:**
1. That the Borough Solicitor be authorised to issue an Enforcement Notice in respect of the unauthorised change of use of the dwelling house to use as a house in multiple occupation with a compliance period of 6 months pursuant to Section 171A(1)(a) of Town and Country Planning Act 1990 (as amended).
 2. That in the event of non compliance with the requirements of the Notice, the Borough Solicitor be authorised to take any other necessary, appropriate and proportionate enforcement action pursuant to the provisions of the Town and Country Planning Act

1990 (as amended).

(C) E/2009/0724- BREACH OF PLANNING CONTROL AT 40 AYNHO CRESCENT

The Head of Planning submitted a report in respect of E/2009/0724 and in particular noted paragraph 2.2: the changes to the Town and Country Planning (Use Classes) Order 1987 to create a new C4 class which covered small shared dwelling houses occupied by unrelated individuals who share basic amenities. In answer to a question, the Head of Planning noted that these changes did not effect owner/ occupiers who had lodgers. The Head of Planning reported that a planning application submitted by the owner for a change of use had been refused in February 2010. The owner had not appealed this decision.

Mr Hameed, the owner, noted that there had been six student tenants in the property in September 2009. He had been advised that if he had a single contract with six people that this would be regarded as a family. He had agreed to reduce the number of bedrooms to six and make the necessary internal alterations as suggested by the Planning Officers. He intended to carry out the works after 30 June when the current tenancies ended. He would submit an application for C4 use if this was necessary. There was off road parking. In answer to questions Mr Hameed confirmed that the property currently had six bedrooms, the seventh now being a sitting room; the property had been occupied by a single family since September 2009; his tenants were advised about rubbish/ recycling collections and if necessary he would do this himself; and he had not received any complaints by neighbours in respect of noise.

Councillor Yates, as a ward Councillor, commented that Boughton Green was a quiet residential area, close to the university and therefore attractive as an area of student accommodation. He believed that Mr Hameed's development of the property was an abuse of the housing system, a commercial enterprise cashing in on the university. He had received many e-mails from residents complaining about this property. He had concerns in respect of the six month compliance period suggested in the report.

Councillor Crake, as a ward Councillor, commented that she had been made aware of the problems associated with this property about 18 months previously. She had discussed the situation with the Planning Officers. The area was generally characterised by family housing. The conversion of properties into bedsits changed the dynamic of the area. On one occasion she had been unable to reach the front door because of the parked cars at the front of the property. In answer to questions, Councillor Crake confirmed that residents were not against HIMO's per se but just wanted them properly control and with more appropriate numbers.

The Head of Planning commented that a six month compliance period was recommended as tenancies were often for six month periods and an Inspector at any future appeal was likely to view a lesser period as unreasonable. It was understood that three of the occupants were related but that they did not know the other people there.

The Committee discussed the report.

- RESOLVED:** 1. That the Borough Solicitor be authorised to issue an Enforcement Notice in respect of the unauthorised change of use of the dwelling to use as a house in multiple occupation with a compliance period of 6 months pursuant to Section 171A(1)(a) of Town and Country Planning Act 1990 (as amended).
2. That in the event of non compliance with the requirements of the Notice, the Borough Solicitor be authorised to take any other necessary, appropriate and proportionate enforcement action pursuant to the provisions of the Town and Country Planning Act 1990 (as amended).

(D) E/2009/0725- BREACH OF PLANNING CONTROL AT 77 HINTON ROAD

The Head of Planning submitted a report in respect of E/2009/0724 and in particular noted paragraph 2.2: the changes to the Town and Country Planning (Use Classes) Order 1987 to create a new C4 class which covered small shared dwelling houses occupied by unrelated individuals who share basic amenities. In answer to a question, the Head of Planning noted that these changes did not effect owner/ occupiers who had lodgers. The Head of Planning reported that a planning application submitted by the owner for a change of use to a HIMO had been refused in January 2010. The owner had not appealed this decision.

Mr Hameed, the owner, noted that there had been six student tenants in the property and only six bedrooms. He had agreed to make the necessary internal alterations as suggested by the Planning Officers. He intended to carry out the works after 30 June when the current tenancies ended. He would submit an application for C4 use if this was necessary but did not believe that it was in this case. There was off road parking.

Councillor Yates, as a ward Councillor, commented that Boughton Green was a quiet residential area, close to the university and therefore attractive as an area of student accommodation. He believed that Mr Hameed's development of the property was an abuse of the housing system, a commercial enterprise cashing in on the university. He had received many e-mails from residents complaining about this property. He had concerns in respect of the six month compliance period suggested in the report.

Councillor Crake, as a ward Councillor, commented that she had been made aware of the problems associated with this property about 18 months previously. She had discussed the situation with the Planning Officers. The area was generally characterised by family housing. The conversion of properties into bedsits changed the dynamic of the area.

The Head of Planning commented that a six month compliance period was recommended as tenancies were often for six month periods and an Inspector at any future appeal was likely to view a lesser period as unreasonable.

The Committee discussed the report.

RESOLVED: 1. That the Borough Solicitor be authorised to issue an Enforcement Notice in respect of the unauthorised use of the dwelling as a house

in multiple occupation with a compliance period of 6 months pursuant to Section 171A(1)(a) of Town and Country Planning Act 1990 (as amended).

2. That in the event of non compliance with the requirements of the Notice, the Borough Solicitor be authorised to take any other necessary, appropriate and proportionate enforcement action pursuant to the provisions of the Town and Country Planning Act 1990 (as amended).

12. APPLICATIONS FOR CONSULTATION

None.

The meeting concluded at 19.25 hours.