

## **NORTHAMPTON BOROUGH COUNCIL**

### **PLANNING COMMITTEE**

**Tuesday, 19 October 2010**

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

#### **1. APOLOGIES**

Apologies for absence were received from Councillor Meredith.

#### **2. MINUTES**

That, subject to the amendment of minute 10A, N/2010/0458 so that in the resolution the percentage in the first bullet point read "100%", the minutes of the meeting held on 30 September 2010 were agreed and signed by the Chair.

#### **3. DEPUTATIONS / PUBLIC ADDRESSES**

- RESOLVED:**
- (1) That S. Stroman, S Kang and Councillor B. Hoare be granted leave to address the Committee in respect of application N/2010/0693.
  - (2) That Mrs V Wykes, Messrs Murphy and Toone and Councillor Beardsworth be granted leave to address the Committee in Respect of application N/2010/0718.
  - (3) That N. Aggrawal be granted leave to address the Committee In respect of application N/2009/0636.

#### **4. DECLARATIONS OF INTEREST**

Councillor Church declared a Personal interest in item 12A, N/2009/0636 as a WNDC Board member.

Councillor Woods declared a Personal interest in item 12A, N/2009/0636 as a WNDC Board member and as having had received briefings on the project in previous years, and attended the blessing of the site.

Councillor Hill declared a personal interest in item 12A, N/2009/0636 as having been the Portfolio Holder when the lease was granted to the Indian Hindu Welfare Organisation.

Councillor Davies declared a personal interest in item 12A, N/2009/0636 as being known to the applicant.

Councillor Collins declared a personal interest in item 12A, N/2009/0636 as being the Council's Faith Champion and having attended the blessing of the site.

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

None.

**6. LIST OF CURRENT APPEALS AND INQUIRIES**

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

**RESOLVED:** That the report be noted.

**7. OTHER REPORTS**

None.

**8. NORTHAMPTONSHIRE COUNTY COUNCIL APPLICATIONS**

None.

**9. NORTHAMPTON BOROUGH COUNCIL APPLICATIONS**

None.

**10. ITEMS FOR DETERMINATION**

**(A) N/2010/0693- CHANGE OF USE FROM USE CLASS A1 TO HOT FOOD TAKEAWAY (USE CLASS A5) AT 355 WELLINGBOROUGH ROAD**

The Head of Planning submitted a report in respect of application number N/2010/0693, elaborated thereon and referred to the Addendum that set out further comments from Environmental Health, representations from residents in Manfield Road and revised wording of condition two if consent were to be granted. In answer to a question, the Head of Planning reported that Environmental Health were satisfied with the revised scheme for the extraction of cooking smells.

Councillor B. Hoare as the Ward Councillor, noted that this application was about a change of use and its impact. He still had concerns in respect of the impact of the flue to the first floor offices and the gable end of the building. These situations were often left to enforcement to ensure that conditions were complied with. He was concerned that there could be unintended consequences to residents if the application were to be approved. He welcomed the amendment of Condition 2 in respect of the hours of opening. There remained, however issues concerning the front curtilage of the premises that he believed was not the responsibility of the County Council but was the responsibility of the owner. He requested that a condition be added to any consent in respect of littering and maintenance of the front curtilage pavement.

Sally Stroman, on behalf of the applicant, commented that her client had worked with the Council to protect the amenity of residents. The main focus of the premises was

the Wellingborough Road. She noted that Environmental Health had now approved the extraction system and that her client would be happy to accept the revised Condition 2. She believed that parking provision in the Wellingborough Road was adequate; there was an unrestricted parking bay (after 6.00pm) to the front of the premises. There was also a litter bin outside the premises. Sally Stroman commented that the premises had received consent for A2 use earlier in the year but there had been no interest in the premises for this use when it had been advertised. The owner had taken steps to improve the appearance of the premises. She believed that the proposal would not be detrimental to the local centre and requested that the Committee approve the application. In answer to a question Sally commented that her client would be happy to maintain the litter bin in between visits by street cleansing. It was noted that there were several other litter bins in the vicinity. In response to another question she commented that the owner believed that the front curtilage to the premises was not in his ownership.

The Head of Planning commented that NCC had indicated that they maintained the front curtilage of the premises. He noted that this issue should be dealt with independently of determining the application.

The Committee discussed the application.

**RESOLVED:** That the application be approved subject to the conditions set out in the report and as amended by the Addendum as the principle of a takeaway use in a recognised centre is acceptable and in accordance with Policy R9 of the Northampton Local Plan. By reason of the site's relationship with neighbouring residential properties and the adequacy of the local highway network and subject to controls limiting the hours of use and collection, treatment and dispersal of cooking smells, the proposed use would not have a detrimental impact on the amenity of nearby and adjoining residents or highway safety in accordance with Policy R9 of the Northampton Local Plan and the aims and objectives of PPG13 and PPG24.

**(B) N/2010/0718- TWO STOREY REAR/ SIDE EXTENSION TO EXISTING DWELLING HOUSE AND DIVISION OF PROPERTY INTO 4NO 1 BED APARTMENTS AT 2 THORNTON ROAD.**

The Head of Planning submitted a report in respect of application number N/2010/0718, elaborated thereon and commented upon the availability of parking in Studland Road. In answer to a question he stated that there was a single yellow line on the left hand side of Studland Road that allowed unrestricted parking after 6.00pm and that there were no restrictions to parking on the right hand side.

Tony Murphy, on behalf Mr and Mrs Wykes, the next door neighbours to 2 Thornton Road, commented that they had lived at 4 Thornton Road for many years and were worried about the proposal affecting two of their children that had special needs. The eldest child was blind whilst the youngest had cerebral palsy. They had recently built a ground floor level extension with a bedroom and wet room for the youngest child. They were concerned that the proposal for four flats would lead to strangers affecting their children and that it would overwhelm their property. Mr Murphy commented that there appeared to be no provision for the storage of rubbish and that the proposed parking provision within the site was inadequate. He believed that dividing the premises into

four flats would change the dynamic of the area as there were no other flats in the vicinity. The proposal had no consideration for neighbours. In answer to a question Mr Murphy confirmed the existing on street parking situation and noted that people parking on the left hand side of Studland Road would block access to and from garages at the rear of properties in Branksome Avenue. The right hand side of Studland Road was continually parked.

Mrs Wykes resident of 4 Thornton Road asked that the Committee take into account the circumstances of her family in reaching a decision.

Councillor Beardsworth stated that the on street car parking in the area was horrendous. Mr and Mrs Wykes had a disabled parking space outside their property that was ignored by other people. They had recently completed an extension to provide a bedroom and wet room for their daughter and were therefore committed to the area. She believed that the conversion of 2 Thornton Road into flats would change the nature of the area and noted existing issues of heavy traffic going to and from the industrial estate. She noted that the owner of 2 Thornton Road had previously been refused permission to remove trees on the site.

Paul Toone, on behalf of the applicant, commented that he had closely monitored the concerns that had been raised but believed them to be unfounded. The extension would be away from 4 Thornton Road on the far side of 2 Thornton Road so he believed that there were no issues over light or overlooking. Two parking spaces were to be provided on site and although there were high traffic movements to the doctors and the supermarket both of these had car parks. He sought the Committee's approval of the scheme. In answer to questions Paul Toone commented that a current rear facing window was in a room currently used as a bedroom but would be a living room in the proposed scheme (but that the current bedroom could be used for other purposes now); he was unaware whether 2 Thornton Road had been built at the same time as surrounding properties; a bike rack was part of the scheme; and that a bin store was part of the scheme.

The Head of Planning noted that the refuse storage arrangements would be conditioned and that the only trees on the site were not part of the development area. He noted that the existing hedge had been heavily cut back and appeared in poor condition.

The Committee discussed the application.

Councillor Woods proposed and Councillor Malpas seconded "That the application be refused as the extension and conversion of the existing dwellinghouse to four one bedroom apartments was unacceptable by reason of the intensification of use giving rise to an unacceptable degree of overlooking of the neighbouring property, 4 Thornton Road, resulting in a loss of privacy and amenity contrary to saved policy E20 of the Northampton Plan. In addition, the restricted curtilage of the site would result in an inadequate provision for on-street car parking resulting in an inappropriate form of development contrary to save policy H6 of the Northampton Local Plan."

Upon a vote the motion was carried.

**RESOLVED:** That the application be refused for the following reasons:

The extension and conversion of the existing dwellinghouse to four one bedroom apartments is unacceptable by reason of the intensification of use giving rise to an unacceptable degree of overlooking of the neighbouring property, 4 Thornton Road, resulting in a loss of privacy and amenity contrary to saved policy E20 of the Northampton Plan.

In addition, the restricted curtilage of the site would result in an inadequate provision for on-street car parking resulting in an inappropriate form of development contrary to saved policy H6 of the Northampton Local Plan

## **12. APPLICATIONS FOR CONSULTATION**

### **(A) N/2009/0636- ERECTION OF CULTURAL AND RECREATION CENTRE TO INCLUDE HINDU TEMPLE, MULTI PURPOSE HALL, SPORTS FACILITIES, VISITOR CENTRE AND EXHIBITION SPACE, TEACHING FACILITIES INCLUDING LIBRARY, CRECHE, PRIEST'S HOUSE AND SIX SHELTERED FLATS FOR OVER 55'S EXTERNALLY, ACCESS, PARKING, ALL WEATHER SPORTS PITCH AND LANDSCAPING, INCLUDING PERIMETER SECURITY FENCING AT LINGS WAY**

The Head of Planning submitted a report in respect of application number N/2009/0636, elaborated thereon and in answer to a question commented that the nearest bus stops were just to the north of the site on Lings Way.

Neelam Aggrawal, on behalf of the applicant, commented that the Indian Hindu Welfare Organisation were passionate about achieving the project: they were an inclusive organisation, committed to community cohesion. Although the project was being led by the Hindu community the facilities would be available to the wider community. The project would inject life into the area and provide a landmark building. She urged the Committee to support the application. In answer to questions Neelam commented that the nearest Hindu temple was in Wellingborough in a converted building although the associated Community Centre had been purpose built; that many Hindus attending the temple would be likely to walk; and that six sheltered units was the maximum allowed by the lease.

The Committee discussed the application.

**RESOLVED:** That WNDC be informed that the Council has no objection to the proposals subject to a suitable legal agreement that secures community access to the sport facilities and allotments/ gardens proposed to the satisfaction of NBC.

WNDC are requested to seek methods of landscaping and layout that mitigate the visual impact of the large parking areas to the front of the building and the security fencing proposed.

WNDC are also requested to ensure that safe and secure pedestrian routes are provided into the development, particularly with regard to the crossing of Lings Way from the west.

## **11. ENFORCEMENT MATTERS**

### **(A) E/2010/0435- UNTIDY LAND AT 36 LASHAM COURT**

The Head of Planning submitted a report in respect of E/2010/0435 and elaborated thereon. The Head of Planning noted that proposed changes to the Council's Constitution would allow for these matters to be dealt with more quickly. Councillors would be kept informed of issues in their wards.

The Committee discussed the report.

**RESOLVED:** That the Borough Solicitor be authorised to issue a notice pursuant to Section 215 of the Town and Country Planning Act 1990 (as amended), requiring steps to be taken to remedy the condition of the land with a compliance period of 28 days and in the event of non compliance to take any other necessary, appropriate and proportionate enforcement action pursuant to the provision within the Act in order to bring about the proper planning control of the land.

### **(B) E/2010/0126- UNAUTHORISED SUB- DIVISION OF DWELLING HOUSE AT 22 HESTER STREET**

The Head of Planning submitted a report in respect of E/2010/0126 and elaborated thereon.

The Committee discussed the report.

**RESOLVED:** That the Borough Solicitor be authorised to issue an enforcement notice in respect of the unauthorised change of use of 22 Hester Street to a dwellinghouse and a self contained flat requiring the cessation of the unauthorised use of the basement as a flat with a compliance period of two months.

The meeting concluded at 20.04 hours.