

NORTHAMPTON BOROUGH COUNCIL

PLANNING COMMITTEE

Tuesday, 7 February 2012

PRESENT: Councillor Flavell (Chair); Councillor Yates (Deputy Chair);
Councillors Aziz, N. Choudary, Golby Hallam, Hibbert, Lynch,
Meredith and Oldham

1. APOLOGIES

Apologies for absence were received from Councillors Davies and Mason.

2. MINUTES

The minutes of the meeting held on 10 January 2012 were agreed and signed by the Chair.

3. DEPUTATIONS / PUBLIC ADDRESSES

RESOLVED: That Mrs Walters and Messrs Cole, Needham and Searle be granted leave to address the Committee in respect of Application no N/2011/0914.

That Messrs Green and Williams be granted leave to address the Committee in respect of Application no N/2011/0241.

That Mr Dooley be granted leave to address the Committee in respect of Application no N/2011/0399

That Miss Scott and Mr Bird be granted leave to address the Committee in respect of Application no N/2011/1114.

That Miss Millen and Messrs Coley and Harland be granted leave to address the Committee in respect of Application no N/2011/1276.

4. DECLARATIONS OF INTEREST

Councillor Oldham declared a Personal and Prejudicial Interest in Item 5- Matter of Urgency; N/2011/0323 as having publicly expressed an opinion on the planning application.

Councillor Hallam declared a Personal and Prejudicial Interest in Item 10A- N/2011/0914 as family members were members of the tennis club.

Councillor Hallam declared a Personal Interest in Item 10B- N/2011/0241 as the land was owned by the County Council of which he was a member.

Councillor Golby declared a Personal Interest in Item 10B- N/2011/0241 as the land was owned by the County Council of which he was a member.

Councillor Lynch declared a Personal Interest in Item 10B- N/2011/0241 as the land was owned by the County Council of which he was a member.

Councillor Meredith declared a Personal Interest in Item 10B- N/2011/0241 as the land was owned by the County Council of which he was a member.

Councillor Oldham left the meeting in accordance with his declaration of interest given above.

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

The Chair was of the opinion that the following issue be discussed as a Matter of Urgency due to the undue delay if consideration of it were deferred:

N/2011/0323 Supplement to the Committee's Resolution of 15 November 2011 to Allow Additional Time to Conclude the Negotiation of Planning Obligations

The Head of Planning referred to the Addendum that set out a report and reminded the Committee that in granting Planning Consent at its meeting on 15 November 2011 it had been contingent upon a Section 106 Agreement being secured within three calendar months. Since that meeting discussions had taken place with the Applicant and he was confident that a satisfactory agreement could be reached and requested that the original decision of the Committee be varied to allow this to happen.

RESOLVED: That the period for prior completion of planning obligations be extended by one month or such longer period as may be determined by the Head of Planning with the agreement of the Chair of the Planning Committee.

Councillor Oldham rejoined the meeting.

6. LIST OF CURRENT APPEALS AND INQUIRIES

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

RESOLVED: That the report be noted.

7. OTHER REPORTS

None.

8. NORTHAMPTONSHIRE COUNTY COUNCIL APPLICATIONS

None

9. NORTHAMPTON BOROUGH COUNCIL APPLICATIONS

None.

Councillor Hallam left the meeting in accordance with his declaration given at Minute 4 above.

10. ITEMS FOR DETERMINATION

10.

(A) N/2011/0914- ERECTION OF SEASONAL WEATHER BUBBLE PROTECTION TO COURTS 4 AND 5 AT NORTHAMPTON COUNTY LAWN TENNIS CLUB, 54 CHURCH WAY, WESTON FLAVELL, NORTHAMPTON

The Head of Planning submitted a report in respect of application no. N/2011/0914 and elaborated thereon.

Mrs Walters, a neighbour who had lived in Church Way since 1958, noted that the noise standard BS1412 that had been used was for industrial noise in a residential area and queried its appropriateness. She also queried that if the background noise level would almost double by virtue of the generator necessary to power the fans to keep the bubble inflated, then how could this not be seen as “significant”. She also asked why it was necessary for the bubble to be in place for six months when the courts would only be used for a short period of this time. Mrs Walters believed that the bubble would dominate the view from her property and also believed that once erected it would be difficult to prevent it being there permanently. She commented that there had been no consultation by the tennis club with residents who had been made aware of the proposal by the Chronicle and Echo and the Council.

Mr Needham, a neighbour who lived in Church Way, stated that the bubble would be located on the highest part of the site and would be visible from much of the Conservation Area and would be lit up as well. He believed that at one point it would be only seven feet from one person’s back garden fence putting a large area of garden in the shade. Mr Needham believed that the light spillage assessment referred to the wrong pair of courts and did not take account of the bubble. He believed that an expert study should have been undertaken. The applicants had said that there would be no noise from the generator however the experts said that there would be: he was concerned that there would be a constant drone from it. The tennis club had said that they wanted good relations with their neighbours but they had not consulted residents. Mr Needham indicated that he appreciated that the club wanted to improve its facilities but queried why courts six and seven, further to the west of the site, had not been considered more appropriate

Mr Cole, the Agent, commented that he wished to address the technical issues that had been raised. The tennis club had been in being for 80 years and had served the area well. The club was trying to improve its facilities for young people and this included an all weather facility. The convex design of the bubble would not bounce light back towards the neighbours. The bubble at its highest point would be nine metres and was designed to merge in with the sky. The noise issues had been designed out. There would be no impact on residents and the bubble would not be visible from Church Way. The planning application had been accompanied by a variety of assessments and the pre application advice given in July 2010 had raised no objection in principle. Mr Cole hoped that the application could move forward. In answer to questions Mr Cole commented that the bubble was not being located on the highest part of the site; that other combinations of courts had been considered but had not given sufficient off court space; and that there not been a deliberate decision not to consult beforehand with residents and noted that some would object to anything that the tennis club tried to do.

Mr Searle, as Chairman of the Northampton Tennis League, commented that when he first started playing tennis 50 years previously it was a summer game sport but now it was played all year round. Nationally there was a move to covered courts: the Council had done so itself on the Racecourse. Indoor facilities in Northampton and the County were far behind other places. There were four indoor courts in Northampton and eight in Corby. There were now extensive junior programmes but they could not operate in bad weather. Facilities had to be improved for clubs to be sustainable. The Club tried to be a good neighbour. The London 2012 Olympics gave sport a high profile this year and the health benefits of participating were well known. In answer to questions Mr Searle commented that he was not representing the tennis club specifically and could not deal with matters relating to the application in particular but believed that the club had tried to be a good neighbour.

The Head of Planning indicated to the Committee the location of where objections and support of the application had come from and the location of the Conservation Area boundary; noted that noise could be controlled by condition; and confirmed that the Council had notified neighbours of the application. In answer to a question he noted that pre application advice was given on a non-prejudice basis and without the benefit of any consultation.

The Committee discussed the application.

RESOLVED: That the application be refused as due to its siting, scale, height and massing the proposed bubble would result in a visually intrusive form of development which would significantly impact on the living conditions of existing neighbouring dwellings on Church Way contrary to Policy E20 of the Northampton Local Plan and the aims of PPS1.

Councillor Hallam rejoined the meeting.

(B) N/2011/0241- ERECTION OF 52NO DWELLING HOUSES AND ASSOCIATED PARKING AND OPEN SPACE AT MILLWAY PRIMARY SCHOOL, MILLWAY

The Head of Planning submitted a report in respect of application no. N/2011/0241, elaborated thereon and referred to the Addendum that set out further consultation responses from the Highway Authority, Environment Agency and Housing Strategy; amended the recommendation and set out additional conditions if the Committee were minded to approve the application. .

Mr Green, on behalf of Save Our Services, noted that the application was as a result of the County Council's review of over 40 schools in Northampton and the PFI arrangement that it had made to construct new schools and to maintain them and the existing ones. Clearly the proposal would reduce the amount of open space available to the public. Mr Green commented that there were supposed to be community access agreements in place to allow the public access to facilities on school sites but in fact none were. In practice it was very difficult to book anything. He noted that his son had gone to the school and used the sports field which had also been used for junior sports events on a town and county basis. He observed that the school itself had not been closed and noted that Duston had one of the lowest numbers of and total area of open space in the town. He referred to the large developments that had already taken place. Mr Green requested that the Council revisit the issue of open spaces; challenge the PFI arrangements and investigate the return of this site as open space.

Mr Williams, the Architect, stated that the existing outline planning consent for 80 units was, in the current economic climate, no longer viable. The proposal was for 52 predominately two storey houses with gardens. The site was well located in terms of nearby facilities and the footpath along Tollgate Way would be enhanced. He noted that the amount of affordable housing was reduced from the previous application; that the highways issues were more or less completely resolved and that Westleigh New Homes had a good track record. In answer to questions Mr Williams commented that Westleigh New Homes typically moved quickly to action planning approvals; that a proper ecology study of the site would be undertaken and that most of the affordable housing would be clustered (along the southern loop road) which was how most housing associations preferred it.

The Head of Planning noted that the comments made by Mr Green related to the County Council's review of schools several years previously and that outline consent already existed for the site so the principle of development had been established. In answer to questions the Head of Planning noted that the starting point of the Council's affordable housing policy was 35% but that same policy (and national advice) required that viability was a material consideration to be taken into account and it was increasingly an issue in the current economic climate. The Applicant was additionally funding highway works and a pumping station. The details had been sent to the Council's Valuers and Housing Strategy service who had broadly agreed the data supplied and the conclusions drawn from it. He noted that in contrast with another recent situation considered by the Committee the Applicant, on this occasion, had been open about the data they had used and had adopted an appropriate methodology for arriving at their conclusion. The Head of Planning noted that it was usual for affordable housing to be located in clusters throughout developments and that around twelve units together was commonplace. He also

confirmed that the existing footpath crossing part of the site from east to west would be retained.

The Committee discussed the application.

RESOLVED: That the application be approved in principle subject to the following:

- (1) Prior finalisation of a S106 agreement to secure:
 - The provision of an appropriate level of affordable housing within the site, given the question over viability. The level to be required to be delegated to the Head of Planning to negotiate.
 - 10% of the total units on the site to be mobility units.
 - The provision, retention and maintenance of the open space
 - A financial contribution towards the Tollgate Way improvement Scheme in order to mitigate the impacts of this development on the local highway network.
 - The adoption, maintenance, operation and management in perpetuity for all elements of the surface water drainage scheme, with contingency arrangements.
- (2) The planning conditions set out in the report and the additional conditions set out in the Addendum as the proposed development would have no undue detrimental impact on the amenities of neighbouring occupiers as adequate separation can be provided to prevent any overlooking and overshadowing and would be in keeping with the character and appearance of the area due to the density of development proposed. The development would therefore be in line with the Policies H6, H17, H32, E20, E40 of the Northampton Local Plan and the advice contained in PPS1, PPS3 and PPG13 and PPS25.
- (3) That in the event that the S106 legal agreement is not secured within three calendar months of the date of this Committee meeting, delegated authority be given to the Head of Planning to extend this deadline in appropriate circumstances or to refuse or finally dispose of the application on account of the necessary mitigation measures not being secured in order to make the proposed development acceptable.

(C) N/2011/0399- OUTLINE APPLICATION FOR THE ERECTION OF 5NO 3 STOREY TOWN HOUSES AND 9NO APARTMENTS (APPEARANCE AND LANDSCAPING RESERVED) AT FYNA VEHICLE HIRE, 44 WEEDON ROAD

The Head of Planning submitted a report in respect of application no. N/2011/0399, elaborated thereon displayed the amended site plan and referred to the Addendum that set out the Highway Authority response to the amended plans and comments made by Councillor Wire DL.

Mr Dooley, the Agent, commented that Fyna Vehicle Hire was a family run business of 40 years standing. Around 100 vehicles were available for hire 24 hours a day, seven days a week. By the business moving the proposal would lead to a reduction in vehicle movements. The site was adjacent to bus routes and was within walking distance of local shops, the railway station and the Town Centre. He was aware of concerns about parking particularly on Saints match days but believed that the proposal would not add to the problems. The proposal would allow the business to move elsewhere. He requested that the Committee approve the application.

The Committee discussed the application.

RESOLVED: That the application be approved in principle subject to the following:

- (1) Prior finalisation of a S106 agreement to secure:
 - Payment is made to fund local education provision
 - Payment is made to fund improvements to the provision of open space within the environs of the application site.

- (2) The planning conditions set out in the report as the principal of residential redevelopment of previously developed land in a residential area is in accordance with Local Plan Policy H6 and PPS3. The site is capable of providing a suitable residential environment for future occupiers. Subject to the detailed design of the proposal, as controlled under the subsequent reserved matters application(s), the proposal would have no adverse impact on the streetscene or on the amenities of adjoining occupiers and would not be detrimental to highway safety or amenity. Subject to conditions the proposal therefore accords with Local Plan Policies E20 and H6 and the aims and objectives of PPS1, PPS3, PPG13, PPS23, PPG24 and PPS25.

- (3) That in the event that the S106 legal agreement is not secured within three calendar months of the date of this Committee meeting, delegated authority be given to the Head of Planning to extend this deadline in appropriate circumstances or to refuse or finally dispose of the application on account of the necessary mitigation measures not being secured in order to make the proposed development acceptable.

(D) N/2011/1114- ERECTION OF TWO AND A HALF STOREY DWELLING FOR SHARED RESIDENTIAL ACCOMMODATION (CLASS C3). LAND AT 1-3 HESTER STREET

The Head of Planning submitted a report in respect of application no N/2011/1114, indicated that if the Committee were minded to approve the application proposed condition 8 should be amended by the deletion of the word "Christian" in the second line and its replacement by the word "Faith" and referred to the Addendum that set out additional correspondence from Councillor Marriott.

Miss Scott, the resident of 4 Hester Street, stated that she had lived at number 4 for eight years, it had been a detached property for 140 years and was only one of a few in the vicinity that was not some form house in multiple occupation. She believed that the applicant had the scope to extend 1-3 Hester Street but had chosen to develop the space between the properties instead. The gap between her property and the proposal would only be three inches; she understood that Building Control had concerns about this. She had concerns about the foundations of the proposal affecting her basement and foundations. Miss Scott believed that the existing parking problems would be made worse and she also understood that the amended proposed Condition 8 contradicted the applicant's own statement, part of the planning application file, that the property was stand alone that allowed for the possibility of its future sale should such a decision be made. In answer to a question Miss Scott commented that the separation distance between the properties was such that she would be unable to maintain the exterior of that part of her property.

Mr Bird, the Architect and member of the Jesus Army, commented that the applicant was aware of the objections that had been made and had taken them into account. The possibility of extending 1-3 Hester Street had been considered but rejected as it was already a large property and it had seemed more logical to fill in the gap between it and 4 Hester Street on the land that they already owned. He stated that the separation of the buildings was dealt with by the Party Walls Act which the Applicant was obliged to comply with. Mr Bird commented that he believed that shading of the garden of 4 Hester Street would not be made any worse by the proposal. He was aware of the concerns about properties in multiple occupation in the area and parking issues: the property was likely to be occupied by one family with possibly one or two other people. Potential residents were strictly vetted. The applicants maintained a strict parking ratio of one car between five people so that there was likely to be only one extra car generated by the proposal. A separate report of advice had been obtained as to how the foundations to the proposal could be constructed without damaging the neighbour's basement. In answer to questions Mr Bird commented that it was permissible to build up to your own boundary; that the maximum occupation of the premises was likely to be eight people and that it would be closely regulated by the Council; and that the proposal had been sited close to 4 Hester Street so as to maintain the effect of the light wells to the basement of 1-3 Hester Street and to maintain an access to the rear garden.

The Head of Planning noted the separation distance between the proposal and 4 Hester Street was a civil matter; the position in respect of trees was covered in paragraphs 7.10 and 7.11 of the report; and if the property was sold in the future it would require a change of use to allow it to be used as a single dwelling.

The Committee discussed the application.

Councillor Meredith proposed and Councillor N Choudary seconded "That the application be refused as the proposal would be detrimental to neighbour amenity by virtue of its siting and harm highway safety contrary to Policy H6 (a) and E20 of the Northampton Local Plan"

Upon a vote the motion was carried.

RESOLVED: That the application be refused as the proposed development, by reason of its use, siting, design and appearance, would represent an over-intensive form of development harmful to residential amenity, particularly that of 4 Hester Street, and would give rise to additional on-street parking to the detriment of highway safety and the free-flow of traffic. The proposal is therefore contrary to Policies H6 and E20 of the Northampton Local Plan and the guidelines contained within PPG13.

(E) N/2011/1173- APPLICATION FOR A CERTIFICATE OF LAWFULNESS FOR A PROPOSED REAR DORMER AT 18 LYNMOUTH AVENUE, NORTHAMPTON.

The Head of Planning submitted a report in respect of application no N/2011/1173.

The Committee discussed the application.

RESOLVED: That a Certificate of Lawfulness be issued as the development, a proposed rear dormer extension to this bungalow, is permitted by reason of Part 1, Class B of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008.

(F) N/2011/1276- TWO STOREY SIDE EXTENSION AT GREENACRES, HIGH STREET, WESTON FLAVELL

The Head of Planning submitted a report in respect of Application no. N/2011/1276 and elaborated thereon.

Mr Harland, a neighbour, commented that the site was within the Weston Favell Conservation Area and that he believed that the extension of two and a half storeys was too massive. He noted the Arboricultural Officer's comments about the preservation of the two mature cedar trees within the conservation area. He noted that the extension would block out the residential amenity of people being able to see the trees from High Street. Mr Harland also commented upon the overshadowing effect of the extension on the front garden of the property opposite. He believed that the proposal was not appropriate.

Miss Millen, a neighbour, commented that her property and Greenacres were two detached homes on large plots. She and the applicant had been neighbours for nearly 50 years. The properties were separated by a high leylandii hedge that had given cause for distress in the past; it was not necessarily a permanent feature. She believed that the extension was large when even compared against a typical new build; it would be 39 feet long, 28 feet high and extend 13 feet towards her property. Miss Millen was concerned about the separation distance and permanent shade to any sunshine from the west. She noted that there was no mention of obscured glass to the side facing upper windows and believed that the lack of privacy and overlooking caused by the large glass area to the rear of the proposal was out of keeping with the area.

Mr Coley, the Applicant, commented that he loved Greenacres; he had been born there and agreed with Miss Millen that they had been neighbours for 47 years. It was intention that any extension would be sensitive to the area. Greenacres was a long narrow property; it only had one bathroom. He wanted to update it and make it more suitable for his family and modern expectations. He had consulted and taken the advice of the Conservation Area Officer who had raised no objection to the proposal. The extension would be built on the existing building line and Mr Coley believed that this would remove any overshadowing of Miss Millen's property. He intended to leave the hedge as it was and he believed that Miss Millen's privacy would not be affected. The upper side windows of the extension would be obscure glazed; the feature window at the rear of the extension was just for his family's enjoyment of their own garden. Mr Coley believed that there was a misunderstanding about the "third storey": it was intended mainly for storage but with the possibility of having a fitness rowing machine there.

The Head of Planning confirmed that the Conservation Area Officer's comments were set out at paragraph 6.1 of the report and that proposed condition 3 dealt with the issue of obscure glass to the upper windows to the east elevation of the extension and proposed condition 4 dealt with the protection of the cedar trees.

The Committee discussed the application

RESOLVED: That the application be approved subject to the conditions set out in the report as the impact of the proposed development on the character of the original building, street scene, residential amenity and the character of the Conservation Area is considered to be acceptable and in accordance with Policies E20, E26 and H18 of the Northampton Local Plan, the Residential Extensions and Alterations Design Guide SPD, and with the aims and objectives of PPS5.

11. ENFORCEMENT MATTERS

None.

12. APPLICATIONS FOR CONSULTATION

None.

The meeting concluded at 20.11 hours.