

# NORTHAMPTON BOROUGH COUNCIL

## PLANNING COMMITTEE

**Tuesday, 6 March 2012**

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

### 1. APOLOGIES

Apologies for absence were received from Councillor Meredith.

### 2. MINUTES

The minutes of the meeting held on 7 February 2012 were agreed and signed by the Chair.

### 3. DEPUTATIONS / PUBLIC ADDRESSES

**RESOLVED:** That Messrs Button, Scarth and Ogborne be granted leave to address the Committee in respect of Application no N/2011/1095.

That Messrs Cox, Karabin and Toone be granted leave to address the Committee in respect of Application no N/2011/1120.

That Mr Wright be granted leave to address the Committee in respect of Application no N/2011/1215.

That Councillor Wire DL and Mrs Percival be granted leave to address the Committee in respect of Application no N/2011/1128.

That Messrs Toone and Mr Macandrew and Councillor Parekh be granted leave to address the Committee in respect of Application no N/2011/1279.

That Mr Wright be granted leave to address the Committee in respect of Application no N/2011/1215.

That Mr Dobrasczkw and Mrs Whittingham and Councillor Duncan be granted leave to address the Committee in respect of Application no N/2012/0019.

That Messrs Hughes and Humphries and Mrs Willis be granted leave to address the Committee in respect of Application no N/2012/0034.

That Mrs Andrews, Mrs Tate, Mrs Percival and Mr Waine and

Councillor King be granted leave to address the Committee in respect of Application no N/2012/0058.

That Messrs Watts and Stones and Councillors Markham and Parekh be granted leave to address the Committee in respect of Application no N/2012/0058.

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

Councillor Oldham declared a Personal and Prejudicial interest in Application no N/2011/1279 as being a friend of a neighbour to the application site.

Councillor Hallam declared a Personal interest in Application no N/2011/1120 as knowing an objector to the application.

Councillor Hallam declared a Personal interest in Application no N/2011/1279 as knowing an objector to the application.

Councillor Hallam declared a Personal interest in Application no N/2012/0058 as knowing an objector to the application.

#### **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**

### **(K) N/2012/0070- CHANGE OF USE FROM DWELLING HOUSE (USE CLASS C3) INTO HOUSE OF MULTIPLE OCCUPATION (USE CLASS C4) AT 1 CHADSTONE AVENUE**

The Head of Planning submitted a report in respect of application no. N/20012/0070, elaborated thereon and referred to the Addendum that set out objections from residents of Chadstone Avenue and comments from the Highway Authority.

Mr Watts, commented that there were 13 houses in Chadstone Avenue and that their design was such that the ground floor had a larger floor area than the first floor. He commented that the Committee had to show good reasons for their decision. He stated that he had concerns about statements made in the report and in particular paragraph 7.4 and the reference that the proposal “would not result in an over-concentration of similar uses which would be detrimental to the amenities of neighbouring residents in the locality...”. He disputed this; he believed that there were no proper records of houses occupied by six or more individuals for this area. He did not believe that the property was large enough for five individuals to live in. Mr Watts stated that there were parking implications in Chadstone Avenue area and referred to the Highway Authority comments concerning noise and disturbance and street cleaning and disposal of refuse. He believed that if the proposal were agreed it would change the family nature of the area. There were also three schools in the vicinity. Mr Watts referred to paragraph 7.4 of the report again and commented that Council Tax and Housing records had been used to make the assessment that there were not an excessive number of houses in multiple occupation in the vicinity and that this same information had been used to justify the imposition of the Article 4 Direction. He believed that this was contradictory. He asked that the Committee either defer or reject the application.

Councillor Markham, commented that she had previously spoken about HIMO's and the Article 4 Direction. She was a resident of the area and believed that the statement in the report that there were not too many HIMO's in the area was absurd. Whilst the Applicant's management proposals for the property were commendable she queried whether he planned to monitor the premises on a daily basis. Around this area people tended to park in the street rather than using off-street parking. She suggested that the Council did not have the resources to monitor car parking or refuse problems. She believed that the Council continued to fail the residents of Sunnyside since granting the Article 4 Direction: as the Cabinet Member for Housing she was unable to build any more social housing until 2014 but had increasing numbers of homeless in bed and breakfast accommodation. She stated that there was no planning policy in respect of Article 4 and the Council should not be supporting get rich quick developers; this situation did nothing to help the homeless.

Councillor Parekh as the Ward Councillor, commented that he had lived in the area for seventeen years and he believed that quite a few of houses were HIMO's. This had a detrimental affect on the area and increased the number of students living

there. He believed that not all of the proposed five car parking spaces would be usable and that the house was too small for the proposal. The area was predominantly family and retirees orientated. He believed that the property was not appropriate for students, HIMOs were not needed and that the proposal represented an over development of the site and would not encourage families to the area.

Mr Stones, stated that he was part owner of the property was the likely landlord of it. He wanted to provide student accommodation to the highest standards and it would be closely monitored: he was working with the University's student accommodation department. His business partner and himself both lived locally. Car parking spaces were for four cars plus the garage. He had monitored car parking in Chadstone Avenue and had only observed two students parking near the junction with Falcutt Way before the houses started. In terms of noise and waste, students would be vetted before being given tenancies and breaches would be dealt with. He would have a cleaner who would keep the site tidy and deal with refuse. Mr Stones believed that all of objections had been dealt with. He had the best of intentions and would deal with issues as they arose. In answer to questions Mr Stones commented that he lived in the Harborough Road and that he had done this sort of development before in Semilong which was fully accredited; breaches would ultimately be dealt with by giving notice and Court Orders- this had not proved necessary so far.

The Head of Planning confirmed that there were thirteen houses in Chadstone Avenue and that the ground floor area of the houses was larger than the first floor area. In respect of paragraph 7.4 he commented that the statements contained in it were accurate and in their assessment there was not an over concentration of HIMO's in the vicinity. Proposed condition 2 covered a management plan for the property and proposed condition 3 restricted the occupancy to five people. To date no other applications similar to this had been received since the Article 4 Direction had come into force. In answer to questions the Head of Planning commented that there would be a net gain of one car parking space as the development would result in two additional off-street parking spaces but reduce the street parking capacity due to the associated vehicle crossover. The Council had no evidence to indicate that there were any HIMOs in Chadstone Avenue and that the records referred to in paragraph 7.4 of the report indicated that there were two to three HIMOs in Falcutt Way. Although material planning considerations, the issues about noise and disturbance and street cleaning and disposal of refuse were not Highway Authority matters.

The Committee discussed the application.

Councillor Yates proposed and Councillor Mason seconded "That the application be refused as the proposal would result in an over-concentration of similar uses in the locality leading to a material change in character which would be detrimental to the amenities of neighbouring residents and the locality, the property is not of sufficient size to accommodate the proposed use, and the introduction of the use would lead to additional off-street parking in an area which currently experiences difficulties in this respect. The proposed development would therefore in conflict with Policy H30 of the Northampton Local Plan."

Upon a vote the motion was carried.

**RESOLVED:** That the application be refused as the proposal would result in an over-concentration of similar uses in the locality leading to a material change in character which would be detrimental to the amenities of neighbouring residents and the locality, the property is not of sufficient size to accommodate the proposed use, and the introduction of the use would lead to additional off-street parking in an area which currently experiences difficulties in this respect. The proposed development would therefore in conflict with Policy H30 of the Northampton Local Plan.

**(J) N/2012/0058- APPLICATION FOR VARIATION OF CONDITION 3 OF PLANNING PERMISSION N/2011/0588 TO ALLOW PHARMACY TO BE OPEN TO CUSTOMERS BETWEEN THE HOURS OF 07.30 TO 22.30 ON MONDAYS TO FRIDAY, 08.00 TO 22.30 ON SATURDAYS AND 08.00 TO 18.30 ON SUNDAYS, BANK HOLIDAYS AND PUBLIC HOLIDAYS AT ABINGTON HEALTH COMPLEX, 51A BEECH AVENUE.**

The Head of Planning submitted a report in respect of application no. N/2012/0058, elaborated thereon and referred to the Addendum that set out an objection received from Michael Ellis MP.

Mrs Andrews, a local resident and member of the Phippsville Residents Association, commented that there had been previous problems with youths congregating in the area that an extension of hours would worsen. The health complex had formerly been the home of NeneDoc and there had been issues of late night noise. In any case there had been problems with deliveries and drug addicts at the health complex. Mrs Andrews believed that this was not the right location for a pharmacy to open for 100 hours per week and that 955 of residents were against the proposal.

Mrs Tate, from the Abington Pharmacy, commented that a majority of their customers were against the proposal. She note that whilst the Applicant claimed that 100 hour opening was necessary, a NHS stipulation, the Planning Inspector in granting the application on appeal had stated that this stipulation did not override his planning decision. She asked the Committee to stick with the Planning Inspector's decision.

Councillor King, as Ward Councillor, commented that a majority of residents were against the application. She noted that recently the gates had been left open accidentally and windows in the health complex had been smashed: This showed what was likely happen if the extension of hours was granted. She believed that supporters of the scheme tended to live away from the site and she asked the Committee to take in consideration residents views.

Mrs Percival, commented that she supported the application. She had had a recent experience of helping a neighbour to get medication on a Sunday and had discovered that there was nowhere close to Parklands, where she lived, that was open; the nearest pharmacies being at Weston Favell or Balmoral Road. There were no buses from Parklands to Weston Favell on Sundays. Mrs Percival commented that people preferred doctors to be open later. She appreciated that residents were concerned about noise and vandalism but the Birchfield Road East centre was close by. She suggested that perhaps more pharmacies should open later. In answer to a

question Mrs Percival commented that there were already issues concerning the shops in Birchfield Road East.

Mr Waine, on behalf of the Applicant, commented that the application was about the extension of hours for the operation of the pharmacy; it was not about the principle of having a pharmacy at all. The surgery now opened later. The original planning application had asked for the opening hours now asked for and the Planners had not raised any issues. He queried what had changed. The Planning Inspector had said that the opening hours would affect the amenity of the neighbours but in his view had wrongly considered the hours asked for in the original application instead of those asked for in the amended application. Mr Waine believed that the Inspector had, in effect misdirected himself. He noted that there were no time restrictions on the opening of the health complex, sports injury clinic or the existing pharmacy. Mr Waine believed that many of the objectors did not live near to the complex.

The Head of Planning commented that the retail uses in the Birchfield Road Centre were more concentrated and that the immediate vicinity was less residential. He noted that the Planning Inspector's decision was a material consideration and there was no evidence that he had made a mistake in making it. In answer to a question he clarified the opening hours that were being asked for.

The Committee discussed the application.

**RESOLVED:** That the application be refused by reason of the extent of the proposed operating hours, the proposed development would have a significant detrimental impact upon residential amenity as a result of increased noise and disturbance. The proposal therefore fails to comply with the requirements of PPG24 – Planning and Noise.

**(A) N/2011/1095- RETENTION OF GARDEN SHED, PAVED AREA AND CLOSE BOARDED FENCE. CONSTRUCTION OF NEW DROP OFF/PICK-UP POINT FOR AMBULANCES AND ASSOCIATED VEHICLES AT VIOLET JOSSELYN HOUSE, 2 THE DRIVE (AS AMENDED BY REVISED PLANS RECEIVED 30 JANUARY 2012)**

The Head of Planning submitted a report in respect of application no. N/2011/1095, elaborated thereon and referred to the Addendum that set out comments from residents of The Crescent.

Mr Button, a resident of The Crescent for 39 years, commented that he objected to the current application. He referred to a previous planning approval for a garden wall that was supposed to extend to the boundary of 2 The Crescent but this part of it had never been completed. Another application had been for a landscaped garden but this area was used as a car park contrary to the planning permission. Mr Button queried what "emergency vehicle" meant and did it include plumbers and electricians vehicles. In any case he felt if allowed the consent would be unenforceable and that the Applicant would ignore conditions as they had done in the past. He believed that the Applicant's long term aim was to turn the garden into a car park. He also believed that the emergency access and nurses station was at the front of the building rather than at the rear. In answer to a question Mr Button commented that he did not

believe that the planters put in the garden did not comply with the planning permission for landscaping.

Mr Scarth, a local resident commented that he was representing several other residents. The proposed ambulance parking space would be opposite his home, 24 The Crescent. He did not understand the need for an emergency vehicle access this far from the facility. He believed that the location plan accompanying the report did not accurately show the land ownerships of Crescent Homes Limited. Mr Scarth commented that if a permission could not be adequately enforced then the application should be refused.

Mr Ogbourne, commented that he worked at The Crescent Care Home and lived in The Drive. The objections came from a relatively small number of people and no comments had been made about the fencing or the shed that were also part of the application. The application was not about a car park, it was not needed. The planters were for residents so that they could be wheeled around them and, if interested, do some gardening. It would be better for ambulances to be able to park on-site rather than on the street as at present or at the front of the building. Mr Ogbourne commented that the previous speakers were not aware of the internal layout of the building: residents were spread out evenly throughout the building. In answer to questions Mr Ogbourne commented that the fencing would be railings, the entrance would be narrowed and gated with bollards and signage for disabled access, and that contractors vehicles had used the parking space only whilst the refurbishment works were being carried out to the care home.

The Head of Planning commented that the location plan was sufficient and accurate enough for the purposes of this particular application.

The Committee discussed the application.

**RESOLVED:** That the application be approved subject to the conditions set out in the report and amendment of condition 2 to define what was meant by emergency vehicles, as the proposed development would not have an undue detrimental impact on the appearance and character of the host building, wider street scene and would not have an adverse effect on the amenity or living conditions of neighbours to comply with Policies E20 and H29 of the Northampton Local Plan, Policy 2 of the East Midlands Regional Plan and the aims of PPS1, PPS3 and PPG13.

**(B) N/2011/1120- ERECTION OF NEW TWO STOREY DETACHED DWELLING AT 56 GREENFIELD ROAD (AS AMENDED BY REVISED PLANS RECEIVED ON 12 JANUARY 2012)**

The Head of Planning submitted a report in respect of application no. N/2011/1120, elaborated thereon and referred to the Addendum that made corrections to paragraphs 2.1 and 7.8 of the report.

Mr Cox, commented that he was representing residents in Elmhurst Avenue. These properties had been built in the 1930's and had changed little. The proposal would

not be constructed of matching materials or design. A single dwelling would be out of keeping with the pairs of semi-detached dwellings in Elmhurst Avenue or the short terraces in Greenfield Road. Parking was already an issue; Mr Cox's son used a disability vehicle and quite often it was not possible to park it outside their home. Mr Cox referred to a similar garden development at the rear of 17 Elmhurst Avenue that remained empty after several months. He suggested that there was not the demand for this type of development.

Mr Karabin, the next door neighbour in Greenfield Road, commented that he supported the comments made by Mr Cox. He also had concerns about overbearing and loss of privacy and light in his garden. Parking was already insufficient in Elmhurst Avenue and Greenfield Road. Mr Karabin commented that the proposed dwelling would be in advance of the building line in Elmhurst Avenue and that this might encourage other people to extend their properties frontwards. He felt that there might be two other similar garden development opportunities for properties in Broadmead Avenue.

Mr Toone, the Agent, commented that he agreed that the previously refused application had represented over development of the site. He agreed that the proposal was similar to that at the rear of 17 Elmhurst Avenue. The site was in a sustainable location close to shops and a bus route. He commented that there had been few objections and noted that all the objectors had rear accesses where vehicles could be garaged or put on hardstandings; people just chose not to use them. Mr Toone commented that from his own observations car parking was not a particular problem in this vicinity and that there would be no overlooking of the neighbour's rear garden. Mr Toone asked the Committee to approve the application. In answer to a question Mr Toone observed that the Highway Authority had not made any comment in respect of car parking.

The Head of Planning commented that in respect of overlooking due to boundary treatments, that there were no issues from the ground floor windows and that all the first floor rear and side windows would be obscure glazed. In response to questions the Head of Planning confirmed the location of the front door to the proposed dwelling; that the separation distance to 54 Greenfield Road was over 17 metres, the standard being 13 metres; and the development accorded with the Highway Authority's standing advice.

The Committee discussed the application.

**RESOLVED:** That the application be approved subject to the conditions set out in the report as this residential development was acceptable as it was in an existing residential area and the siting, design and appearance of the dwelling would not be detrimental to visual and residential amenity or highway safety in accordance with Policies H6 and E20 of the Northampton Local Plan.

**(C) N/2011/1128- SINGLE STOREY REAR EXTENSION AT 94 GREENWOOD ROAD. (RETROSPECTIVE- RESUBMISSION OF APPLICATION NO N/2011/0495)**



The Head of Planning submitted a report in respect of application no. N/2011/1128 and elaborated thereon, drawing attention to those limited aspects of the application that required planning permission.

Councillor Wire DL, as Ward Councillor, commented that the site visit had given Members a clear appreciation of the issues. He was concerned that other people might try to copy this development. He noted that the applicant had co-operated by ceasing work. The Committee could decide that the Applicant should reduce the size of the development to that which had been originally agreed.

Mrs Percival, a resident of Stanley Road, commented that she believed that the previous planning application had not met all the requirements for validation but had been approved nonetheless. She commented that there was no site plan for this application and that only four neighbours had been notified about it. Mrs Percival commented that she had alerted the Council to the fact that the development was not being built to the approved planning consent. The development filled the garden and gave a feeling of enclosure. If other people were to do the same then the back yards would completely disappear. She commented that a reluctance to take enforcement action should not lead to an automatic approval of the application; it effected neighbour amenity.

The Head of Planning elaborated upon the criteria for permitted development rights for this type of property and noted that the principle question was whether the permitted development rights represented the absolute maximum that should be reasonably agreed to, the difference with that and the application being very slight. In answer to a question The Head of Planning noted that the gap between the end wall of the extension and the rear boundary wall was less than 0.5 metres and confirmed that the built form of the extension accounted for less than 50% of the backyard area. Concern was expressed regarding the size of the extension combined with the limited size of the rear yard area and the very close proximity of the neighbouring houses, particularly those to the rear in Stanley Road, and the resultant detriment of amenities of these neighbouring properties.

The Committee discussed the application.

Councillor Hallam proposed and Councillor Davies seconded "That the recommendation for approval set out in the report be approved."

Upon a vote the motion was lost.

Councillor Oldham proposed and Councillor Mason seconded "That the application be refused as the impact of the alterations compared to the previously approved development and beyond what could be erected as permitted development, by reason of their siting, size and appearance, would have an adverse impact on the character of the original dwelling and the residential amenity of neighbouring properties. Therefore the development conflicts with Policies E20 and H18 of the Northampton Local Plan and Residential Extensions and Alterations Design Guide SPD."

**RESOLVED:** That the application be refused as the impact of the alterations compared to the previously approved development and beyond what could be erected as permitted development, by reason of their siting, size and appearance, would have an adverse impact on the character of the original dwelling and the residential amenity of neighbouring properties. Therefore the development conflicts with Policies E20 and H18 of the Northampton Local Plan and Residential Extensions and Alterations Design Guide SPD.

**(E) N/2011/1215- EXTENSIONS TO EXISTING SEA CADET HEADQUARTERS BUILDING, TOGETHER WITH NEW MAIN DECK BUILDING, WIDENED SLIPWAY AND PONTOON, AND DEMOLITION OF CHANGING FACILITY AT SEA CADETS, CALVESHOLME ISLAND BECKETS PARK, BEDFORD ROAD**

The Head of Planning submitted a report in respect of application no N/2011/1215 and elaborated thereon.

Mr Wright, on behalf of the Sea Cadets, offered to answer any questions the Committee might have. In answer to questions he commented that disabled access facilities were included in the proposal and although the facilities were mainly for the Sea Cadets a number of courses were run from the existing building during the day and this would continue. Brick cladding had been chosen so as to make the building as maintenance free as possible.

The Committee discussed the application.

**RESOLVED:** That the application be approved subject to the conditions set out in the report as the proposal would enhance the character and appearance of the area and would not lead to any increased risk of flooding. The development would also enhance an existing recognised recreational facility. It is therefore in accordance with Policies E9, E18, E20 and L1 of the Northampton Local Plan and the aims and objectives of PPS1, PPS23, PPS25 and PPG17.

**(F) N/2011/1279- TWO STOREY SIDE EXTENSION AT 211 BOUGHTON GREEN ROAD (REVISED SCHEME TO APPLICATION NO N/2011/0273.) (AS AMENDED BY REVISED PLAN RECEIVED ON 17 JANUARY 2012.)**

Councillor Oldham left the room in accordance with his declaration of interest set out at minute 4 above.

The Head of Planning submitted a report in respect of application no. N/2011/1279 and elaborated thereon.

Councillor Parekh as Ward Councillor, commented that he would like the Committee to refuse this application. He had lived in the area for 17 years and over that time had seen many houses converted into HIMOs to its detriment. He had concerns about car

parking and a parking bay being adjacent to a zebra crossing; and the possibility of five student cars plus those of any guests. Councillor Parekh noted that Boughton Green Road was busy and had further concerns about the maintenance of gardens and looking after refuse and noise from parties. He believed that this proposal represented an overdevelopment in the Sunnyside area and looked forward to a planning policy being put in place to prevent this sort of situation.

Mr Macandrew, a resident, commented that presently the property had five bedrooms over two floors and this proposal would provide five bedrooms on the first floor. He was suspicious that it was a ploy to increase the occupancy. He had concerns about vehicles parking on the highway verge adjacent to a zebra crossing and believed that the situation would get worse with the garage being moved forward and the resulting loss of one car parking space. He noted that at present refuse bins were stored on the verge and that there were supermarket trolleys in the rear garden. There appeared to be no management of the site. This was a family residential area that seemed to be becoming a part of the University Campus.

Mr Toone, the agent commented that the property already had C4 use as a HIMO with up to six occupants. The applicant was not seeking to increase occupancy. Any further occupancy would require either planning permission or enforcement action. The property was inspected by the Housing department. The applicant had tenancy agreements with his student tenants that included clauses about the maintenance of the site. The concerns of neighbours was recognised and they had been written to about the proposals: no responses had been received. Mr Toone commented that the proposed turning circle within the site recognised the situation of the adjacent zebra crossing. In answer to a question Mr Toone stated that the intention of the applicant was to improve the existing accommodation as one of the bedrooms currently had no natural light source.

The Head of Planning confirmed that the current use of the property was lawful.

The Committee discussed the application.

**RESOLVED:** That the application be approved subject to the conditions set out in the report as the siting, design and appearance of the extension was acceptable and would not be detrimental to visual or residential amenity in accordance with Policies H18 and E20 of the Northampton Local Plan.

**(G) N/2012/0019- ERECTION OF 1NO 3 BED DETACHED BUNGALOW ON LAND AT REAR OF 8 EDGEMONT ROAD. (AS AMENDED BY REVISED PLAN RECEIVED ON 17 FEBRUARY 2012)**

The Head of Planning submitted a report in respect of application no. N/2012/0019, elaborated thereon and referred to the Addendum that set out further comments from residents of Mountclair Court and Edgemont Road and those from the Highway Authority.

Mr Dobrasczkw, speaking on behalf of a resident who could not be present, commented that he had been responsible for the layout of Edgemont Road on behalf

on the former Development Corporation. A covenant had been created, which the Council now held, to both establish and maintain the character of the area. The character of the area would be completely changed if the application were allowed and others chose to follow suit. He noted that Policy H10 sought to preserve the character of the area.

Mrs Whittingham, the next door neighbour, commented that although the proposal was for a bungalow the land was much higher and she was concerned that it would overlook her property and garden and also a risk of surface water flooding onto her property as only a soak away was mentioned rather than a drain. Mrs Whittingham also commented that an underground watercourse between 4 and 6 Edgemont Road had already caused some issues of subsidence but this did not appear to be taken account of. She noted that the plans did not appear to take account of their extension and that the gap between her property and the new garage would be less than five metres. Mrs Whittingham believed that the proposal would have an effect on the area and would encourage others to try to get permission for back land development. In answer to a question Mrs Whittingham confirmed her concerns about surface water flooding her property.

Councillor Duncan commented that he understood that the current owner of the property was planning to sell it and that the intention behind seeking planning permission was to enhance the value of the site.

The Head of Planning noted that Covenants were a civil matter that could not be taken into account in the determination of the application. Any decision made as Planning Authority would not affect the provisions of any Covenant. The Council's roles as Planning Authority and land manager must be exercised separately. The proposal met the requirements for separation distances and the plot was large enough to accommodate two properties. Drainage was a matter for Building Control; the site was not in a flood risk area. The fact that the current owner might be seeking to enhance the value of their property was not a relevant planning consideration. The Head of Planning advised that if the Committee were minded to approve the application then additional conditions for the submission of a drainage scheme and to restrict the height of the slab could be included to meet the concerns that had been raised.

The Committee discussed the application.

**RESOLVED:** That the application be approved subject to the conditions set out in the report and additionally in respect of controlling the slab level, as the proposed development was considered acceptable in this predominantly residential area without having a detrimental impact on the appearance, character and amenity of the locality or on highway safety. Adequate access and parking is provided and satisfactory tree protection and would comply with Policies E11, E20, H6 and H10 of the Northampton Local Plan, Policy 2 of the Regional Plan and aims of PPS1, PPS3, PPS23, PPG13 and PPG24.

**(H) N/2012/0034- ERECTION OF TIMBER FRAMED GARDEN BUILDING, COMPRISING CHILDRENS PLAY AREAS AND CONSERVATORY AT 28 SOUTHFIELD ROAD.**

The Head of Planning submitted a report in respect of application no. N/2012/0034, elaborated thereon and reminded the Committee that if the building had been sited 2 metres further into the site then it would not have needed planning permission.

Mr Hughes, a next door neighbour, commented that he had concerns that the applicant would use the building as an extension of his nearby nursery business. He also had concerns about the four lights that pointed towards the rear of the properties and which caused light pollution. He also commented that the first floor of the building overlooked his garden. In answer to a question Mr Hughes stated that he would like any planning permission to be conditioned to prevent its use for business or as a dwelling.

Mrs Willis, commented that she was a next door neighbour and stated that she had not had the opportunity to comment on the proposal as there had not been a planning application. She commented that the building was like having a bungalow facing the rear of the property and seemed an invasion of privacy. She commented that the lights were on until 11.00pm each evening. It was a large building and Mrs Willis had concerns that it could become a dwelling or be used commercially.

Mr Humphries, the applicant, commented that the building had been erected under permitted development rights, his mistake had been in the siting of it. He stated that that the building was not for business use and would be happy for such a condition to be placed on any planning permission. Dealing with comments that objectors had made he stated that he did not use the rear entrance to the garden from the St Crispin site and that it had certainly never been used by staff from his nursery; the lights were only 40 watt bulbs each and were on a timer from 4.30pm to 9.30pm daily but would not be a problem during the summer months; and that his grandchildren visited him frequently. In answer to questions Mr Humphries commented that he would put smaller capacity bulbs in the lights if this were an issue and that the first floor was stairs to a landing to an outside slide that he was waiting to purchase.

The Head of Planning commented that the lighting issue was an Environmental Health matter and that the building had been applied for use as a domestic outbuilding; it would require planning permission for anything else. If the Committee were minded to approve the application an additional condition could be made to restrict its use as ancillary to the dwelling

The Committee discussed the application.

**RESOLVED:** That the application be approved subject to the conditions set out in the report and a further condition to restrict the use of the building as ancillary to the dwelling as the siting, design and appearance of the outbuilding and conservatory were acceptable and would not be detrimental to visual or residential amenity in accordance with Policy E20 of the Northampton Local Plan.

**(D) N/2011/1149- ERECTION OF EXTENSION TO PROVIDE A CINEMA AT THE ROYAL & DERNGATE THEATRE, GUILDHALL ROAD**

The Head of Planning submitted a report in respect of application no. N/2011/1149 and elaborated thereon. Members in response to observations set out in the report about the integration of the proposal with the surrounding area and the proposed use of wood as the cladding material, expressed reservations about the finish materials and asked that further consideration be given to them in the context of the host building and the surrounding architecture under the terms of condition 2.

**RESOLVED:** That the application be approved subject to the conditions set out in the report and delegation to the Head of Planning in consultation with the Chair and Councillors Davies and Golby to further discuss with the applicant appropriate finish materials, as the proposed development would enhance the leisure facility of the Derngate Theatre and thereby the attractiveness of the town centre overall and would have no adverse impact on the setting of adjacent listed buildings or the conservation area, and would bring the benefit of enabling enhancements to the adjacent area of public open space. The proposal is therefore in accordance with Local Plan Policies E6, E20, E26 and L1 and the aims and objectives of PPS1, PPS4, PPS23 and PPG24.

**(I) N/2012/0051- ERECTION OF SINGLE STOREY STRUCTURE TO BE USED AS A TICKET OFFICE AT NORTHAMPTON SOCIETY OF MODEL ENGINES, DELAPRE PARK, LONDON ROAD**

The Head of Planning submitted a report in respect of application no. N/2012/0051, elaborated thereon and in response to a question commented that the footings required would be very shallow and in archaeological survey terms was de minimus.

The Committee discussed the application.

**RESOLVED:** That the application be approved subject to the conditions set out in the report as the proposed development due to its siting, design and scale would not have an undue detrimental impact on the appearance and character of the area, amenity of neighbours, flood risk or on the Conservation Area and complies with Policies E9, E18, E20 and E26 of the Northampton Local Plan and aims of PPS1, PPS5 and PPS25.

**11. ENFORCEMENT MATTERS**

None.

**12. APPLICATIONS FOR CONSULTATION**

None.

The meeting concluded at 22.08 hours.