

NORTHAMPTON BOROUGH COUNCIL

PLANNING COMMITTEE

Tuesday, 24 September 2019

PRESENT: Councillor Oldham (Chair); Councillor Lane (Deputy Chair);
Councillors Birch, Bottwood, Golby, Haque, Kilby-Shaw, B Markham,
M Markham and McCutcheon

OFFICERS: Peter Baguley (Head of Planning), Nicky Scaife (Development
Management Team Leader), Hannah Weston (Principal Planning
Officer), Paulette Tedd (Planning Solicitor), Ed Bostock (Democratic
Services Officer)

1. APOLOGIES

Apologies for absence were received from Councillors Cali and Russell. Councillor Kilbride would be arriving late.

2. MINUTES

The minutes would be brought to the following meeting.

3. DEPUTATIONS / PUBLIC ADDRESSES

RESOLVED:

That under the following items, the members of the public and Ward Councillors listed below were granted leave to address the Committee:

N/2019/0563

Councillor G Eales
Paul Smith

N/2019/0596

Wendy Hench
Alison Wilmot
Barry Waine

N/2019/0390

James Thorpe

N/2019/0391

James Thorpe

N/2019/0468

Keith Shields
James Thorpe

N/2091/0693

James Thorpe

N/2019/0987

James Thorpe

4. DECLARATIONS OF INTEREST/PREDETERMINATION

Councillor M Markham declared a predetermination in respect of item 10c. She also declared disclosable and pecuniary interest in respect of items 11a, 11b, 11c, 11d and 11e as a board member of Northampton Partnership Homes (NPH).

Councillor Bottwood declared a disclosable and pecuniary interest in respect of items 11a, 11b, 11c, 11d and 11e as a board member of Northampton Partnership Homes (NPH).

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

There were none

6. LIST OF CURRENT APPEALS AND INQUIRIES

The Development Management Team Leader submitted a List of Current Appeals and Inquiries on behalf of the Head of Planning. She explained that 6 decisions had been reached and elaborated upon an appeal relating to 144 Southampton Road. The Planning Committee had refused the application on highway safety grounds. However the Inspector allowed the appeal due to the property falling within what was considered a sustainable location, according to the Council's Interim Planning Policy Statement (IPPS).

An application relating to 116 Church Street for a two storey front extension had been refused under delegated powers on the grounds that it would harm the street scene; the Inspector agreed with this decision.

Members discussed the report.

RESOLVED:

That the report be noted.

7. OTHER REPORTS

(A) N/2019/0703 - VARIATION OF S106 AGREEMENT FOLLOWING THE GRANT OF PLANNING PERMISSION N/2017/0127 FOR THE DEVELOPMENT OF 40 NO. DWELLINGS WITH RETAIL. SOFA KING TIVOLI HOUSE, TOWCESTER ROAD

The Principal Planning Officer submitted a report to the Committee. Members' attention was drawn to the addendum which contained summarised points from a letter sent by the planning agents. The Committee were informed that the application was originally approved in principle by the Planning Committee in 2017, subject to the completion of a Section 106 Legal Agreement which included the provision of 35% affordable housing. Due to the requirements of the S106 Agreement, the

developer had been unable to develop the site, rendering it unviable. A viability assessment was submitted by the applicant and independently assessed by a consultancy on behalf of the Council and the conclusion was that a 0% affordable housing provision would allow the scheme to become viable with a 17.5% return. CIL payments, and S106 contributions to open space, construction worker training opportunities and monitoring fees would still be made as part of the development.

In response to questions, the Committee heard that the applicant had not carried out a viability assessment before applying for planning permission. They further heard that it was understood that the flats would be offered for sale, rather than rented.

The Head of Planning explained that according to the National Planning Policy Framework (NPPF), a 15-20% profit was reasonable. He noted that the developers were still providing housing and that the Council could not currently demonstrate a 5 year housing supply.

Members discussed the report.

RESOLVED:

That a variation of the Section 106 Legal Agreement is **AGREED** so that 0% affordable housing is provided.

8. NORTHAMPTONSHIRE COUNTY COUNCIL APPLICATIONS

There were none.

9. NORTHAMPTON BOROUGH COUNCIL APPLICATIONS

There were none.

10. ITEMS FOR DETERMINATION

- (A) N/2019/0410 - SITING OF 2NO CONTAINERS, 2NO GENERATORS AND ASSOCIATED AIR CONDITIONING EQUIPMENT SURROUNDED BY 2.4 METRE HIGH PALISADE FENCING FOR USE AS A DATA CENTRE (USE CLASS B8). LAND TO NORTH EAST OF SIXFIELDS STADIUM, ACCESSED FROM WALTER TULL WAY**

The Development Management Team Leader submitted a report to the Committee. Members were informed that the site formed part of a larger site on which outline planning permission had been approved in principle subject to the completion of a S106 agreement in 2014 for a mixed use development. The larger scheme would need amending should the data centre application be approved. The data centre would consist of 2 large containers and associated air conditioning units which would provide ultra-fast internet to the area. A 2.4m high palisade fencing would surround the development. It was noted that the Local Highway Authority had not objected to the proposed 3m wide access.

In response to questions, the Committee heard that no planting was proposed along with the fencing. The data centre would not compromise the wider development of the site as it was situated on a proposed parking area.

Members discussed the report.

RESOLVED:

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

(B) N/2019/0563 - PART DEMOLITION AND CONVERSION OF THE EXISTING FACTORY BUILDING TO 54NO APARTMENTS AND THE ERECTION OF A NEW 3-STOREY BUILDING TO PROVIDE 14NO APARTMENTS, TOGETHER WITH BIN AND CYCLE STORAGE AND PARKING. BARKER BUILDINGS, COUNTESS ROAD

The Development Management Team Leader submitted a report to the Committee. Members' attention was drawn to the addendum which contained written representations from the Ward Councillor, Gareth Eales. The Committee heard that the application sought approval for the part-demolition and conversion of the existing factory, and erection of a new 3 storey building to provide a total of 68 x 1 and 2 bedroom flats. The proposed new building would have a larger footprint than the previously approved scheme and it was explained that Dallington Brook would not be diverted and would continue to run through the site. Due to the unrestricted nature of the nearby commercial units and potential noise issues, the closest new build flats had been designed with corridors along the majority of the affected boundary with a condition recommended for noise mitigation measures to be secured for the limited number of flats affected in the new build, and for a number of flats in the converted building. As part of the development 72 parking spaces would be provided, including 8 Electric Vehicle charging points, and storage for 68 bicycles. Access to the development would be from Countess Road. It was reported that no objections to the application had been received from any statutory consultees. An independent viability assessment had previously concluded that the site would not be commercially viable if affordable housing was provided.

Councillor G Eales, in his capacity as the Ward Councillor, spoke against the application and commented that whilst he was not opposed to development, he disputed the report's statement that there were no parking problems anticipated; he and the Local Highway Authority had undertaken parking surveys, paid for by the LHA, which had concluded that parking was a problem in the area. Councillor Eales voiced further concern around the lack of affordable housing or S106 contributions.

In response to questions, Councillor Eales stated that a more modest application would be welcome; the additional building would put an unacceptable level of pressure on parking in the area.

Paul Smith, the agent on behalf of the applicant, spoke in favour of the application and commented that there had been no statutory objections to the application and explained that due to a reduction in the number of 2 bedroom flats, the revised parking provision was sufficient. He noted that the development was now less viable than before and that developers were not expecting to make more than 11% profit.

In response to questions, Mr Smith explained that that the development would not be viable if the number of properties were reduced.

The Development Management Team Leader stated that in respect of parking

provision, flats were judged on a case-by-case basis. Head of Planning stated that the businesses operating without time restrictions could be open 24 hours a day, but this was the worst-case scenario.

Members discussed the report.

RESOLVED:

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

(C) N/2019/0596 - 3NO NEW DWELLINGS WITH GARAGES AND NEW ACCESS ROAD (AMENDMENTS TO PLANNING PERMISSIONS N/2017/1384 & N/2016/1473). LAND REAR OF 9, 10 AND 11 THORBURN ROAD

Councillor M Markham left the meeting at this juncture, having declared a predetermination in the following item.

The Development Management Team Leader submitted a report to the Committee. Members' attention was drawn to the addendum which corrected a typographical error within the report. The Committee were informed that work on the access had already begun in relation to a previous approval, and the Local Highway Authority had raised no objections. It was explained that 2 applications currently existed for the development of the overall site comprising full approval for two dwellings and a separate outline approval for a single dwelling; this application sought to combine the 2 into 1. The properties would each include a double garage and off-road parking spaces; 2 properties would have 4 spaces, the other would have 3. It was noted that there would be no unacceptable overlooking or overshadowing from the proposed development. It was noted that a stone wall to the rear of the site had been the cause of some concern from objectors, however this would be retained.

Amanda Wilmot, a local resident, spoke against the application and stated that she did not object to the application for 2 homes but saw this as an overdevelopment. She commented that the current application did not contain sufficient information and voiced concern around the height of the proposed dwellings, the scale of the development, the positioning of the properties and loss of privacy to her property.

Wendy Hench, a local resident, spoke against the application and stated that the changes made to the proposal were significantly different following neighbour consultation, commenting that it was hard to make an informed decision due to a lack of subsequent information. She voiced concern around the size of the first floor windows.

Barry Waine, the agent on behalf of the applicant, spoke in favour of the application and commented that previous applications for the site had 2 access points; the new application had only 1. He stated that the distances between proposed and existing properties complied with the Council's and national policies and advised that his client did not own the stone boundary wall.

In response to a question, Mr Waine explained that the proposed dwellings would be set farther into the ground and the roof heights would not be significantly higher than those proposed in the previous applications.

The Development Management Team Leader advised that there was approximately 27.8m between the proposed development and closest existing property and acknowledged that whilst the first floor windows would result in an element of overlooking the distance from neighbouring properties was acceptable

Members discussed the report.

RESOLVED:

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

11. NORTHAMPTON PARTNERSHIP HOMES APPLICATIONS

(C) N/2019/0468 - DEMOLITION OF 11NO DOMESTIC LOCK UP GARAGES AND CONSTRUCTION OF 6NO NEW BUILD UNITS. GARAGE 1 LOCK UP GARAGES, PELL COURT

The Principal Planning Officer submitted a report to the Committee. Members' attention was drawn to the addendum which contained an additional letter of objection, comments from the arboricultural offer, and an additional condition. The Committee were informed that the application sought approval for the demolition of 11 garages to allow for the construction of 6 new build units. The development would provide 34 parking spaces, and with 12 required for the new dwellings there remains a net increase of parking for existing residents by 16 spaces over that existing. It was noted that the design of the proposed dwellings would be in keeping with the surrounding area.

Keith Shields, a local resident, spoke against the application and commented that the green area that would be built upon was the only local area for children to play on and stated that there were more appropriate places nearby to put houses, and that parking within the turning head had previously been refused by NCC Highways.

James Thorpe, Construction Manager for NPH, spoke in favour of the application and commented that a similar application had been approved and developed at Duston, and had been well received by local residents. He explained that the site was currently underused and the development would provide much needed parking in the area.

In response to questions, Mr Thorpe reported that NPH would be starting a "significant" regeneration project in 2020 and play areas would be included in this; 2 dedicated regeneration officers were currently working on securing funding for play areas etc.

The Principal Planning Officer explained that the loss of green space had been weighed against the need for parking which was considered a higher priority. It was also advised that NCC Highways had been consulted on the parking proposed and

had not raised any objection, including no objection to that proposed within the turning head.

Members discussed the report.

RESOLVED:

That the application be **APPROVED** subject to the conditions and reasons as set out in the report and **additional Condition 12** contained in the report.

(A) N/2019/0390 - DEMOLITION OF 8NO DOMESTIC LOCK UP GARAGES AND CONSTRUCTION OF 3NO NEW BUILD UNITS. GARAGE 1 LOCK UP GARAGES, PRESTON COURT

The Principal Planning Officer submitted a report to the Committee. Members' attention was drawn to the addendum which contained updated comments from the NBC Arboricultural Officer. The Committee were informed that the application proposed the demolition of 8 garages and the erection of 3 dwellings and 37 parking spaces. The Committee were informed that NPH had advised that users of occupied garages would be offered alternative garages nearby. Parking would be provided as part of the development, and with 6 parking spaces required for the proposed dwellings a net increase of 5 parking spaces would be provided for existing residents in the area above that existing. Members noted that the design of the proposed terraced houses was similar to those existing.

James Thorpe, Construction Manager for NPH, spoke in favour of the application and commented that the large space allowed for more parking provision.

Members discussed the report.

RESOLVED:

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

(B) N/2019/0391 - DEMOLITION OF 10NO DOMESTIC LOCK UP GARAGES AND CONSTRUCTION OF 4NO NEW BUILD UNITS WITH ASSOCIATED PARKING SPACES. LOCK UP GARAGES, LONGUEVILLE COURT

The Principal Planning Officer submitted a report to the Committee. The Committee were informed that the application proposed the demolition of 10 garages and the erection of 4 new building units, alongside the creation of 19 parking spaces, some of which are provided through the removal of existing raised planters in the street. Members were informed that Officers had been advised by NPH that of the 10 garages on-site, 8 were occupied and these occupiers would be offered alternative garages nearby. The Committee were advised that with 8 parking spaces required for the new dwellings, there was a net increase of 1 parking space above that existing for existing residents.

Members discussed the report.

RESOLVED:

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

**(D) N/2019/0693 - DEMOLITION OF 15 NO. GARAGES AND PROPOSED DEVELOPMENT OF 2 NO. DWELLINGS WITH ASSOCIATED PARKING (PART RETROSPECTIVE) - AMENDMENT TO PLANNING PERMISSION N/2018/1469
LOCK UP GARAGES, THIRLMERE AVENUE**

The Principal Planning Officer submitted a report to the Committee. The Committee were informed that the application was for the demolition of 15 garages and the erection of 2 new dwellings with parking. Members were informed that the application was amending a previously approved scheme due to the discovery of a sewer and that the only change was that the proposed dwellings would be relocated 2.5m to the south-east due to the sewer and that as a result the rear gardens would be reduced from 10m to 7.5m deep. The Committee were advised that no changes were proposed to the appearance of the dwellings or the floorplans.

Members discussed the report.

RESOLVED:

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

(E) N/2019/0987 - VARIATION OF CONDITION 2 OF PLANNING PERMISSION N/2018/1509 (DEMOLITION OF DOMESTIC GARAGES AND CONSTRUCTION OF 2NO NEW DWELLINGS WITH ASSOCIATED PARKING) TO AMEND DRAWINGS TO SHOW REVISED POSITION OF DWELLINGS ON SITE. LAND ADJACENT TO 34 OLD BARN COURT

The Development Management Team Leader submitted a report to the Committee. Members were informed that the variation application sought to move the proposed dwellings away from existing neighbouring boundary walls, increasing the space between dwellings to 3.4m. The application also sought to increase the number of bedrooms to 4 by dividing the top floor bedroom.

Members discussed the report.

RESOLVED:

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

12. ITEMS FOR CONSULTATION

There were none.

The meeting concluded at 7:06 pm