

NORTHAMPTON BOROUGH COUNCIL

PLANNING COMMITTEE

Tuesday, 29 September 2020

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

OFFICERS: Peter Baguley (Director of Planning and Sustainability), Rita Bovey
(Development Manager), Nicky Scaife (Development Management
Team Leader), Hannah Weston (Principal Planning Officer), Theresa
Boyd (Planning Solicitor), Ed Bostock (Democratic Services Officer)

1. APOLOGIES

Apologies for absence were received from Councillors Cali and M Markham. It was noted that Councillor Lane would be arriving late and that due to other obligations, Councillors King and Russell would be leaving the meeting early.

2. MINUTES

The minutes of the meeting held on 1st September 2020 were agreed and signed by the Chair.

3. DEPUTATIONS / PUBLIC ADDRESSES

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

N/2020/0353

Indy Shokar

N/2020/0585

Andrew Gray
Councillor Hadland

N/2020/0780

Thandi Zulu
Nicola Johnston

N/2020/0781

Elodie Le Mineur
Councillor Marriott

N/2020/0824

Wayne Hughes
Councillor Birch

N/2020/0972

Councillor Davenport
Councillor Roberts
Thandi Zulu
Mark Easie

4. DECLARATIONS OF INTEREST/PREDETERMINATION

Councillor Bottwood declared a disclosable and pecuniary interest in respect of items 12a and 12b as a board member of Northampton Partnership Homes (NPH) and stated that he would leave the meeting for these items.

Councillor Birch declared a predetermination in respect of item 10f and stated that she would speak on the item and then leave the meeting, not taking part in the discussion.

Councillor Russell declared a predetermination in respect of item 10f and stated that she would leave the meeting whilst the application was determined.

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 Development Manager submitted a List of Current Appeals and Inquiries on behalf of the Director of Planning and Sustainability. It was advised that 3 appeals had been dismissed and 2 allowed by the Inspector. The initial decisions were all made through delegated powers. Of the 3 appeals dismissed, one was currently subject to enforcement.

RESOLVED:

That the report be noted.

7. OTHER REPORTS

(A) N/2020/0790 - REQUEST FOR VARIATIONS TO S106 AGREEMENT TO AMEND MORTGAGEE EXCLUSION CLAUSE AND REMOVAL OF OBLIGATIONS RELATING TO HIGHWAYS AND SECONDARY EDUCATION, THAT ARE NOW COVERED BY THE COMMUNITY INFRASTRUCTURE LEVY.

LAND SOUTH OF ROWTREE ROAD AND WEST OF WINDINGBROOK LANE

The Development Management Team Leader submitted a report to the Committee which sought to vary the S106 Agreement to amend the mortgagee exclusion clause and to remove obligations relating to highways and secondary education, which were now covered by the Community Infrastructure Levy. In response to questions, the

Committee were informed that the type and/or amount of affordable housing to be provided was not affected by the variation.

Members discussed the report.

RESOLVED:

That the application to vary the Section 106 Legal Agreement be **AGREED** as per the officer recommendation

8. NORTHAMPTONSHIRE COUNTY COUNCIL APPLICATIONS

None.

9. NORTHAMPTON BOROUGH COUNCIL APPLICATIONS

None.

10. ITEMS FOR DETERMINATION

(A) N/2020/0353 A MIXED-USE DEVELOPMENT, INVOLVING A REAR SIDE ROOFTOP EXTENSION FOR 2 NEW OFFICES (USE CLASS B1) AND 5 SELF-CONTAINED RESIDENTIAL FLATS (USE CLASS C3) B AND C, 102A ABINGTON STREET

The Development Management Team Leader submitted a report to the Committee. Members' attention as drawn to the addendum which contained comments from Environmental Health and a revised Condition 5. It was explained that a previous application for the site was approved but development could not be implemented due to survey inaccuracies. The proposed extension would "step in" from the 2nd floor to comply with the 45-degree rule in relation to the neighbouring flats. Noise mitigation was requested by Environmental Health and secured by Condition 7. The Local Highway Authority had objected to the application due to use of a commercial access for residential traffic however the site was in a sustainable location and the parking provision on site would remain as existing.

Indy Shokar, the agent on behalf of the applicant, spoke in favour of the application and stated that the development was an appropriate mixed-use scheme which satisfied all the Council's policies.

In response to questions, the Committee was informed that the provision of fire escapes fell within the remit of Building Control. The Committee further heard that cycle spaces were requested in lieu of car parking spaces, that they had been provided as part of the application however their location was not ideal. In response to Members' concerns regarding increased residential use of the commercial access, the Committee was informed that the parking provision on site would not alter from that currently provided.

Members discussed the report.

RESOLVED:

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

**(B) N/2020/0585 - SINGLE STOREY FRONT EXTENSION AND PART TWO STOREY / PART SINGLE STOREY REAR EXTENSION WITH INTERNAL ALTERATIONS
10 REEDHAM CLOSE**

The Development Manager submitted a report to the Committee which sought approval for a single storey front extension and part two storey/part single storey rear extension with internal alterations. Due to a mix up with the speaking process, a neighbour was allocated a speaking slot but was not present at the meeting, so her submitted statement was summarised and reported to the Committee by the Development Manager. The Committee was informed that two neighbouring properties at nos.16 and 24 had front extensions. The scheme had been amended during the application process and the rear single storey extension reduced from 6m to 5m in projection. The front extension has a projection of 2m. Whilst there was a slight impingement upon the adjacent property at no.8 when considering the 45-degree rule, officers did not consider this significant enough to warrant refusal of the application.

Andrew Gray, on behalf of residents of a neighbouring property, spoke against the application and commented that any impingement of the 45-degree rule warranted a Right of Light Assessment. He stated that the case officer was not taking the height of the building into account and that his clients reserved the right to seek compensation should the application be approved without the applicant undertaking an Assessment. In response to a question Mr Gray advised that the 45-degree rule was also broken when measured from the front extension.

Councillor Hadland, in his capacity as the Ward Councillor, spoke against the application and stated that the proposed development was not in-keeping with the neighbouring properties and noted that other similar developments were all smaller.

In response to questions, the Committee were informed that the applicants could extend up to 3m under permitted development. Deferment was not considered an option because the scheme had already been amended in response to neighbour concerns and the applicant had the right to have their application considered within the proper time frame. It was noted that the side window losing light at no.8 was a landing window.

Councillor McCutcheon left the meeting at this juncture.

Members discussed the report.

RESOLVED:

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

Councillor King left the meeting at this juncture.

**(C) N/2020/0764 - CHANGE OF USE FROM DWELLINGHOUSE (USE CLASS C3) TO HOUSE IN MULTIPLE OCCUPATION (USE CLASS C4) FOR 4NO. OF OCCUPANTS
110 LUTTERWORTH ROAD**

The Development Manager submitted a report to the Committee. The application sought approval for a change of use from dwellinghouse to HMO for 4 occupants. The Committee were informed that should the application be approved, the concentration of HMO properties in a 50m radius would be 5.2% which complied with the Council's latest Supplementary Planning Document. No parking beat survey was undertaken by the applicant; however, the property fell within a sustainable location near local amenities and public transport links. Conditions were included to ensure the number of occupants and use of the basement as storage.

Members discussed the report.

RESOLVED:

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

Councillor B Markham left the meeting at this juncture.

**(D) N/2020/0780 - CHANGE OF USE FROM DWELLINGHOUSE (USE CLASS C3) TO CHILDREN'S HOME (USE CLASS C2) TO ACCOMMODATE UP TO 3NO CHILDREN AGED 8 TO 18 YEARS OLD
5 DITCHFORD CLOSE**

The Principal Planning Officer submitted a report to the Committee. It was explained that there were no exterior alterations proposed and internally the only alteration would be the use of one bedroom for staff. No staff would live on-site but at least one would always be present to provide care for children. The proposal was not considered to have a significant negative impact of neighbour amenity or the highway network and there had been no statutory objections to the application.

Thandi Zulu, agent on behalf of the applicant, spoke in favour of the application and advised that an Ofsted-registered carer would always be on-site. She noted neighbour concerns and stated that the property would be run similarly to a family home. In response to a question, Ms Zulu explained that a manager would always be on call if not on-site and lives in Northampton, and responsible adults would also be on call.

Nicola Johnston, proposed manager for the property, spoke in favour of the application and commented that the number of children in care are increasing and the property was considered ideal in its design and location. Risk Assessments would be carried out on each child to ensure suitability and that the company could meet the child's needs. All staff would be subject to a Safer Recruitment process and DBS checks and Ofsted process. Staff Management Plans would outline how staff support users whilst out in the community. In response to a question, Ms Johnston

advised that this property would be the companies first, and that there would be enough staff for all 3 properties being heard at tonight's committee if approved.

Members discussed the report.

RESOLVED:

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

**(E) N/2020/0781 - PRIOR NOTIFICATION OF INSTALLATION OF 1 NO. 20M TELECOMMUNICATIONS STREETWORKS POLE, 1 NO. EQUIPMENT CABINET, 1 NO. METER CABINET AND ASSOCIATED ANCILLARY DEVELOPMENT
TELECOMS BASE STATION, ARUNDEL STREET**

The Development Management Team Leader submitted a report to the Committee. Discussions were had with the applicant regarding reducing pole height, but it would affect the service to nearby flats. Alternative sites were considered but discounted due to poor coverage or a negative visual impact; the proposed location was considered least intrusive.

Elodie Le Mineur, a local resident, spoke against the application and voiced concerns around the proximity of the tower to nearby properties. She noted that a nearby school had requested a 5G supply for the provision of VR technology and questioned why the proposal was so far from the school.

Councillor Marriott, in his capacity as the Ward Councillor, spoke against the application and stated that the memorial garden had not been given any consideration during the application and was deeply concerned about the sensitive location.

The Development Management Team Leader advised that the applicant submitted a relevant health certificate as required, which was assessed by Environmental Health who raised no object to the application.

Members discussed the report.

A motion was proposed and seconded to refuse the application on the grounds of siting

Upon a vote, the motion was carried.

RESOLVED:

That the application be **REFUSED** against the officer recommendation on reason in relation to siting and the adverse impact on the Memorial Gardens with the precise wording of the refusal to be agreed in consultation with the Chair and Director of Planning and Sustainability.

Councillor Russell left the meeting at this juncture.

**(F) N/2020/0824 - CHANGE OF USE FROM DWELLINGHOUSE (USE CLASS C3) TO HOUSE IN MULTIPLE OCCUPATION (USE CLASS C4) FOR 4 OCCUPANTS
14 STANHOPE ROAD**

The Development Manager submitted a report to the Committee. The application sought approval for a change of use from dwellinghouse to HMO for 4 occupants. The bathroom on the first floor would be converted to a third bedroom and an additional bathroom created in the attic. Should the application be approved, the concentration of HMO properties in a 50m radius would be 6.66% and no comments had been received from the Local Highway Authority and it was noted that the property sat in a sustainable location.

Councillor Birch, in her capacity as the Ward Councillor, spoke against the application and voiced concern around highway safety and questioned why the applicant had not undertaken a parking beat survey. She commented that the layout of the house did not lend itself to shared housing.

Councillor Birch left the meeting.

Wayne Hughes, a local resident, spoke against the application and stated that increased HMOs in the area were having a negative effect, including antisocial behaviour, refuse issues and issues relating to parking and highway safety. Mr Hughes suggested that there may be unlicensed HMOs in the area that the Council were not aware of.

Members discussed the report.

RESOLVED:

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

Councillor Birch re-joined the meeting.

**(G) N/2020/0972 - CHANGE OF USE FROM DWELLINGHOUSE (USE CLASS C3) TO CHILDREN'S HOME (USE CLASS C2) TO ACCOMMODATE A MAXIMUM OF 2NO CHILDREN AGED 8 TO 18 YEARS OLD
121 PENRHYN ROAD**

The Principal Planning Officer submitted a report to the Committee and advised that there were no exterior alterations proposed to the property and internally the only change would be one bedroom changed to a staff room. No staff would live on-site but at least one would always be present to provide care for children and there had been no statutory objections to the application. The use was considered similar to that of a family home and not considered to have a negative impact on neighbouring properties. Conditions were included to restrict the amount and ages of children using the service and number of staff.

Councillor Davenport, in her capacity as the Ward Councillor spoke against the application and voiced concern around the loss of family homes and the problems associated with HMOs. She stated that residents no longer felt a sense of community in the area.

Councillor Roberts, in her capacity as the Ward Councillor, spoke against the application and echoed comments made by Councillor Davenport and stated that it was a business and should be treated as such. Concern was raised that there were no planning policies restricting this type of use.

Thandi Zulu, agent on behalf of the applicant, spoke in favour of the application and advised that an Ofsted-registered carer would always be on-site. Car use was expected to be similar to that of a family home.

Mark Easie, proposed Responsible Individual for the property, spoke in favour of the application and commented that the property was considered ideal in its design and location. Impact Risk Assessments would be carried out on each child to ensure suitability and that the company could meet the child's needs. All staff would be subject to a Safer Recruitment process and DBS checks. Staff Management Plans would outline how staff support users whilst out in the community. It was advised that it is aimed to bring the children into the community. In response to a question, Mr Easie explained that the screening process was vital to ensure that the potential service users were a good match for the company home and wider area. It was advised that the managers and his contact details would be provided to neighbours to contact with any issues and the home would be risk assessed.

Members discussed the report.

Councillor Lane left the meeting at this juncture.

RESOLVED:

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

Councillors Lane and B Markham re-joined the meeting.

**(H) N/2020/0973 - CHANGE OF USE FROM DWELLINGHOUSE (USE CLASS C3) TO CHILDREN'S HOME (USE CLASS C2) TO ACCOMMODATE A MAXIMUM OF 2NO CHILDREN AGED 8 TO 18 YEARS OLD
62 PENRHYN ROAD**

The Principal Planning Officer submitted a report to the Committee. No alterations were proposed to the exterior of the property. Internally one bedroom would be used as a carer's room. No staff would live on-site but at least one would always be present to provide care for children and there had been no statutory objections to the application. The use was considered similar to that of a family home and not considered to have a negative impact on neighbouring properties. Conditions were included to restrict the amount and ages of children using the service and number of staff.

Councillor Davenport, in her capacity as the Ward Councillor, spoke against the application advising of the same concerns as within the previous application heard at Planning Committee.

Councillor Roberts, in her capacity as the Ward Councillor, spoke against the application and reiterated the points she made on the previous application and stated that the proposed development would face the same issues as those surrounding HMO properties. Concern was raised that all the houses in the street could be changed and that there was no planning policy to assess the problems of this.

Thandi Zulu, agent on behalf of the applicant, spoke in favour of the application advising that the proposal would provide a home for children and should be encouraged. It was advised that they want to work harmoniously with neighbours. In response to a question, she advised the Committee that the property would be renovated and maintained to meet Ofsted requirements and standards and would be subject to routine inspections.

Mark Easie, proposed Responsible Individual for the property, spoke in favour of the application and explained that he had over 10 years' experience supporting vulnerable children; he noted that the property would be registered with Ofsted and advised of numbers of staff on-site. In response to a question, Mr Easie advised that the company had no plans to purchase any more properties on this street at this time.

Members discussed the report.

Councillor Lane left the meeting at this juncture.

RESOLVED:

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

Councillor Bottwood left the meeting at this juncture and Councillor Lane re-joined the meeting.

11. ITEMS FOR CONSULTATION

None.

12. NORTHAMPTON PARTNERSHIP HOMES APPLICATIONS

- (A) N/2020/0684 - REMOVAL OF CONDITION 6 OF PLANNING PERMISSION N/2017/1029 (DEMOLITION OF NOS. 1-6 AND 14-17 TOMS CLOSE AND DEVELOPMENT OF 21NO NEW BUILD AFFORDABLE DWELLINGS AND ASSOCIATED LANDSCAPING) AS BUS SHELTER IS NO LONGER REQUIRED TOMS CLOSE**

The Development Management Team Leader submitted a report to the Committee. It was explained that the Local Highway Authority had informed the Council that the

bus shelter was no longer required at the location due to a reduced bus service in the 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/2020/0796 - SINGLE STOREY REAR AND SIDE EXTENSION,
TOGETHER WITH INTERNAL ALTERATIONS
20 HARDY DRIVE**

The Principal Planning Officer submitted a report to the Committee. It was advised that it was considered that the proposed extension would not impact upon neighbouring properties and would be of an acceptable design.

Members discussed the report.

RESOLVED:

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

The meeting concluded at 8:10 pm