

**NORTHAMPTON BOROUGH COUNCIL**

**PLANNING COMMITTEE**

**Tuesday, 12 April 2016**

**PRESENT:** Councillor Oldham (Chair); Councillors Aziz, Birch, Davenport, Golby, Hill, Lane, Larratt and McCutcheon

**OFFICERS :** Steve Boyes (Director of Regeneration, Enterprise and Planning), Peter Baguley (Head of Planning) Rita Bovey (Development Manager), Nicky Toon (Principal Planning Officer), Theresa Boyd (Planning Solicitor), Michael Flynn (Democratic Services Officer)

**1. APOLOGIES**

Apologies were received from Councillors Haque, Lynch and Meredith.

**2. MINUTES**

The minutes of the meeting held on the 15<sup>th</sup> March and 22<sup>nd</sup> March 2016 were agreed and signed by the Chair.

**3. DEPUTATIONS / PUBLIC ADDRESSES**

**RESOLVED:** That under the following items, the members of the Public and Councillors listed below were granted leave to address the Committee:

**N/2015/1021**

Mr Paul Mower  
Mr Paul Garratt  
Barry Waine

**N/2015/1314**

Cllr James Hill (Ward)  
Keith Holland Delamere  
Mrs Woodvine  
Mr Gautam Chhabra  
Mr Jeremy Heppell

**N/2015/1424**

Mr Jenkins  
Barry Waine  
Cllr D Stone

**N/2016/0123**

Cllr Hibbert

**N/2016/0310**

Mr Michael Ingram

#### **4. DECLARATIONS OF INTEREST/PREDETERMINATION**

Councillor Hill declared a personal interest in item 10c as the Ward Councillor for Rectory Farm.

Councillor Golby declared a personal interest in item 12a as a member of Duston Parish Council.

#### **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 and elaborated thereon. The Whitworth Road appeal decision was referred to and advised that this does not affect the Council's Interim Policy on HIMO regarding 15% concentration within 50m radius. It was advised that moving forward the Council need to produce more robust evidence when defending any appeal e.g. fly tipping, noise complaints from neighbours, photos etc. Equally if Members were minded to object to any HIMO application, they need to justify what harm would be caused by such a change of use, rather than just giving general comments that HIMOs may affect an area.

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

#### **7. OTHER REPORTS**

None

#### **8. NORTHAMPTONSHIRE COUNTY COUNCIL APPLICATIONS**

None

#### **9. NORTHAMPTON BOROUGH COUNCIL APPLICATIONS**

None

#### **10. ITEMS FOR DETERMINATION**

##### **(A) N/2015/1021 - PART DEMOLITION OF EXISTING FACTORY BUILDING & CONVERSION OF EXISTING FACTORY BUILDING INTO 45X APARTMENTS & ERECT 2X DWELLINGS. LAND AT THE CORNER OF COUNTESS ROAD & LYTTLETON ROAD**

The Principal Planning Officer submitted a report on behalf of the Director of Regeneration Enterprise and Planning and elaborated thereon. It was advised that the application was deferred by Committee on 22<sup>nd</sup> March 2016 to allow further investigation into the provision of disabled access to flats and the

possibility of having lift access. It was reported that officers raised these issues with the applicant. The applicant's agent responded advising that their client has considered the re-use of the lifts and comments as follows:

- The lifts are either goods lifts or pulley lifts and neither could be used as passenger lifts.
- There is no statutory requirement for lifts to serve a 3-storey development.
- To reconfigure a lift within the building would inevitably involve the loss of a unit on each of the three floors. The loss of any units to the scheme would make it even less viable than the current scheme for which a detailed Report on viability has been submitted and is now supported by the Council's own consultants.
- The provision of an external lift shaft has been looked at but the estimated price based on initial consultation with such lift companies indicates a figure of over £100,000 the additional cost of which would make the scheme unviable.
- Four mobility units are proposed on the ground floor.
- The development is over four floors, however the 2nd & 3rd floor are duplex apartments.

Point 2.6 was referred to in the report advising the applicant had submitted plans clarifying the use of Units 7, 9, 11 and 13 as mobility units.

Mr Paul Mower spoke against the application and was concerned that noise generated within the industrial unit may become nuisance to future residents.

Mr Paul Garratt spoke against the application and was concerned that delivery vehicles to the industrial unit would have difficulties manoeuvring as the site would be fenced off, and may impact on highway safety.

Mr Barry Waine as the planning consultant spoke in favour of the application.

In response to questions from the committee the Principal Planning Officer advised that the noise assessment was carried out during the daytime. There are noise mitigation measures proposed for rear of the flats and it was advised that Environmental Health has stated that there has been no complaint of noise issues for the last 5 years in relation to the units referred to by the speakers.

The Development Manager advised that the Highway Authority has reviewed the surrounding streets and the application site has been fenced off for some time and delivery is already restricted..

The Committee discussed the report.

## **RESOLVED**

The Committee **APPROVED** the application subject to the conditions as set out in the report with amended Conditions 5 (landscaping) and 10 (noise control) to increase noise mitigation measures in relation to adjacent industrial units. Conditions to be agreed with the Chair beforehand.

**(B) N/2015/1228 - DEMOLISH FORMER CAR SHOWROOM AND ERECT BUILDING WITH RETAIL (USE CLASS A1) ON GROUND FLOOR AND 14NO FLATS ON FIRST, SECOND AND THIRD FLOORS INCLUDING NEW ACCESS AND ANCILLARY DEVELOPMENT, AND CREATION OF RESIDENTIAL CAR PARKING AREA. 194-200 KINGSTHORPE GROVE AND TRINITY AVENUE**

This item was withdrawn from the agenda

**(C) N/2015/1314 - CHANGE OF USE FROM PUBLIC HOUSE (USE CLASS A4) INTO CONVENIENCE STORE (USE CLASS A1) INCLUDING ALTERATION AND EXTENSIONS, REAR STORAGE AND INSTALLATION OF 2NO SATELLITE DISHES ON ROOF. THE BARN OWL, OLDEN ROAD**

The Principal Planning Officer submitted a report on behalf of the Director for Regeneration, Enterprise and Planning and referred to the addendum. The Committee were advised that the application was deferred by Committee on 22<sup>nd</sup> March 2016 to allow the applicant to carry out further consultation with the local community.

The Applicant, Hawthorn Leisure, accompanied by Instinctif Partners, Hawthorn's community consultants, met with Councillor James Hill and representatives of Rectory Farm Residents' Association ('the Representatives') on 1<sup>st</sup> April 2016.

It was acknowledged by all parties attending that the pub is no longer commercially viable as a business.

Following a comprehensive discussion, Hawthorn Leisure agreed to pass on some of the Representatives' thoughts and suggestions to the Co-op and in particular a request that the Co-op give consideration to allowing potential future community use of one or more room(s) on the first floor of The Barn Owl building, subject to the approval and implementation of the current planning application.

Members were advised that potential future community use of one or more rooms does not form part of the current planning application and cannot therefore be conditioned. A separate planning application would be required in respect of any future community use of part of the first floor and such an application would have to be considered on its planning merits. However, Hawthorn Leisure has advised that they would be happy to continue to keep the Committee, Councillor Hill and the Representatives apprised of on-going discussions with the Co-op regarding future access to the first floor of the site as development progresses. Should the current scheme be approved, the Applicant has indicated that the Co-op has expressed optimism about being able to accommodate the Representatives' interest with respect to access to the first floor.

It was reported that the Director of Regeneration, Enterprise and Planning has subsequently spoken to Hawthorn Leisure and they have confirmed that Co-op would, subject to details, be willing to provide a room for the local community.

Councillor James Hill addressed the committee as Ward Councillor for Rectory Farm and spoke against the application.

Councillor Hill left the room at 19:10

Mr Keith Holland Delamere addressed the committee as the Chairman of Rectory Farm Residents Association and spoke against the application.

Mrs Woodvine addressed the committee as a resident of Rectory Farm and spoke against the application.

Mr Gautam Chhabra addressed the committee as the Director of Hawthorn Leisure Ltd and spoke in favour of the application.

Mr Jeremy Heppell addressed the committee as the agent and spoke in favour of the application.

The Committee discussed the report.

## **RESOLVED**

That the Committee **APPROVED** the application subject to the conditions as set out in the report and for the following reason:

The proposal would bring a currently vacant building back into use. The scale of the retail use proposed is considered appropriate to provide a local convenience retail use without leading to any significant impact on the vitality and viability of the town centre or other identified centres. The proposal falls below the floorspace requirement for an Impact Assessment and whilst a sequential test may identify alternative sites the nature and scale of the proposal is intended to serve the local community in which it is located. It is not considered that the proposal would result in any significant adverse impacts on the surrounding community arising from the loss of a community facility. Furthermore, the NPPF identifies shops as a community facility and there is an existing community centre in close proximity to the site. The property has been considered and rejected by the Council under the nominations process for listing as an Asset of Community Value as it was deemed the nominations did not meet the necessary requirements and the decisions are now registered on the Council's „List of Unsuccessful Nominations“. Accordingly under Class A of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 the proposed change of use from Class A4 (drinking establishment) to use within Class A1 (shops) is permitted development. The design and appearance of the proposed alterations are considered acceptable and the proposal would not lead to any unacceptable impacts on adjacent residential amenity or severe impacts on existing highway conditions. The proposal is therefore considered to be in accordance with Policies S9, S10 & RC2 of the West Northamptonshire Joint Core Strategy, Policies E20, E28 & T12 of the

Northampton Local Plan and the aims and objectives of the National Planning Policy Framework.

**(D) N/2015/1424 - CHANGE OF USE FROM DWELLING (USE CLASS C3) TO HOUSE IN MULTIPLE OCCUPATION (USE CLASS C4) FOR THREE RESIDENTS. 35 COWPER STREET**

Councillor James Hill returned to the room.

The Development Manager submitted a report on behalf of the Director of Regeneration, Planning and Enterprise and elaborated thereon. The addendum was referred to advising the committee that further information has recently been received from a local resident identifying properties in Cowper Street that are alleged to be in HIMO use. Investigation of the properties is being undertaken in conjunction with the Private Sector Housing Department. Some of the properties are previously identified as confirmed HIMOs. One has come into use as a HIMO and another has ceased being used as a HIMO. From available data, it has been concluded that the percentage of confirmed HIMOs within 50m of the application site has not increased, i.e. it remains at 8 confirmed HIMOs, equalling 11%. There remains one suspected HIMO, which even if confirmed would not result in the area concentration exceeding 15%.

Mr Jenkins as resident of the area addressed the committee and spoke against the application.

Councillor Stone as the Ward Councillor for Castle addressed the committee and spoke against the application.

Mr Barry Waine as the planning consultant addressed the committee and spoke in favour of the application.

In response to questions from the committee the Development Manager advised as below

- Correspondence has been sent to the local MPs in relation to noise insulation for HIMOs.
- Inspections on the property can be carried out within reason to ensure it is occupied by a maximum of 3 people.
- The 11% HIMO figure was ascertained via checking with Private Sector Housing records and planning records.
- Paragraph 50 of the National Planning Policy Framework was referred to - HIMOs contribute to different mix of housing provision.

Cllr Larratt requested a copy of the letter sent to MPs regarding noise condition.

Committee requested enforcement to be carried out regarding the number of people in occupancy.

## **RESOLVED**

That the application be **APPROVED** subject to the conditions as set out in the report and for the following reason:

The development would not lead to an unacceptable concentration of HMOs within the locality that would adversely impact upon the character of the street, nor would the development have significant adverse impacts on neighbouring amenity or parking provision. The property is of sufficient size to accommodate the level of accommodation as proposed and is in accordance with the requirements of Policies H1, H5, BN5 and S10 of the West Northamptonshire Joint Core Strategy, Policies E20, E26 and H30 of the Northampton Local Plan, the Houses in Multiple Occupation Interim Planning Policy Statement and the aims and objectives of the National Planning Policy Framework.

### **(E) N/2016/0123 - ERECTION OF ELECTRONIC GATE AND PEDESTRIAN GATE WITH SURROUNDING FENCING AT THE ENTRANCE TO THE CLUB CARPARK VIA ANGEL STREET - RETROSPECTIVE APPLICATION. NORTHAMPTON AND COUNTY CLUB, 8B GEORGE ROW**

Councillor Larratt left the committee at 20:00.

The Principal Planning Officer submitted a report on behalf of the Director of Regeneration, Enterprise and Planning and elaborated thereon. It was advised that the applicant sought planning permission to retain an electronic access gate (approximately 2.1m in height) and fencing to the rear of the club. Works to implement the development commenced earlier this year, without the benefit of planning permission; however, this application sought to regularise the situation.

Councillor Hibbert addressed the committee as Secretary of Northampton and County Club and spoke in favour of the application.

## **RESOLVED**

The Committee **APPROVED** subject to the conditions as set out below and for the following reason:

The retention of the gates and fencing as proposed is considered to be of less than substantial harm, whilst providing wider public benefits in securing the site in order to reduce crime and anti- social behaviour

issues, and would assist in ensuring the continued viable use of the listed building. The retention of the gates and fencing would not lead to any unacceptable adverse impact on the setting of the Grade II\* listed premises which form part of the application site, or the adjacent listed buildings to the north and north east. Nor would they adversely impact on the character and appearance of the conservation area. The proposal is, therefore, in accordance with the requirements of Policies S10 and BN5 of the West Northamptonshire Joint Core Strategy, Policy 1 of the Northampton Central Area Action Plan and the aims and objectives of the National Planning Policy Framework.

## **11. ENFORCEMENT MATTERS**

None

## **12. ITEMS FOR CONSULTATION**

### **(A) N/2016/0310 - CONSTRUCTION OF 54 DWELLINGS INCLUDING PUBLIC OPEN SPACE, BALANCING POND AND ASSOCIATED INFRASTRUCTURE. LAND OFF WHITES LANE, LOWER HARLESTONE**

The Development Manager submitted a report on behalf of the Director of Regeneration, Enterprise and Planning and elaborated thereon. It was advised the application sought full planning permission from Daventry District Council to erect 54 dwellings including public open space, a balancing pond and associated infrastructure. The development would be accessed from Whites Lane with a main access road running north to south in the western half of the site and two further roads running east west from this. The balancing pond and public open space would be located in the southern part of the site.

Mr Michael Ingram addressed the committee and had concerns regarding traffic in Duston, no cycle link and a lack of affordable housing.

In response to questions from the committee the Development Manager responded as below:

- Daventry District Council will need to make sure that the Policies in the West Northamptonshire Joint Core Strategy are complied with.
- A masterplan is being prepared regarding the strategic framework covering the Northampton West SUE area.
- The school and doctors surgery would be provided as part of the wider sustainable urban extension of 2,500 houses

The committee requested that The Development Manager include additional comments regarding the cycle way to be provided and link to existing routes.

## **RESOLVED**

The committee had **NO OBJECTIONS** to the principle of development subject to the issues outlined in the report being addressed



by Daventry District Council and that cycle way should be provided and link to existing routes.

The meeting concluded at 20:27