

**NORTHAMPTON BOROUGH COUNCIL**

**PLANNING COMMITTEE**

**Tuesday, 31 July 2018**

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

**OFFICERS:** Peter Baguley (Head of Planning), Rita Bovey (Development  
Manager), Nicky Toon (Development Management Team Leader),  
Adam Smith (Principal Planning Officer), Theresa Boyd (Planning  
Solicitor), Ed Bostock (Democratic Services Officer)

**1. APOLOGIES**

Apologies for absence were received from Councillor Choudary.

**2. MINUTES**

The minutes of the meeting held on 3<sup>rd</sup> July 2018 were agreed and signed by the  
Chair.

**3. DEPUTATIONS / PUBLIC ADDRESSES**

**RESOLVED:**

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

**N/2017/1583**

Councillor Russell  
Councillor Hallam  
Tony Howell  
Perry Akhtar  
Catherine Chapman

**N/2018/0446**

Shashi Patel  
Gary Owens

**N/2018/0450**

Gary Owens

**N/2018/0671**

Councillor Stone

**N/2018/0700**

Chris Parr

**N/2018/0734, N/2018/0735, N/2018/0736**

Chris Parr

**N/2018/0782**

Peter Strachan

**N/2018/0867**

John Bright

David Start

**N/2018/0876**

Councillor Smith

**N/2018/0923**

Gary Owens

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

Councillor M Markham declared a disclosable and pecuniary interest in items 7a, 10b, 10c, 10f, 10g and 10n as a board member of Northampton Partnership Homes (NPH).

Councillor Kilbride declared a disclosable and pecuniary interest in items 7a, 10b, 10c, 10f, 10g and 10n as a board member of NPH. He further declared a personal interest in items 10d and 10i and stated that he would leave the room whilst the latter was discussed.

Councillor Bottwood declared a disclosable and pecuniary interest in items 7a, 10b, 10c, 10f, 10g and 10n as a board member of NPH.

Councillor Birch declared a predetermination in respect of item 10l and advised that she would leave the room whilst the item was discussed.

Councillor Russell declared a predetermination in respect of item 10a and advised that she would leave the room after speaking on the item.

Councillor Smith declared a predetermination in respect of item 10k and advised that she would leave the room after speaking on the item.

Councillor Kilby-Shaw declared a personal interest in item 10h but advised of no predetermination.

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

With the agreement of the Chair, the order of items on the agenda was rearranged to allow the meeting run more efficiently.

#### **6. LIST OF CURRENT APPEALS AND INQUIRIES**

The Development Manager submitted a List of Current Appeals and Inquiries on behalf of the Head of Planning and elaborated thereon. She reported an appeal

relating to Cattle Market Road had been dismissed with the Inspector concurring with officers that the design would cause significant overlooking to nearby properties and adversely impact on the setting of the adjacent listed bridge and that the applicant would have no obligation to maintain associated flood defences. An appeal relating to a HIMO application on Hood Street was allowed; the Inspector acknowledged that there was no residual parking, however the location was considered sustainable due to the close proximity of bus stops and other local amenities. The Inspector also noted that there was no evidence to prove a link between HIMOs and highway safety issues.

**RESOLVED:**

That the report be noted.

**(A) N/2017/1583 - INSTALLATION OF FREESTANDING TWO STOREY RESTAURANT WITH ASSOCIATED DRIVE THROUGH, CAR PARKING AND LANDSCAPING AND ASSOCIATED WORKS. INSTALLATION OF 1NO. EXTERNAL PLAY AREA, 2NO CUSTOMER ORDER DISPLAYS AND ASSOCIATED CANOPIES. MORRISONS SUPERSTORE, KETTERING ROAD**

At this juncture, Councillor Russell moved to public seating.

The Principal Planning Officer submitted a report and elaborated thereon. Members' attention was drawn to the addendum which detailed the thrust of the guidance in the recently published NPPF which remains unchanged and relevant to the proposal. In addition, it was highlighted that the addendum includes further representations from residents and from Kingsley Park Allotment Association. It was also noted that the application was originally submitted in December 2017, however the determination of the application had been delayed due to extensive discussions between the applicant's highway consultant, and NCC Highways, with NCC Highways subsequently raising no objections to the application.

Councillor Russell, in her capacity as the Ward Councillor, spoke against the application and voiced her concern with the proposed opening hours, the potential increase in litter, light pollution, traffic and obesity. She stated that there was no mention in the Local Plan for fast food outlets and asked that the Committee take residents' objections into consideration.

Having addressed the Committee, Councillor Russell left the room for the remainder of the discussion.

Councillor Hallam, on behalf of his constituents and as the Cabinet Member for Environment, spoke against the application and stated that there were alternate locations better suited for a McDonalds. He further stated that the proposal was not in the spirit of the original agreement to use the land and that the highway would not be able to cope with the increase in traffic.

In response to a question, Councillor Hallam stated that there were at least 3 schools within walking distance of the site.

Tony Howell, a local resident, spoke against the application and voiced concern around potential highway issues, littering, vermin and obesity. He also stated that the proposed opening hours would exacerbate existing antisocial behaviour in the car park late at night and suggested that there were more suitable locations for such a development.

Perry Akhtar, local franchisee, spoke in favour of the application and stated that the development would have a positive impact on the neighbourhood, creating around 100 new jobs. He explained that waste management was taken seriously; 3 litter picks would take place daily and the site would have a dedicated car park attendant. He further stated that a full transport assessment had been undertaken as part of the application.

In response to questions, it was explained that a 2 storey building was more land-efficient, having a smaller footprint and thus would use less of the existing car park. It was further explained that it was easier from an operational viewpoint to stay open 24 hours a day. Whilst Mr Akhtar acknowledged that people could not be stopped from littering, staff would litter-pick in an area 200m from the business.

When asked about the business's viability if the opening times were restricted, the Committee heard that the applicant would be willing to accept opening hours of 6am-12midnight.

Catherine Chapman, highway consultant on behalf of the applicant, advised that analysis of Kettering Road was undertaken at the behest of councillors and residents. She further advised that the expected increase in traffic over the next 20 years had been factored in to all assessments.

The Principal Planning Officer noted that the Environmental Health Officer had not requested any variation of the opening hours and that due to the differing nature of the proposed development and nearby supermarket, comparisons could not easily be drawn.

Responding to a question regarding noise levels, the Head of Planning explained that the houses to the rear of the supermarket were located on a smaller road and had a lower threshold for noise; Kettering Road, having more background noise, had a higher threshold.

Members discussed the report.

## **RESOLVED:**

That the application be **APPROVED** subject to the conditions and reasons as set out in the report, with additional Condition 14 to restrict opening hours from 06:00 to 00:00 midnight only.

## **7. OTHER REPORTS**

### **(A) PRIOR NOTIFICATION APPLICATIONS FOR THE DEMOLITION OF GARAGES IN THORPLANDS**

At this juncture Councillors M Markham, Kilbride and Bottwood left the room.

Councillor Russell re-joined the meeting.

The Development Manager submitted a report and elaborated thereon. The Committee heard that for the sake of expediency, they were asked to delegate powers to the Head of Planning to determine the relevant prior notification applications. It was noted that all relevant policies would be complied with, and that any representations would be duly considered.

Members discussed the report.

**RESOLVED:**

That the Committee **AGREED** to delegate decision making authority to the Head of Planning to determine the relevant prior notification applications as referred in the report.

**8. NORTHAMPTONSHIRE COUNTY COUNCIL APPLICATIONS**

There were none.

**9. NORTHAMPTON BOROUGH COUNCIL APPLICATIONS**

There were none.

**10. ITEMS FOR DETERMINATION**

**(B) N/2018/0446 - DEVELOPMENT OF 4NO SEMI-DETACHED DWELLINGS WITH ASSOCIATED PARKING. LOCK UP GARAGES, WITHAM WAY**

The Principal Planning Officer submitted a report and elaborated thereon. Members' attention was drawn to the addendum which detailed the thrust of the guidance in the recently published NPPF which remains largely unchanged and relevant to the proposal. The Committee heard that 12 parking spaces would be provided to serve the 4 properties. It was noted that there would be a minimum of 30m between any existing properties on Witham Way and the proposed development.

Shashi Patel, of a neighbouring property, spoke against the application and commented that there was a need for community infrastructure to be created before more houses were built. He further commented that it was a shame to lose green space in the area and voiced parking and access concerns, and also security concerns regarding the removal of the gate onto the space.

Gary Owens, Project Manager at Northampton Partnership Homes, spoke in favour of the application and advised that the access was wide enough for refuse vehicles. He further explained that the creation of additional properties would increase security by virtue of having more residents able to survey the area.

In response to a question around access for emergency vehicles, Mr Owens reported that highway requirements had been met.

Members discussed the report.

**RESOLVED:**

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

**(C) N/2018/0450 - DEVELOPMENT OF 8NO SEMI-DETACHED DWELLINGS WITH ASSOCIATED PARKING. OPEN SPACE, DERWENT DRIVE**

The Principal Planning Officer submitted a report and elaborated thereon. Members' attention was drawn to the addendum which detailed the thrust of the guidance in the recently published NPPF which remains largely unchanged and relevant to the proposal. The Committee heard that 24 parking spaces would serve the 8 proposed dwellings and that an area of green space would be retained.

In response to questions, the Committee were informed by Gary Owens, Project Manager at Northampton Partnership Homes, that the maintenance of the retained open space would fall under an existing contract.

Members discussed the report.

**RESOLVED:**

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

**(F) N/2018/0700 - CONVERSION AND EXTENSION INCLUDING ADDITIONAL FLOOR, PROPOSED BALCONIES AND EXTERNAL ALTERATIONS TO FORM 40 NO. APARTMENTS. NEW BIN AND CYCLE STORAGE AND NEW RESIDENTS PLAY AREA. ALTERATION TO CAR PARK LAYOUT AND ERECTION OF BOUNDARY FENCING. OVERSLADE HOUSE, 11 OVERSLADE CLOSE**

The Principal Planning Officer submitted a report and elaborated thereon. Members' attention was drawn to the addendum which detailed the thrust of the guidance in the recently published NPPF which remains largely unchanged and relevant to the proposal. The Committee heard that works to the currently vacant building would include an additional floor and balconies to form 40 new apartments, with the development served by 59 parking spaces, cycle and bin stores and a residents' play area.

Chris Parr, Project Manager for NPH, confirmed that the nearby MUGA was not owned by the Council, however a children's play area would be provided as part of the development.

In response to a question, the Principal Planning Officer explained that the choice to opt for lower boundary fencing was due to the development being oriented towards families; high fencing and gating would have given the site an institutionalised feel which would not have been desirable.

In response to a question, Chris Parr confirmed that acoustic checks had shown that there would be adequate sound proofing between the apartments.

Members discussed the report.

**RESOLVED:**

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

**(G) N/2018/0734, N/2018/0735, N/2018/0736 - EXTENSION OF EXISTING CAR PARK AND INSTALLATION OF NEW BARRIER TO CAR PARK. CAR PARKS, BOUVERIE WALK, STOCKLEY STREET AND MELBOURNE WALK**

The Development Manager submitted a report and elaborated thereon. Members' attention was drawn to the addendum which contained an updated NPPF, however the thrust of the guidance remains largely unchanged and relevant to the applications. The Committee heard that the 3 applications sought to improve parking provision in the area by increasing the number of spaces, erect barriers and improve/relocate existing children's play equipment. It was noted that there had been no objections to the applications.

Members discussed the report.

**RESOLVED:**

That the 3 applications be **APPROVED** subject to the conditions and reasons as set out in the report.

**(N) N/2018/0923 - DEVELOPMENT OF 4NO DWELLINGS WITH ASSOCIATED PARKING. LOCK UP GARAGES, WEST OVAL**

The Principal Planning Officer submitted a report and elaborated thereon. Members' attention was drawn to the addendum which contained an updated NPPF, however the thrust of the guidance remains largely unchanged and relevant to the application. The Committee heard that the site was currently used as a construction compound for NPH. The garages would be demolished to provide space for 3 terraced and 1 detached property with 11 parking spaces to serve them.

In response to a question, the Committee were informed that the car parks would be accessible by way of an electric fob to prevent unauthorised use; residents would be able to apply for additional fobs at a cost.

Members discussed the report.

**RESOLVED:**

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

**(D) N/2018/0614 - LISTED BUILDING APPLICATION FOR INTERNAL WORKS INCORPORATING ROOM REPAIR TO WALLS OF H6 AND H9 CLASSROOMS AS WELL AS REMOVAL OF MODERN PARTITION WALLS TO STAIRS. QUINTON HOUSE SCHOOL UPTON HALL, UPTON LANE**

At this juncture, Cllrs M Markham, Kilbride and Bottwood re-joined the committee meeting.

The Development Manager submitted a report and elaborated thereon. Members' attention was drawn to the addendum which contained an updated NPPF, the thrust of the guidance remains largely unchanged and relevant to the application. The Committee heard that the setting and appearance would not be affected by the proposed works, and that no original features would be disturbed.

Members discussed the report.

**RESOLVED:**

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

**(E) N/2018/0671 - CHANGE OF USE FROM DWELLINGHOUSE (USE CLASS C3) TO HOUSE IN MULTIPLE OCCUPATION (USE CLASS C4) FOR 6 OCCUPANTS. 35 ALBANY ROAD**

The Development Management Team Leader submitted a report and elaborated thereon. She advised that the agenda front sheet contained a typographical error and that the application was for a change of use to HIMO for 5 occupants and not 6. The Committee were informed that the room sizes met PSH standards, that there were no other HIMOs in a 50m radius and that NCC Highways had not objected to the application.

Councillor Stone, in her capacity as the County Ward Councillor, spoke against the application and commented that local concerns had not been heeded and that there had been fatalities on the road in recent years.

Responding to a question, Councillor Stone explained that as a County Councillor, she had had discussions with NCC Highways where she felt like issues were being ignored or forgotten.

Members discussed the report.

**RESOLVED:**

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

**(H) N/2018/0782 - CREATION OF WETLAND HABITAT AREAS, REED BEDS, BANKED MARGINS AND NEW ISLANDS IN AND AROUND THREE BALANCING/AMENITY LAKES, TOGETHER WITH CLEARANCE OF OVERGROWTH AROUND LAKE EDGES TO OPEN UP VIEWS AND MAKE SURROUNDING FOOTPATHS SAFER. BROOK VIEW, BILLING BROOK ROAD**

The Development Manager submitted a report and elaborated thereon. Members' attention was drawn to the addendum which contained several clarifications to the agenda and an updated NPPF, the thrust of which remains largely unchanged and



relevant to the application. The Committee heard that the site was overgrown and had been subjected to substantial fly tipping over the years. The application sought to use the cleared silt to create islands for further planting, improve the water quality for wildlife and improve security around the sites. It was noted that the application was supported by Natural England.

Peter Strachan, of Growing Together Northampton, spoke in favour of the application and explained that the lakes, created in the 1960s, were not sustainable; the application, subject to extensive consultation, sought to change that. He further explained that a multi-agency approach had been taken, notably Northamptonshire Police, who had been involved in discussions and were supportive of measures to make the area more accessible.

In response to a question, Mr Strachan confirmed that the new design of the lakes would make the site more sustainable; silt would be trapped so that it could be removed more easily, every 5 to 7 years.

Members discussed the report.

**RESOLVED:**

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

- (I) **N/2018/0845 - VARIATION OF CONDITION 1 OF PLANNING PERMISSION N/2016/1264 (VARIATION OF CONDITION 1 OF PLANNING PERMISSION N/2000/981 TO ALLOW THE USE OF THE BUILDING AS A FREE SCHOOL) TO ALLOW THE SPIRES ACADEMY TO OCCUPY THE BUILDING FOR LONGER THAN THE CONSENTED PERIOD FOR A FURTHER 12 MONTHS UNTIL 15 FEBRUARY 2020. THE SPIRES ACADEMY, STATION CLOSE**

Cllr Kilbride left the room at this juncture.

The Development Management Team Leader submitted a report and elaborated thereon. Members' attention was drawn to the addendum which contained an updated NPPF, however the thrust of which remains largely unchanged and relevant to the application. The Committee heard that planning consent for the building was due to expire on 15<sup>th</sup> February 2019; this application sought to extend the period of use for a further 12 months.

Members discussed the report.

**RESOLVED:**

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

- (J) **N/2018/0867 - CHANGE OF USE FROM DWELLINGHOUSE (USE CLASS C3) TO HOUSE IN MULTIPLE OCCUPATION (USE CLASS C4) FOR 4 OCCUPANTS. 144 SOUTHAMPTON ROAD**

The Development Management Team Leader submitted a report and elaborated thereon. Members' attention was drawn to the addendum which contained an updated NPPF, however the thrust of which remains largely unchanged and relevant to the application. The Committee were informed that the property was situated within Flood Zone 2, however the ground floor bedroom sat above the flood danger level. It was noted that this change in use would bring the concentration of HIMO's in a 50m radius to 11.6% if approved. Due to the fact that the change in use would result in a comparable number of occupants to the existing use as a dwelling, the officer recommendation was for approval, despite an objection from NCC Highways.

John Bright, a local resident, spoke against the application and stated that he took issue with the concentration figures, as he had supplied the Planning Department with addresses of further suspected HIMO's and had yet to hear back about them. He further highlighted concerns around parking and waste.

David Start, of a neighbouring property, spoke against the application and voiced concerns regarding waste, parking and the recent flooding that took place. He commented that the street was being turned into a business by landlords.

In response to a question, the Committee heard that the adopted HIMO policy was currently under review.

The Head of Planning confirmed that officers had asked for revised and expanded comments from NCC Highways in time for the meeting, however they had not been received by the time the addendum was published. In respect of recent appeal decisions, it was for the Highway Authority to provide more evidence to support their conclusions.

Members discussed the report.

A motion was proposed to approve the application. There was no seconder.

#### **RESOLVED:**

That the application be **REFUSED** against the officer recommendation for the following reason:

Due to there being no residual parking capacity for vehicles in the area, and the fact that the proposed change of use would generate a greater parking demand than existing, the proposed development would have a detrimental impact upon parking provision, highway safety and surrounding amenity contrary to Policy H5 of the West Northamptonshire Joint Core Strategy, saved Policy H30 of the Northampton Local Plan and the aims and objectives of the National Planning Policy Framework.

**(K) N/2018/0876 - CHANGE OF USE FROM DWELLINGHOUSE (USE CLASS C3) TO HOUSE IN MULTIPLE OCCUPATION (USE CLASS C4) FOR 5 OCCUPANTS, TOGETHER WITH BASEMENT NEW WINDOW. 93 TURNER STREET**

Councillor Smith moved to public seating.

The Development Management Team Leader submitted a report and elaborated thereon. Members' attention was drawn to the addendum which contained an amended Condition 2, and reference to the updated NPPF, the thrust of which remains largely unchanged and relevant to the application. The Committee heard that the property's basement, with the inclusion of a new basement window, would be converted to a living room. It was noted that there were no other HMOs in a 50m radius and that the bedrooms all met Private Sector Housing standards. Although the NCC Highways had objected to the application the location was deemed sustainable due to the close proximity of public transport links and shops.

Councillor Smith, as the Ward Councillor, spoke against the application and stated that the lack of parking in the area had led to some dangerous parking habits by residents. She further stated that the parking problems did not change from one application to another, so neither would the comments by NCC Highways.

Having addressed the Committee, Councillor Smith left the room whilst the item was discussed.

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.

**(L) N/2018/0883 - INSTALLATION OF SHUTTERS TO ALL WINDOWS, SECURITY FENCING (2.4M HIGH) AND SECURITY CAMERAS. ST CRISPINS COMMUNITY CENTRE, ST CRISPIN DRIVE**

Cllr Birch left the room at this juncture. Cllr Smith re-joined the committee.

The Development Manager submitted a report and elaborated thereon. Members' attention was drawn to the addendum which contained an updated NPPF, however the thrust of which remains largely unchanged and relevant to the application. The Committee heard that following several instances of vandalism, there was a need to improve security to the facility. It was noted that the colours of the new shutters would match the existing building.

Members discussed the report.

**RESOLVED:**

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

**(M) N/2018/0916 - LOFT CONVERSION WITH REAR DORMER (PART RETROSPECTIVE). 21 OAKLEY STREET**

The Development Management Team Leader submitted a report and elaborated thereon. Members' attention was drawn to the addendum which contained an updated NPPF, the thrust of which remains largely unchanged and relevant to the application. The Committee heard that the proposed dormer would be visually

dominant as it would expand across the entire width of the roof. It was noted that ideally, a dormer would be a minimum of 27m from the nearest habitable room; this would be 17m. The Development Management Team Leader reported that a similar nearby application had been refused and dismissed at appeal.

In response to a question, it was explained that due to the property being situated within a conservation area, there would be issues with a dormer to the front or rear of the property.

Members discussed the report.

**RESOLVED:**

That the application be **REFUSED** as per the officer recommendation, for the reasons set out in the report.

**11. ENFORCEMENT MATTERS**

There were none.

**12. ITEMS FOR CONSULTATION**

There were none.

The meeting concluded at 9:07 pm