

## **NORTHAMPTON BOROUGH COUNCIL**

### **PLANNING COMMITTEE**

**Tuesday, 27 October 2020**

**PRESENT:** Councillor Oldham (Chair); Councillor Lane (Deputy Chair);  
Councillors Birch, Bottwood, Cali, Choudary, Kilby-Shaw, B Markham  
and M Markham

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

#### **1. APOLOGIES**

Apologies for absence were received from Councillors Golby, Russell, and King. It was advised that Councillors Cali and Lane would be arriving late.

#### **2. MINUTES**

The minutes of the meeting held on 29<sup>th</sup> September 2020 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 listed below were granted leave to address the Committee:

##### **N/2016/0810**

Catherine Mason

##### **N/2019/1055**

Councillor Stone  
Jonathan Weekes

##### **N/2020/0777**

Councillor Davenport  
Ali Ay

##### **N/2020/0866**

Councillor Stone

##### **N/2020/1109**

Councillor Stone

**N/2020/0952**

Jonathan Evans

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

Councillor Birch declared a personal, non-pecuniary interest in respect of item 10a as the Ward Councillor.

Councillor Bottwood declared a disclosable and pecuniary interest in respect of item 12a as a board member of Northampton Partnership Homes (NPH) and advised that he would leave the meeting whilst this item was discussed.

Councillor M Markham declared a disclosable and pecuniary interest in respect of item 12a as a board member of Northampton Partnership Homes (NPH) and advised that she would leave the meeting whilst this item was discussed.

#### **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. The Committee were informed that 6 appeal decisions had been reached. The initial decisions had all been made under delegated powers. An appeal relating to 33 Harlestone Road was dismissed; the Inspector gave significant weight to the national space standards, which the proposed development fell short of. An appeal relating to 69 Moore Street was dismissed; the Inspector agreed with the officer decision to refuse on concentration grounds. An appeal relating to lock-up garages at Barry Road was also dismissed; the Inspector agreed with the officer decision to refuse and concluded that the proposed access was poor and would lead to an unsafe development.

Members discussed the report.

#### **RESOLVED:**

That the report be noted.

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

##### **(A) N/2020/1106 VARIATION TO S106 AGREEMENT TO VARY THE MORTGAGEE EXCLUSION AND REINVESTMENT CLAUSES FORMER PARKLANDS MIDDLE SCHOOL, DEVON WAY**

The Principal Planning Officer submitted a report to the Committee which sought approval to agree variations to the S106 Agreement for the site to amend the mortgagee exclusion and reinvestment clauses in relation to affordable housing. The

Committee were informed that the number and mix of affordable housing to be provided on site was not being altered.

Members discussed the report.

**RESOLVED:**

The Committee **AGREED** that the Director of Planning and Sustainability be given delegated authority to agree the variation of the Section 106 Agreement dated 18 March 2019 in order to amend the wording of the mortgagee exclusion and reinvestment clauses and relevant definitions together with any consequential amendments as are considered necessary.

**(B) DELEGATED AUTHORITY FOR DIRECTOR OF PLANNING AND SUSTAINABILITY TO AGREE VARIATIONS TO SECTION 106 AGREEMENTS TO AMEND MORTGAGEE EXCLUSION CLAUSES**

The Principal Planning Officer submitted a report to the Committee which sought to delegated authority to the Director of Planning and Sustainability to agree variations to S106 Agreements to amend mortgagee exclusion clauses.

Members discussed the report.

**RESOLVED:**

The Committee **AGREED** that the Director of Planning and Sustainability be given delegated authority to agree variations of completed Section 106 Agreements in order to amend the wording of the mortgagee exclusion clauses and relevant definitions in completed Section 106 Agreements and any consequential amendments as are considered necessary.

**8. NORTHAMPTONSHIRE COUNTY COUNCIL APPLICATIONS**

None.

**9. NORTHAMPTON BOROUGH COUNCIL APPLICATIONS**

None.

**10. ITEMS FOR DETERMINATION**

- (A) N/2016/0810**  
**HYBRID APPLICATION FOR UP TO 170 NEW DWELLINGS IN TOTAL INCLUDING OUTLINE APPLICATION FOR THE DEMOLITION AND CONVERSION OF EXISTING UNIVERSITY BUILDINGS AND THE ERECTION OF NEW BUILDINGS TO PROVIDE RESIDENTIAL ACCOMMODATION (USE CLASS C3) OF UP TO 112 UNITS AND ASSOCIATED CAR PARKING (INCLUDING RECONFIGURATION OF NEWTON BUILDING CAR PARK), LANDSCAPING AND OPEN SPACE (ALL MATTERS RESERVED EXCEPT ACCESS) AND FULL APPLICATION FOR THE PART DEMOLITION, CONVERSION AND EXTENSION OF THE MAIDWELL BUILDING TO PROVIDE 58 NEW DWELLINGS TOGETHER WITH ACCESS AND PARKING**

## **UNIVERSITY OF NORTHAMPTON AVENUE CAMPUS, ST GEORGES AVENUE**

The Principal Planning Officer submitted a report to the Committee Members and attention was also drawn to the addendum which contained an additional condition. The Committee were informed that the application had been amended since its submission to reduce the maximum number of dwellings from 200 to 170 and has also been subject to extensive discussions with consultees. It comprises a hybrid proposal, with full planning permission sought for the part-demolition, conversion and reconfiguration of the Maidwell Building to provide 58 dwellings and associated parking, and outline planning permission for the construction of up to 112 dwellings to the rear of the site and alterations to the Newton Building car park, with the listed Newton Building falling outside the site. The site is located in the Kingsley Conservation, with the Maidwell Building on the frontage being locally listed, and it was explained that the works to this building result in harm to heritage assets that needs to be weighed against the benefits arising from the scheme, which include the redevelopment of brownfield land and a significant contribution towards the Council's housing supply. It was highlighted that the indicative plans showed the bulk of the existing treed areas on the site retained, but that the final layout of the rear part of the site would be assessed as part of a future reserved matters application. In addition, it was highlighted that an independent viability assessment had concluded that the scheme could not afford to provide any affordable housing, but could make some contributions towards education and healthcare facilities as well as off-site highway improvements to seek to mitigate the impacts of the development.

Catherine Mason, the agent on behalf of the applicant, spoke in favour of the application and commented that the proposal was sustainable development and a good use of a brownfield site which had been carefully designed and of high quality. She advised that the site is allocated for dwellings in the emerging Local Plan Part 2. The most significant elements of the Maidwell Building would be retained with new high quality apartments created and existing green areas within the site would be protected with new play spaces. Any impacts arising from the scheme have been satisfactorily mitigated against. The scheme had been amended to ensure that it complied with the Council's standards and ecology, archaeology, drainage and transport issues have been resolved. The University is an important stakeholder in the town and the redevelopment of Avenue Campus is linked to the development of the new Waterside Campus and the financing of the University.

In response to questions, the Committee heard that a condition is proposed to ensure the recorded of the Maidwell Building to prior to its partial demolition.

Members discussed the report.

### **RESOLVED:**

That the application be **APPROVED IN PRINCIPLE** subject to the prior finalisation of a S106 agreement to secure planning obligations and conditions and reasons as set out in the report and **Additional Condition 35** contained in the addendum.

Councillors Cali, Choudary and Lane joined the meeting at this juncture.

**(B) N/2019/1055  
PROPOSED CONSTRUCTION OF A RESIDENTIAL DEVELOPMENT,  
COMPRISING 22NO. SELF-CONTAINED APARTMENTS, WITH  
ASSOCIATED STORAGE, REFUSE STORE, CYCLE STORE AND  
EXTERNAL AMENITY.  
14 - 18 ST MICHAELS ROAD**

The Development Management Team Leader submitted a report to the Committee. Members' attention was drawn to the addendum which contained an additional Condition 16. It was explained that consent had been previously agreed for up to 20 dwellings on site. Members were advised that the Conservation Officer raised no objection to the design and the housing provision and regeneration of the site were a positive benefit. The ridge height of the proposed development was slightly taller than neighbouring properties but lower than previously approved and the building 4 stories to the front and 6 to the rear due to a change in site levels. The gross internal floor area of proposed apartments would be between 35-50m<sup>2</sup> and 55-72m<sup>2</sup> for 1 and 2 bed respectively. Conditions relating to drainage, contamination, noise and air quality mitigation were proposed. Whilst there was no parking proposed, there had been no objections from the Local Highway Authority. An independent viability assessment had concluded that the site would not be viable if it provided any affordable housing or S106 contributions.

Councillor Stone spoke against the application and voiced concern around the density of the development and commented that storage space did not seem to have been factored into the available space in the apartments. She also voiced concern around air quality, noting the adjacent car park and insufficient refuse storage. Councillor Stone believed that the proposed mitigations were insufficient.

Jonathan Weekes, the agent on behalf of the applicant, spoke in favour of the application and commented that the proposal had been designed as a bespoke scheme for the site and noted that the development was sat in a sustainable location.

In response to questions, the Committee heard that the applicant intended to rent the properties.

The Development Management Team Leader advised that whilst the floor space of some residential units fell short of national space standards, they had not yet been adopted by the Council, and that a number of units complied or exceeded space standards. Regarding air quality, it was noted that Condition 10 required the submission of a health impact assessment which would be reviewed by Environmental Health. It was further noted that Environmental Health continually carried out studies with the aim of improving air quality in the town. Storage for waste would be provided on the ground floor and Environmental Health had not raised objections to the proposal.

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 16** contained in the addendum.

(C) **N/2019/1063**  
**APPLICATION FOR VARIATION OF CONDITIONS 2, 8, AND 13 OF PLANNING PERMISSION N/2017/0127 (DEMOLITION OF EXISTING BUILDING. ERECTION OF 40NO DWELLINGS (USE CLASS C3) WITH ASSOCIATED CAR PARKING AND ANCILLARY SPACE AND 130.10M2 OF RETAIL SPACE (USE CLASS A1)) TO ALTER THE DESIGN OF THE APPROVED BUILDING, TO AMEND THE FLOOD RISK ASSESSMENT AND TO REDUCE THE LEVEL OF PARKING BY 1 SPACE 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 comments from a Ward Councillor and an additional Condition 24. The application sought to amend several conditions to slightly alter the design of the approved building. It was explained that the retail space would remain the same size, but the variation would result in the loss of 1 parking space. A revised flood risk assessment had been submitted with the variation application which the Lead Flood Authority and Environment Agency raised no objection to. The application approved by the Committee in 2019 included a S106 Agreement which was not tied to this variation application so a new S106 is required; it was proposed to be identical to the one previously approved, including as previously agreed by Committee to be amended with nil affordable housing provision due to an independent viability assessment concluding that it was not viable to do so.

In response to questions, the Committee were informed that the developer had discussed allocating parking spaces to residents of the development, however it was considered unreasonable to require this by condition as the application was a variation application and the site is in a sustainable location. It was noted that a condition requiring EV charging points was included to the benefit of the scheme.

Members discussed the report.

**RESOLVED:**

That the application be **APPROVED IN PRINCIPLE** subject to the prior finalisation of a S106 agreement to secure planning obligations and conditions and reasons as set out in the report and **Additional Condition 24** contained in the addendum.

(D) **N/2020/0777**  
**CHANGE OF USE FROM RETAIL SHOP (USE CLASS E) TO RESTAURANT/TAKEAWAY (SUI-GENERIS) INCLUDING INSTALLATION OF EXTRACTION DUCTING SYSTEM**  
**103 ST LEONARDS ROAD**

The Development Manager submitted a report to the Committee. The Committee heard that the site, previously a coffee shop, had been vacant for 2 years. It was proposed that the ground floor be converted to a restaurant and takeaway with an extraction flue attached to the back of the building. The flue would be similar in appearance to others nearby, so the visual impact was considered acceptable. Since the coffee shop generated parking demand, the change of use was not considered to

impact the highway condition severely and no objections had been raised by the Local Highway Authority. Environmental Health had also raised no objection subject to conditions relating to hours of use, noise mitigation and waste storage. It was noted that planning permission was no longer required for a change of use from café to restaurant; planning permission was required in this instance due to the takeaway element of the application.

Councillor Davenport, in her capacity as the Ward Councillor, spoke against the application and voiced concern around parking and the additional traffic that would be generated at night. In reference to comments made by Northamptonshire County Council, Councillor Davenport stated that she did not believe many people would get a bus to pick up takeaway food.

Ali Ay, the agent on behalf of the applicant, spoke in favour of the application and commented that there had been no objections from statutory consultees and that any increase in traffic generated by the change of use would not be sufficiently significant.

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.

**(E) N/2020/0805  
SELF-CONTAINED ANNEXE ON FOOTPRINT OF APPROVED DOUBLE  
GARAGE  
24 PENFOLD DRIVE**

The Principal Planning Officer submitted a report to the Committee which sought approval for the construction of an annex of the same size and in the same location as a previously approved double garage. The annex would be associated with the main property and not a separate property in itself; this was reiterated by Condition 4. The annex would be set back from the street and screened by existing vegetation. It was noted that whilst annexes did not require an increase in parking provision, the property benefitted from a large driveway.

Councillor Kilbride, in his capacity as the Ward Councillor, spoke against the application and commented that the owners ran a business from the property and clients arriving in vehicles caused traffic and parking issues for the surrounding properties. He advised that a covenant existed which prohibited businesses from operating from the property. Councillor Kilbride asked the Committee to consider the impact that the proposal would have on neighbouring properties.

In response to a question, Councillor Kilbride explained that Billing Parish Council did not object to development in the ward generally, however they objected to what was perceived to be an extension to a home business in an improper location.

The Principal Planning Officer advised that the consideration could only be on the annex which itself would not result in an increased requirement for parking. The alleged business use would be a matter that would need investigating separately and could not be a consideration in the assessment of this application.

Members discussed the report.

**RESOLVED:**

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

**(F) N/2020/0866  
VARIATION OF CONDITION 5 OF PLANNING PERMISSION N/2018/0011  
(CHANGE OF USE FROM DWELLINGHOUSE (USE CLASS C3) TO HOUSE  
IN MULTIPLE OCCUPATION FOR 4 OCCUPANTS (USE CLASS C4)  
INCLUDING SINGLE STOREY EXTENSIONS TO THE REAR, A LOFT  
CONVERSION WITH REAR DORMER WINDOW & INTERNAL  
ALTERATIONS) TO ALLOW THE PROPERTY TO BE OCCUPIED BY A  
MAXIMUM OF 5 OCCUPANTS  
70 VICTORIA ROAD**

The Development Manager submitted a report to the Committee which sought to vary a condition to increase the maximum occupants from 4 to 5 and also included a single storey rear extension and loft conversion with rear dormer window and internal alterations. It was noted that the single storey extension had already been constructed so the application sought to regularise the discrepancy. A room on the ground floor, currently used as a study, would be converted to a bedroom. It was explained that the Local Highway Authority had raised no objection to the application and that the property sat within a sustainable location close to shopping facilities and public transport links. Conditions relating to the storage of waste and cycles were included as well as a condition to ensure that the basement would not be used as a bedroom at any time.

Councillor Stone, in her capacity as the Ward Councillor, spoke against the application and commented that the extra room was too small, she felt that the application was an act of greed by the applicant. She voiced concern around antisocial behaviour and litter generated by areas densely populated with HMOs and stated that the area was already under pressure due to the high number of HMOs. She further stated that it was difficult for people living in such densely populated areas and properties to act in a "covid-secure" way.

The Development Manager explained that any issues around COVID-19 were the remit of Public Health England and not a material planning consideration and noted that Private Sector Housing were satisfied with the room size and available facilities within the property.

The Development Manager advised that there was no policy that prohibited a bedroom from being located adjacent to a kitchen. It was explained that the window in the proposed new bedroom functioned as a fire escape but only for the occupant of that room; other occupants would use the front or back doors.

The Director of Planning and Sustainability advised that issues relating to fire escapes were dealt with under different legislation and not a consideration for the Planning Committee

Members discussed the report and expressed specific concerns that the proposed ground floor bedroom is adjoining a kitchen wall with potential noise and disturbance.

Councillor Choudary left the meeting at this juncture.

## **RESOLVED**

That the application be **DEFERRED** pending further negotiation with the applicant to improve the layout.

- (G) **N/2020/1094**  
**PRIOR NOTIFICATION OF CHANGE OF USE FROM OFFICES (USE CLASS E) TO 25NO RESIDENTIAL UNITS (USE CLASS C3)**  
**PHOENIX COMPUTERS LIMITED DAISY GROUP HUNSBURY HILL AVENUE**

This item was withdrawn from the agenda.

- (H) **N/2020/1109**  
**CONVERSION OF SINGLE DWELLING INTO 2NO APARTMENTS WITH NEW WINDOW TO BASEMENT AND ALTERATION TO WINDOW OPENING**  
**64 CHARLES STREET**

The Development Management Team Leader submitted a report to the Committee. Members' attention was drawn to the addendum which contained further comments from a local resident and additional Conditions 4 and 5. The property had no outdoor space, being connected at the side and rear to a neighbouring property. The application sought to split the property into two flats; a new door would be created to access the ground floor flat and a window added to the basement which would be used as a study and a condition was included to ensure that it was not used as a bedroom at any time. Whilst the floorspace of the first floor flat fell slightly below national space standards, there were good levels of light and on balance this was considered acceptable by officers. Parking in the area was on-street and permit-only and the property sat within a sustainable location, well served by local facilities and local transport links. Members were advised that there was no external space for refuse storage and a condition requiring details of internal refuse storage was recommended.

Councillor Stone, in her capacity as the Ward Councillor, spoke against the application and advised that she received complaints from residents almost every week regarding antisocial behaviour. She believed that officers should not have recommended the application for approval due to its small size, the lack of light in the basement and stated that it was unreasonable to expect occupants to keep their waste indoors until collection day.

In response to a question, the Committee heard that the weight given to floorspace would increase once the Local Plan Part 2 was adopted but until then, only limited weight could be given to floorspace. Regarding the provision of waste storage, officers were only able to compare the proposal in relation to what currently existed on-site.

Members discussed the report.

**RESOLVED:**

That the application be **APPROVED** subject to the conditions and reasons as set out in the report and **Additional Conditions 4 and 5** contained in the addendum.

Councillors Bottwood and M Markham left the meeting.

**11. ITEMS FOR CONSULTATION**

**12. NORTHAMPTON PARTNERSHIP HOMES APPLICATIONS**

**(A) N/2020/0952**

**SINGLE STOREY SIDE EXTENSION AND NEW FRONT PORCH  
TOGETHER WITH INTERNAL ALTERATIONS AND VEHICULAR  
CROSSOVER  
42 AYNHO CRESCENT**

The Principal Planning Officer submitted a report to the Committee which sought approval for the construction of a single storey side extension and new front porch with internal alterations and dropped kerb. An existing storeroom would be demolished to allow for the construction of the side extension; whilst slightly deeper than the storeroom, it would be set back from neighbouring properties.

In response to a question, Mr Evans (NPH) advised Committee that numerous NPH tenants were in need of disabled access properties; the proposed development would allow disabled tenants to live in the property.

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 7:46 pm