

NORTHAMPTON BOROUGH COUNCIL

INTERIM PLANNING COMMITTEE

Tuesday, 27 April 2021

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

OFFICERS: Nicky Scaife (Interim Development Manager)
Hannah Weston (Principal Planning Officer)
Theresa Boyd (Planning Solicitor)
Ed Bostock (Democratic Services)

1. APOLOGIES

Apologies for absence were received from Councillors King. Councillor M Markham would be joining the meeting late, and Councillor Birch would be leaving the meeting early due to a prior engagement.

2. MINUTES

The minutes of the meeting held on 16th March 2021 were agreed.

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/2019/1277

Councillor Roberts
Sally Jones
Peter Frampton

N/2020/1607

Councillor Smith
Tim Garner
Toby Wallace
Richard Lee

N/2021/0031

Alex Jelley

N/2021/0112

Louise Stratton

N/2021/0178

Councillor Roberts

Tony Potter
Lisa Hanley-Perks
Lizzy Ringisai
Florin Morar

N/2021/0056

Chris Parr

4. DECLARATIONS OF INTEREST/PREDETERMINATION

Councillor Bottwood declared a disclosable pecuniary interest in respect of item 10a as a board member for Northampton Partnership Homes and advised that he would leave the meeting whilst the application was considered.

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 Interim Development Manager submitted a List of Current Appeals and Inquiries. 7 decisions had been reached by the Inspector which were all refused by officers through delegated powers. An appeal relating to the King David public house was due to the size and scale of the proposed development and the proposed access would provide poor visibility and conflict with a bus stop in close proximity. The appeal was dismissed; the Inspector agreed with the officer reasons for refusal. An appeal relating to 25 Beaconsfield Terrace was refused due to lack of parking; officers referred to the Council's adopted Supplementary Planning Document (SPD) on HMOs and noted that the property sat outside of the required 400m from a bus stop. The Inspector allowed the appeal, noting that the property was 30m outside the limit and that Highways had not objected to the application. An appeal relating to 32A Millway was allowed; officers refused the application due to concerns of intensification of a narrow, shared driveway. The Inspector acknowledged that there would be an increase in residents but did not consider that the intensification would be detrimental to highway safety.

Members discussed the report.

RESOLVED:

That the report be noted.

Councillor Bottwood left the meeting at this juncture.

7. OTHER REPORTS

None.

10. NORTHAMPTON PARTNERSHIP HOMES APPLICATIONS

(A) N/2021/0056 - DEMOLITION OF 4NO GARAGES AND CONSTRUCTION OF NEW COMMUNAL CAR PARKING FOR 24NO CARS. CAR PARK, THE BRIARS

The Interim Development Manager submitted a report to the Committee which sought approval for the demolition of 4 garages to allow for the construction of a car park for 24 cars. One tree on the site would be removed and replaced as part of the application. There were no statutory objections to the application.

In response to questions, the Committee heard that parking spaces would not be allocated but available for all local residents. EV charging points would also be installed. It was not proposed that boundary fencing be installed.

The Interim Development Manager advised that the Police had been consulted and raised no objection to the application; they advised that parking behind rear fencing was not ideal, however the benefit of formalised parking in the area outweighed any negatives.

Members discussed the report.

RESOLVED:

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

Councillor Bottwood re-joined the meeting.

8. ITEMS FOR DETERMINATION

(A) N/2019/1277 - VARIATION OF CONDITION 2 OF PLANNING PERMISSION N/2012/0909 (PROPOSED RESIDENTIAL DEVELOPMENT OF 139 RESIDENTIAL DWELLINGS, GARAGES AND ASSOCIATED WORKS INCLUDING NEW ACCESS ROUNDABOUT) TO ALTER THE LAYOUT OF THE DEVELOPMENT, ALTER HOUSE TYPES, AND REMOVE AND ALTER GARAGES, AND VARIATION OF CONDITIONS 3, 4, 5, 6, 7, 8, 11, 12, 13, 15, 18, 19, 21, 22, 23, 24, 25, AND 26 TO BE IN ACCORDANCE WITH DETAILS SUBMITTED. REMOVAL OF CONDITIONS 10 AND 16. LANCASTER WAY

The Principal Planning Officer submitted a report to the Committee. Members' attention was drawn to the addendum which contained an amended condition 16 and additional representations from a local resident and Northampton Badger Group. The Principal Planning Officer advised that the application was being brought back to committee as alternative wording is required to condition 16. Following the approval in Principle of the application on the 28th July 2020 the Council have become aware that works have been undertaken on site which necessitate the rewording of condition 16. The Council's Ecologist had no objection to this amendment and the Wildlife Police and Natural England were aware and observing the area in question. It was further advised that the Wildlife Police and Natural England have powers outside of the planning process to protect the protected species however the amended condition would provide further protection.

Councillor Roberts, in her capacity as Ward Councillor for Delapre and Briar Hill, spoke against the application and commented that there were material changes to the application; the developers were building to plans that had not been submitted to the Council. Properties had been occupied prior to flood works being carried out. Councillor Roberts did not feel that the amended condition went far enough to protect badgers on the site. She further stated that the condition should include a second part to require sign-off from the Council's ecologist as well as presentation from the developer. She reminded the Committee that they had the power to refuse the application if they felt that the condition was not strong enough to protect the badgers.

Sally Jones, on behalf of Northampton Badger Group, spoke against the application and commented that the group were requesting an amendment to the condition to include an ongoing duty for the developer to discharge items a and b if any future badger activity (such as new setts) were seen anywhere on site and to do this until all works were complete. Ms Jones advised that she had seen for herself new sett entrances at their original sett location and she and a local resident had called the police upon finding heavy machinery being used metres from the new sett entrances. Ms Jones stated that it was important that the amended condition be as strong as possible for the duration of the development. She noted that there still was no provision for foraging or wildlife corridors.

In response to questions, the Committee heard that it was important for wildlife corridors and foraging areas to be provided for the badgers to enable them to live naturally and to keep the badgers from causing problems for residents.

Peter Frampton, the agent on behalf of the applicant, spoke in favour of the application and commented that the Section 106 Legal Agreement was progressing. Mr Frampton stated that notwithstanding previous speakers' comments, there were no material changes in planning circumstances regarding the principle of development and layout and design of the site. He noted that development had commenced in accordance with permission granted; 2 licences had been obtained for works in relation to badger activity and a licence return was submitted to Natural England by a qualified ecologist confirming that all actions permitted under the licences and the method statements had been adhered to. Mr Frampton noted that Natural England and the Council's ecologist were happy with the scheme and that there were mechanisms in place should the new condition be breached.

In response to questions the Principal Planning Officer advised that the main powers for breaches of the protected species regulations are with the Wildlife Police and Natural England, but that a condition would also allow the planning enforcement team to investigate. It was further advised that the S106 was progressing and it would be unreasonable to stop the whole development over this matter as the protected species are only in one area. The Principal Planning Officer further advised that the original 2012 permission was granted without any badger conditions and the development could still be built to that specification, and that the only change being brought to Committee from the 28th July 2020 was an amendment to the condition wording.

The Planning Solicitor confirmed that Section 73A of the Planning Act allowed for regularisation of situations such as this by variation of condition and as the Section 106 Agreement is nearing completion the position would be regularised in terms of the legalities.

Members discussed the report.

RESOLVED:

That the application be **APPROVED IN PRINCIPLE** subject to the completion of a Section 106 Legal Agreement and subject the conditions and reasons as set out in the report and addendum.

Councillor M Markham joined the meeting and declared a disclosable and pecuniary interest in respect of item 10a as a board member for Northampton Partnership Homes (already determined).

(B) N/2020/1212 - OUTLINE APPLICATION (WITH ACCESS DETAILS) FOR THE DEMOLITION OF EXISTING BUILDING AND STRUCTURES AND REDEVELOPMENT TO PROVIDE NEW WAREHOUSE AND DISTRIBUTION FLOORSPACE (USE CLASS B8) WITH ANCILLARY OFFICE ACCOMMODATION, ACCESS FROM LILIPUT ROAD, WITH SERVICE YARDS, PARKING, LANDSCAPING AND OTHER ASSOCIATED INFRASTRUCTURE. HOWDENS JOINERY, LILIPUT ROAD

The Principal Planning Officer submitted a report to the Committee which sought outline planning permission (with access details) for the demolition of the existing building and structures and redevelopment to provide new warehouse and distribution floorspace with ancillary office accommodation, access from Liliput Road, with service yards, parking, landscaping and associated infrastructure. Following approval in Principle at Planning Committee in March 2021, the developer has amended the scheme to retain all 4 access points, whereas only 3 were being retained previously, and to undertake improvements to improve safety of these access point. A condition was proposed to ensure that these works were completed. An amendment to Condition 1 was also proposed to allow the developer to submit reserved matters applications on a phased basis. There were no objections from the Local Highway Authority to these changes.

Members discussed the report.

RESOLVED:

That the application be **APPROVED IN PRINCIPLE** subject to the completion of a Section 106 Legal Agreement and subject to the conditions and reasons as set out in the report.

(C) N/2020/1607 - CHANGE OF USE FROM DWELLINGHOUSE (USE CLASS C3) TO HOUSE IN MULTIPLE OCCUPATION (USE CLASS C4) FOR 6 OCCUPANTS. 13 SANDRINGHAM ROAD

The Interim Development Manager submitted a report to the Committee which sought approval for a change of use from dwellinghouse to HMO for 6 occupants. Members' attention was drawn to the addendum which contained an amendment to Condition 3. There were no other HMOs in a 50m radius, so area concentration was 1.66%. 2 ground floor rooms were proposed to be bedrooms with a small washroom, and a ground floor rear extension to extend the kitchen and also create a communal living space. On the first floor the front bedroom would be divided to create 2 bedrooms and a shower room would be built in addition to an existing bathroom. Refuse and cycle storage was proposed to the rear of the property; this was required by condition. Private Sector Housing raised no objection to the proposed development. Whilst no parking would be provided, the location of the property was considered sustainable, being within 400m of public transport links and shopping facilities. A condition was also included to restrict the maximum occupancy to 6.

Councillor Smith, in her capacity as a Ward Councillor for Abington, spoke against the application stated that despite the lack of a parking beat survey, it was common knowledge that there was no residual parking in the area. She believed that the proposed number of occupants was excessive and would exacerbate parking and waste issues in the locality. Councillor Smith urged the Committee to refuse the application.

Timothy Garner, of a neighbouring property, spoke against the application and voiced concern around the potential number of vehicles that the development may bring. He noted existing parking problems and antisocial behaviour issues from other HMOs in the area. Mr Garner further stated that he had contacted the university's Waterside campus who advised that only 1% of students travelled to the site by bicycle.

Toby Wallace, a local resident, spoke against the application and voiced concerns around parking, waste and antisocial behaviour. He also suggested that the proposed development would have a negative impact on the nearby Abington Park conservation area. He noted that there were a number of plans for purpose-built student accommodation in the town and suggested that there was little need for this type of student housing.

Richard Lee, the property owner and applicant, spoke in favour of the application and commented that the proposed occupancy was non-specific and would be equally suitable for single professionals. He further noted that Private Sector Housing had raised no objection to the application and that the proposal complied with local and national planning policies, and that any material planning concerns had been addressed in his application.

The Interim Development Manager confirmed that there were several HMOs in the area, however they sat outside of the 50m radius of the application site. It was also confirmed that all of the bedrooms would exceed the required minimum size.

Members discussed the report.

RESOLVED:

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

- (D) N/2021/0031 - VARIATION OF CONDITIONS 2 AND 3 OF PLANNING PERMISSION N/2019/0680 (PROPOSED CHANGE OF USE FROM DWELLING (USE CLASS C3) TO HOUSE IN MULTIPLE OCCUPATION (USE CLASS C4) FOR 4 OCCUPANTS) TO INCREASE THE NUMBER OF OCCUPANTS TO 5. 35 HOOD ST**

This item was withdrawn from the Agenda.

- (E) N/2021/0112 - CHANGE OF USE FROM DWELLINGHOUSE (USE CLASS C3) TO HOUSE IN MULTIPLE OCCUPATION (USE CLASS C4) FOR 4 OCCUPANTS. 56 ALLEN ROAD**

The Interim Development Manager submitted a report to the Committee which sought approval for a change of use from dwellinghouse to HMO for 4 occupants. Should the application be approved, the concentration of HMO properties in a 50m radius would be 8%. As part of the development, the front room on the ground floor would be converted to a bedroom and cycle and waste storage would be provided to the rear of the property. There was no parking proposed, however the location of the property was considered sustainable, being within 400m of public transport links and shopping facilities. Private Sector Housing raised no objection to the proposed development and a condition was included to ensure that the number of occupants did not exceed 4 at any time.

Louise Stratton, a local resident, spoke against the application and stated that there was little want for HMOs in the area. She noted that the area suffered with parking and waste problems and antisocial behaviour. Ms Stratton commented that young professionals wanted accommodation that they could live in, and that “living” spaces in many HMOs were removed to allow for additional bedrooms.

Members discussed the report.

RESOLVED:

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

- (F) N/2021/0178 - CHANGE OF USE FROM DWELLING TO CHILDREN'S HOME FOR 2 CHILDREN. 26 FIVE ACRES FOLD**

The Principal Planning Officer submitted a report to the Committee which sought approval for a change of use from dwellinghouse to children's home for 2 children between the ages of 5 and 18. Members' attention was drawn to the addendum which contained additional comments from Councillor Roberts and a correction to a typo in the report. It was advised that no alterations were proposed to the dwelling, however 2 bedrooms would be used by staff. Staff would be onsite at all times, but not living at the property. Visitors to the site would be limited to professionals only; family would not visit. Public Protection had raised no objection to the application, and it was considered that the use of the site would be comparable to that of a family home. Concern had been raised regarding parking however it was considered

sufficient for the expected number of staff. It was also noted that the Local Highway Authority had made no comment on the application. Conditions were proposed to limit the number of service users to 2 and the age to 5-18 years, and the number of staff to 3.

Councillor Roberts, in her capacity as a Ward Councillor for Delapre & Briar Hill, spoke against the application and stated that the site's use as a children's home would impact highway safety. She stated that a children's home was a business and therefore inappropriate for this location. Councillor Roberts noted that the company and applicant ran another children's home nearby which was under planning control investigation regarding its use in respect of visits to the property and the number of service users.

Tony Potter, a local resident, spoke against the application and noted that a number of letters of objection had been received and none in support. He stated that the nearby children's home, managed by the same company, was in breach of planning consent by visits taking place which led to, at times, 6 vehicles parked on the street in an unsafe manner. Mr Potter stated that young children would find it difficult to integrate into the area since it was largely occupied by older residents. No prior consultation was received from the developer. Whilst sympathetic to the needs of children, does not consider this area to be suitable and would have a negative impact on neighbours.

Lisa Hanley-Perks, a local resident, spoke against the application and commented that the nearby property managed by the applicant had been regularly attended by the Police; these developments were changing the makeup of the local area and causing disruption to the community and the concerns of local residents were being ignored. Ms Hanley-Perks also noted the parking issues caused by the existing children's home ran by the applicant and that there was a covenant on the property against business uses. It was further advised that no consultation letter was received.

Izzy Ringisai, the proposed manager of the site, spoke in favour of the application and commented that the proposal would provide a home for children and should be encouraged. She advised that the company sought to work harmoniously with neighbours, and that the property would be maintained to Ofsted requirements and standards and would be subject to routine inspections. She advised that the Police had visited the nearby property due to a child going missing at one point, however they did make regular visits as a matter of course.

In response to questions, Ms Ringisai confirmed that no more than 3 staff members would be present during the day.

Florin Morar, the proposed Responsible Individual for the property, spoke in favour of the application and commented that the company was Ofsted compliant. It was advised that the presence of a large number of vehicles on a nearby site was due to Ofsted visits. Advised that staff have parking elsewhere and can walk to the site. It was advised that the children would be part of the community and have a right to a home. There would be a maximum of 2 children but could only be 1..

The Principal Planning Officer confirmed in response to questions that consultation letters were sent to 8 neighbouring properties, including the speakers address. It was further advised that a covenant is not a planning consideration.

Members discussed the report.

RESOLVED:

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

9. ITEMS FOR CONSULTATION

None

The meeting concluded at 19:30