



PLANNING AGENDA

Tuesday, 22 December 2020

This meeting will be held remotely at 5:00 pm at
<https://www.youtube.com/user/northamptonbcTV>
At 5:00 pm

Members of the Committee

Councillor: Brian Oldham (Chair), Jamie Lane (Deputy Chair)

Councillors: Alan Bottwood, Mary Markham, Matthew Golby, Anna King, Samuel Kilby-Shaw, Catherine Russell, Jane Birch, Muna Cali, Naz Choudary, Arthur McCutcheon and Brian Markham.

Chief Executive

George Candler

If you have any enquiries about this agenda please contact
democraticservices@northampton.gov.uk or 01604 837722



PLANNING COMMITTEE

AGENDA

Meetings of the Planning Committee will take place at 5:00pm on 14th April, 12th May, 19th May, 9th June, 7th July, 28th July, 1st September, 29th September, 27th October, 24th November, 22nd December 2020, and 21st January, 16th February and 16th March 2021.

The Council permits public speaking at the Planning Committee as outlined below:

Who can speak at Planning Committee meetings?

- Up to 2 people who wish to object and up to 2 people who wish to support an individual planning applications or any other matter on the public agenda.
- Any Ward Councillors who are not members of the Planning Committee. If both Ward Councillors sit on the Planning Committee, they may nominate a substitute Councillor to speak on their behalf.
- A representative of a Parish Council.

How do I arrange to speak?

PLEASE BE AWARE THAT THIS MEETING WILL BE TAKING PLACE REMOTELY – SEE BELOW FOR DETAILS OF PUBLIC SPEAKER REGISTRATION/HOW TO VIEW THE MEETING

- Anyone wishing to speak (not including Ward Councillors who must let the Chair know before the start of the meeting) must have registered with the Council's Democratic Services section not later than midday on the day of the Committee.

NB: the Council operate a 'first come, first serve' policy and people not registered to speak will not be heard. If someone who has registered to speak does not attend the meeting their place may be relocated at the discretion of the Chair.

Methods of Registration:

- By telephone: 01604 837722
 - In writing to: Northampton Borough Council, The Guildhall, St. Giles Square, Northampton, NN1 1DE, Democratic Services (Planning Committee)
- by email to: democraticservices@northampton.gov.uk

- Once registered to speak, an invitation will be sent to join the Zoom video conferencing webinar for this meeting.

When do I speak at the meeting?

- A Planning Officer may update the written committee report then those registered to speak will be invited to speak.
- Please note that the planning officer can summarise issues after all the speakers have been heard and before the matter is debated by the Planning Committee Members and a vote taken.

How long can I speak for?

- All speakers are allowed to speak for a maximum of three minutes.

Other important notes

- Speakers are only allowed to make statements – they may not ask questions or enter into dialogue with Councillors, Officers or other speakers.
- Consideration of an application will not be delayed simply because someone who is registered to speak is not in attendance at the time the application is considered

- Confine your points to Planning issues: Don't refer to non-planning issues such as private property rights, moral issues, loss of views or effects on property values, which are not a material consideration on which the decision will be based.
- You are not allowed to circulate new information, plans, photographs etc that has not first been seen and agreed by the Planning Officers
- Extensive late representations, substantial changes, alterations to proposals etc. will not be automatically accepted, due to time constraints on Councillors and Officers to fully consider such changes during the Planning Committee Meeting.

*****Remote Meeting Access for Participants*****

- Members of the public should register to speak by email (democraticservices@northampton.gov.uk) or telephone (01604 837722) by 12pm on the day of the meeting.
- An invitation will be sent to Members and registered Public Speakers for the meeting via Zoom video conferencing webinar.

*****Remote Public Access*****

- The meeting will be available to view here: <https://www.youtube.com/user/northamptonbctv/>

**NORTHAMPTON BOROUGH COUNCIL
PLANNING COMMITTEE**

Your attendance is requested at a meeting to be held:
in This meeting will be held remotely at 5:00 pm at
<https://www.youtube.com/user/northamptonbcTV>
on Tuesday, 22 December 2020
at 5:00 pm.

AGENDA

1. **APOLOGIES**
2. **MINUTES** (page 1)
(Copy herewith)
3. **DEPUTATIONS / PUBLIC ADDRESSES**
4. **DECLARATIONS OF INTEREST/PREDETERMINATION**
5. **MATTERS OF URGENCY WHICH BY REASON OF SPECIAL CIRCUMSTANCES THE CHAIR IS OF THE OPINION SHOULD BE CONSIDERED**
6. **LIST OF CURRENT APPEALS AND INQUIRIES** (page 9)
Report of Director of Planning and Sustainability (copy herewith)
7. **OTHER REPORTS**
8. **NORTHAMPTONSHIRE COUNTY COUNCIL APPLICATIONS**
9. **NORTHAMPTON BOROUGH COUNCIL APPLICATIONS**
10. **ITEMS FOR DETERMINATION**
 - (A) **N/2020/0920 - SINGLE STOREY REAR EXTENSION AND NEW FRONT PORCH (RETROSPECTIVE). 42 GLOUCESTER CRESCENT** (page 11)
 - (B) **N/2020/1118 - CHANGE OF USE OF BASEMENT AND GROUND FLOOR FROM ESTATE AGENTS (USE CLASS E) TO HOT FOOD TAKEAWAY (SUI GENERIS), INCLUDING INSTALLATION OF EXTRACTION FLUE SYSTEM. CHANGE OF USE OF UPPER FLOORS FROM OFFICES (USE CLASS E) TO HOUSE IN MULTIPLE OCCUPATION (USE CLASS C4) FOR 4 OCCUPANTS. ASSOCIATED INTERNAL AND EXTERNAL ALTERATIONS TO SHOP FRONT AND NEW FLUE. 2 MERCERS ROW** (page 19)
 - (C) **N/2020/1163 - CHANGE OF USE FROM HAIRDRESSERS (USE CLASS E) TO HOT FOOD TAKEAWAY (SUI GENERIS), INCLUDING INSTALLATION OF EXTRACTION FLUE SYSTEM. 139 BOUVERIE ROAD** (page 29)

(D) N/2020/1272 - CHANGE OF USE FROM DWELLINGHOUSE (USE CLASS C3) TO HOUSE IN MULTIPLE OCCUPATION (SUI GENERIS) FOR 7 OCCUPANTS. 70 BOOTH MEADOW COURT (page 39)

11. ITEMS FOR CONSULTATION

12. NORTHAMPTON PARTNERSHIP HOMES APPLICATIONS

(A) N/2020/1321 - SINGLE STOREY REAR EXTENSION TOGETHER WITH INTERNAL ALTERATIONS. 41 HARDY DRIVE (page 47)

13. EXCLUSION OF PUBLIC AND PRESS

THE CHAIR TO MOVE:

“THAT THE PUBLIC AND PRESS BE EXCLUDED FROM THE REMAINDER OF THE MEETING ON THE GROUNDS THAT THERE IS LIKELY TO BE DISCLOSURE TO THEM OF SUCH CATEGORIES OF EXEMPT INFORMATION AS DEFINED BY SECTION 100(1) OF THE LOCAL GOVERNMENT ACT 1972 AS LISTED AGAINST SUCH ITEMS OF BUSINESS BY REFERENCE TO THE APPROPRIATE PARAGRAPH OF SCHEDULE 12A TO SUCH ACT.”

SUPPLEMENTARY AGENDA

**Exempted Under Schedule
12A of L.Govt Act 1972
Para No:-**

PHOTOGRAPHY AND AUDIO/VISUAL RECORDINGS OF MEETINGS

Anyone may record meetings of the Council, the Cabinet, any Committee or Sub-Committee of the Council through any audio, visual or written method to include taking photographs of meetings, filming meetings or making audio recordings of meetings. The Chair of the meeting shall have the discretion to revoke the permission in the event that the exercise of the permission is disturbing the conduct of the meeting in any way or when it is otherwise necessary due to the nature of the business being transacted at the meeting. Permission may only be exercised where the public have the right to attend the meeting; and if a meeting passes a motion to exclude the press and public, then in conjunction with this, all rights to record the meetings are removed.

NORTHAMPTON BOROUGH COUNCIL

PLANNING COMMITTEE

Tuesday, 24 November 2020

PRESENT: Councillor Oldham (Chair); Councillor Lane (Deputy Chair);
Councillors Birch, Bottwood, Golby, Kilby-Shaw, King, B Markham, M
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), Adam
Smith (Principal Planning Officer), Theresa Boyd (Planning Solicitor),
Ed Bostock (Democratic Services Officer)

1. APOLOGIES

Apologies for absence were received from Councillors Cali and Choudary. It was advised that Councillor Russell would be arriving late and that Councillors Golby and King would be leaving the meeting early due to other commitments.

2. MINUTES

The minutes of the meeting held on 27th October 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/2019/0612

Councillor Beardsworth
Councillor M Markham
Jennifer Smith

N/2020/1157

Claire Gardiner
Keith Howard
Nigel Ozier

N/2019/1429

John Manning
Councillor T Eales

Gary Owens

N/2020/0542

Ms Brown
Gary Owens

N/2020/1113

Tracey Thomson

4. DECLARATIONS OF INTEREST/PREDETERMINATION

Councillor Bottwood declared a predetermination in respect of item 10a and a disclosable and pecuniary interest in respect of items 12a, 12b and 12c as a board member of Northampton Partnership Homes (NPH) and advised that he would leave the meeting while the items were discussed.

Councillor M Markham declared a predetermination in respect of items 10a and 10b and a disclosable and pecuniary interest in respect of items 12a, 12b and 12c as a board member of Northampton Partnership Homes (NPH) and advised that she would leave the meeting while the items were discussed.

Councillor Birch declared a personal interest in respect of item 10a as the Ward Councillor for Trinity but advised of no predetermination.

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. She advised of 3 decisions made by the Inspectorate on applications refused under delegated powers. In respect of an appeal relating to 104 Semilong Road, the Inspector agreed with officers that the application would be an overdevelopment with insufficient parking. Regarding an appeal relating to 47 Beech Avenue, the Inspector found that the development would have a poor outlook and was not in keeping with surrounding properties. An appeal relating to 110A Harlestone Road was allowed with the inclusion of a further condition relating to parking.

Members discussed the report.

RESOLVED:

That the report be noted.

Councillor Russell joined the meeting at this juncture.

7. OTHER REPORTS

(A) N/2020/1396 - REQUEST FOR VARIATIONS TO S106 AGREEMENT DATED 29 JULY 2015 TO REMOVE OBLIGATIONS RELATING TO

HIGHWAYS AND SECONDARY EDUCATION THAT ARE NOW COVERED BY THE COMMUNITY INFRASTRUCTURE LEVY. LAND TO THE EAST OF HARDINGSTONE NORTH OF NEWPORT PAGNELL ROAD

The Principal Planning Officer submitted a report to the Committee which sought to vary the S106 Agreement to remove obligations relating to highways and secondary education, which were now covered by the Community Infrastructure Levy.

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.

12. NORTHAMPTON PARTNERSHIP HOMES APPLICATIONS

(A) N/2019/1429 - CONSTRUCTION OF 5NO NEW BUILD DWELLINGS WITH ASSOCIATED PARKING. LOCK UP GARAGES, DERWENT DRIVE

Councillors M Markham and A Bottwood left the meeting, having declared an interest earlier.

The Development Management Team Leader submitted a report to the Committee. Members' attention was drawn to the addendum which contained further representations from local residents, the correction of a typo and an additional Condition 16. The application sought the approval for the construction of 5 new dwellings and associated parking. 6 of the 12 proposed parking spaces would have EV charging points. Access to the church would remain and the proposal complied with distance requirements in relation to neighbouring properties. It was noted that the Local Highway Authority had not raised objections to the application.

John Manning, a local resident, spoke against the application and raised concern around the construction phase of the development and noted that during the demolition of the garages, contractors routinely drove their vehicles on neighbours' gardens causing damage.

Councillor T Eales, in her capacity as the Ward Councillor, spoke against the application and raised concern regarding consultation, highway impacts, parking, visibility, access for emergency vehicles and maintenance of neighbouring fencing.

Gary Owens, Project Manager for NPH, spoke in favour of the application and commented that the development will be project managed and the access width will be addressed for construction vehicles. The proposed parking catered for the number of houses proposed and NPH had already approached the neighbouring property regarding fence maintenance.

Members discussed the issues of construction traffic and hours of construction.

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 and an additional **Condition 17** for a Construction Management Plan in respect of construction traffic and construction hours.

Councillor Golby left the meeting at this juncture.

(B) N/2020/0542 - VARIATION OF CONDITION 2 OF PLANNING PERMISSION N/2018/1594 (DEVELOPMENT OF 6NO NEW DWELLINGS WITH ASSOCIATED PARKING) TO AMEND SITE ENTRANCE TO RETAIN EXISTING HIGHWAY JUNCTION. LOCK UP GARAGES, SWALE DRIVE

The Principal Planning Officer submitted a report to the Committee. Members' attention was drawn to the addendum which corrected an error in the report relating to parking spaces and reworded Condition 5. The application sought to vary the site entrance, amend parking by the entrance, remove a drive to plot 4, and reconfigure a parking court. No changes to the appearance or position of the dwellings were proposed. Replacement trees were also to be added to the front entrance in line with neighbour request.

Ms Brown, a local resident, spoke against the application and commented that whilst she was pleased that mature trees would be replaced once felled, she asked that the trees be in the same position and be Oak. She further requested that the pavements be re-laid and commented that some elevations of the proposed dwellings looked very plain and not in keeping with neighbouring houses. Ms Brown requested that the boundary wall behind numbers 30 to 36 be replaced with a brick wall. Parking spaces were requested to be removed due to noise and air pollution.

Gary Owens, Project Manager for NPH, spoke in favour of the application and commented that the variation sought to maximise parking for the benefit of residents. He noted that the pavement would be replaced and improved to meet required standards and the boundary wall was an issue to be resolved between NPH and residents.

The Principal Planning Officer noted that Condition 6 related to boundary treatments and reminded the Committee that the applicant could develop the site under previously approved planning permission and that only the changes to that approval were under consideration. It was further advised that the type of replacement tree requested was decided in consultation with the Council's tree officer and is a type more suitable for a residential setting.

RESOLVED:

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

Councillor King left the meeting at this juncture.

(C) N/2020/1113 - CHANGE OF USE FROM DWELLING TO SUPPORTED LIVING ACCOMMODATION FOR TWO OCCUPIERS (USE CLASS C2) INCORPORATING FENESTRATION ALTERATIONS TO EXISTING DWELLING AND GARAGE, REPLACEMENT ROOF TO AND CONVERSION OF EXISTING GARAGE TO ANCILLARY ACTIVITY ROOM, 2.4 METRE HIGH SECURITY FENCE WITH AUTOMATED GATED ACCESS, ADDITIONAL PARKING AND NEW PEDESTRIAN STEPS TO LINGS WAY. THE BUNGALOW LINGS WOOD, LINGS WAY

The Principal Planning Officer submitted a report to the Committee. The application sought approval for a change of use from dwellinghouse to supported living accommodation for two occupiers. A larger parking area was proposed to allow for 4 vehicular parking spaces within the site and minor alterations to windows and external doors were proposed.

Members discussed the report.

RESOLVED:

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

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. He advised that the application was brought before the Committee at its last meeting on 27th October but due to a late objection letter raising concern around the demolition of the Maidwell Building not being reported to the Committee, there was a need for it to be re-considered. There was no change in the detail of the application or the officer recommendation.

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. 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.

Councillor McCutcheon left the meeting at this juncture due to connection issues.

Members discussed the report.

RESOLVED:

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

Councillors M Markham and Bottwood re-joined the meeting at this juncture.

(B) N/2019/0612 - ERECTION OF PURPOSE-BUILT STUDENT ACCOMMODATION COMPRISING 347NO ROOMS WITH 356NO BED-SPACES, FOLLOWING PARTIAL DEMOLITION OF EXISTING BUILDINGS. REFURBISHMENT AND CHANGE OF USE OF LISTED BUILDING TO PROVIDE ANCILLARY STUDENT HUB, RETAIL UNITS, PLANT, STORAGE AND REFUSE AREAS, WITH ASSOCIATED LANDSCAPING AND OTHER WORKS. BECTIVE WORKS, BECTIVE ROAD

The Principal Planning Officer submitted a report to the Committee. Members' attention was drawn to the addendum which contained an additional letter of objection by a local resident. The Committee were informed that alterations were required to the requirements of the S106 for this application following the approval in principle on the 19th May 2020. These were that the Local Highway Authority were no longer requiring traffic contributions and as such these could no longer be requested, that legally the Council cannot require that students not use their own vehicles and as such this cannot be included in the legal agreement, and a contribution was to be added requesting a contribution towards the provision of sustainable travel.

Councillor M Markham, in her capacity as a local resident, spoke against the application and commented that parking in the area was very bad and she objected to the removal of the clause limiting car use; she believed the site would be of more benefit if it was converted to sheltered accommodation. She stated that there was no need for student accommodation in Kingsthorpe now that the university had moved.

Councillor M Markham left the meeting after addressing the Committee.

Councillor Beardsworth, in her capacity as the Ward Councillor of an adjoining ward, spoke against the application and stated that this was the wrong site for this development, and it was a money-making scheme that would provide no benefit and cause misery for locals. Concern was raised with the traffic issues resultant from this, and it was stated that Brexit would mean there would be less students anyway.

Jennifer Smith, the agent on behalf of the applicant, spoke in favour of the application and commented that the application incorporated the Listed building and that there were no material changes to the application previously approved by the Committee. She noted that the principle of development had already been established.

In response to questions, the Committee heard that the applicant was aware that the university had moved but felt that there was still a need for student accommodation in the area. A consultation exercise by way of a leaflet drop had been carried out but received no responses from residents. Condition 16 related to a Student Management Plan, part of which required students to sign up to a tenancy agreement which stipulated that they would not use their own vehicles.

The Principal Planning Officer confirmed in response to questions that the Local Highway Authority had not objected to the application, that the Local Highway Authority had requested the location of bus stops and shelters, that the provision of cycle lanes would be for the Highways Authority to look into, and that the minibus requirement was for the provision of a minibus and not a contribution and is required for the life of the development and a breach of this would be investigated by Planning Enforcement and by NCC Highways.

Members discussed the report.

RESOLVED:

That the application be **APPROVED IN PRINCIPLE** subject to the finalisation of an S106 Legal Agreement to secure planning obligations and conditions as set out in the report.

Councillors M Markham and McCutcheon re-joined the meeting.

(C) 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. The application sought to vary a condition to increase the number of occupants from 4 to 5. Parking in the area was permit only and since the property was an existing HMO, concentration was not a consideration. Following comments made by the Committee at its last meeting on 27th October, the applicant had amended the scheme and the bedroom that previously shared an entire wall with the kitchen has been moved to the front.

Members discussed the report.

RESOLVED:

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

(D) N/2020/1157 - CONSTRUCTION OF 6NO NEW TWO BED DWELLINGS WITH ON-SITE PARKING. LAND AT BROWNLEE PLACE

The Development Manager submitted a report to the Committee. Members' attention was drawn to the addendum which corrected a typo in the report. The application sought approval for the construction of 6 dwellings and associated parking, including EV charging points. No first-floor rear windows were proposed to reduce overlooking, but roof lights were proposed for bathrooms and landings. The distance between proposed dwellings and those existing, back to back to the main rear walls, was at least 13m. A construction Management Plan was recommended in light of the application at Derwent Drive approved by the Committee earlier in the meeting.

Claire Gardiner, of a neighbouring property, spoke against the application and commented that properties at Brownlee Close sat 1.4m below the road level as opposed to "approximately 1m" as stated in the report which would result in significant overlooking from the proposed development, she stated that this would also remove any height difference in terms of security that her fence currently provided. Ms Gardiner questioned who would be accountable should the development result in damage to her property, through flooding etc.

Keith Howard, the applicant, spoke in favour of the application and commented that he wanted to improve the existing scheme for residents; gardens had been added to all of the proposed dwellings and hipped roofs reduced the overall setting of the proposals.

Nigel Ozier, the agent on behalf of the applicant, spoke in favour of the application and noted that the site had extant consent for 8 maisonettes, however he believed that the scheme being considered currently was a significant improvement that included boundary treatment, amenity space and larger parking. The development's reduction would also mean a more sympathetic relationship with existing properties and a more pleasing street scene than the existing consent.

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 24** in relation to CEMP.

The meeting concluded at 7:59 pm

Planning Service

Director of Planning and Sustainability: Peter Baguley



List of Appeals and Determinations – 22nd December 2020

Written Reps Procedure

Application No.	DEL/PC	Description	Decision
N/2019/1174 APP/V2825/W/20/3258793	DEL	Variation of Conditions 2 and 7 and removal of Condition 3 of Planning Permission N/2017/1442 (Conversion of part of building to 2no dwellings) to amend location of parking areas for the new dwellings, retain accesses as existing and replace proposed boundary walls with fencing at Billing Arbours House	AWAITED
N/2019/1335 APP/V2825/W/20/3257246	DEL	2no new dwellings with off road parking at Billing Arbours House	AWAITED
N/2019/1374 APP/V2825/W/20/3259799	DEL	New detached two storey dwelling, double garage and associated hard landscaping at 74 Barley Lane	AWAITED
N/2020/0036 APP/V2825/W/20/3255691	DEL	Change of Use of Dwellinghouse (Use Class C3) to House in Multiple Occupation (Sui Generis) for 7 occupants at 104 Lower Thrift Street	AWAITED
N/2020/0099 APP/V2825/W/20/3254573	DEL	Garden room extension at 1 Frosts Court, High Street, Wootton	AWAITED
N/2020/0100 APP/V2825/Y/20/3254574	DEL	Listed Building Consent Application for garden room extension for 1 Frosts Court, High Street, Wootton	AWAITED
N/2020/0101 APP/V2825/D/20/3256391	DEL	Loft conversion with front and rear rooflights at 102 Ashby Wood Drive	AWAITED
N/2020/0177 APP/V2825/W/20/3258634	DEL	Change of Use from Dwellinghouse (Use Class C3) to Residential Institution (Use Class C2) for a 3-bedroom Children's Care Home including alterations to windows and doors at Little Norway Lodge, Houghton Lane	AWAITED
N/2020/0178 APP/V2825/W/20/3259658	DEL	Erection of new Dwelling on land adjoining 39 Cottingham Drive	AWAITED
N/2020/0229 APP/V2825/W/20/3256999	DEL	Change of Use from Dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4) for 5 occupants (retrospective) at 46 Adams Avenue	AWAITED
N/2020/0366 APP/V2825/W/20/3259493	DEL	Variation of Conditions 1, 4 and 5 of Planning Permission N/2017/0515 (Change of Use from Dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4) for 4 occupants (retrospective)) to increase the maximum number of occupants to 5 and permit the basement for use as a bedroom at any time at 5 Essex Street	AWAITED
N/2020/0389 APP/V2825/W/20/3256183	DEL	Conversion of ground and basement from 1no flat into 2no flats and installation of windows at 22 Watkin Terrace	AWAITED
N/2020/0431 APP/V2825/D/20/3258219	DEL	Two storey front extension at 32 Belfry Lane	DISMISSED
N/2020/0622 APP/V2825/D/20/3257431	DEL	Replace an existing hedge with a brick wall with piers to allow for a rise in the ground level within the site at 4 Wrekin Close	ALLOWED
N/2020/0663 APP/V2825/W/20/3258808	DEL	Change of Use from Dwellinghouse (Use Class C3) to House in Multiple Occupation (Sui Generis) for 7 occupants, including new rear door and rear dormer at 17 Holly Road	AWAITED

Public Inquiry

None

Hearings

None

Enforcement Appeals

None

Tree Preservation Order (TPO) Appeals

None

The Address for Planning Appeals is:

Mr Brian Rowe, Room 301, The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN.

Appeal decisions can be viewed at - <https://acp.planninginspectorate.gov.uk>

Local Government (Access to Information) Act 1985
Background Papers
The Appeal Papers for the appeals listed

Author and Contact Officer:
Mrs Rita Bovey, Development Manager

	Telephone 01604 837237 Planning Service The Guildhall, St Giles Square, Northampton, NN1 1DE
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PLANNING COMMITTEE: 22nd December 2020
DEPARTMENT: Planning Service
DIRECTOR OF PLANNING: Peter Baguley

APPLICATION REF: N/2020/0920

LOCATION: 42 Gloucester Crescent

DESCRIPTION: Single storey rear extension and new front porch (Retrospective)

WARD: Delapre & Briar Ward

APPLICANT: Miss Shaun Dundas
AGENT: Mr Kain Paley

REFERRED BY: Councillor J Davenport
REASON: Residential amenity and overdevelopment

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1 RECOMMENDATION

1.1 **APPROVAL** subject to the conditions as set out below and for the following reason:

The development due to its siting, design and scale would not result in any adverse impact on the character of the existing dwelling and wider area or adjacent residential amenity. The development would accord with the aims and objectives of National Planning Policy Framework, Policy S10 of the West Northamptonshire Joint Core strategy, Saved Policies H18 and E20 of Northampton Local Plan and the Residential Extensions and Alterations Design Guide.

2 THE PROPOSAL

- 2.1 The current application seeks retrospective planning permission for a single storey rear extension and a single storey front porch.
- 2.2 The single storey rear extension is 3.1m in depth and expands across the entire width of the house, including the newly built two storey side extension.
- 2.3 The porch is approximately 5m wide and 1.75m deep.

3 SITE DESCRIPTION

- 3.1 The application site contains a two storey, semi-detached house paired with no. 40 Gloucester Crescent. The application site is a corner property and has a large rear garden at higher ground levels.
- 3.2 The rear boundary and one of the side boundaries are marked with 1.8 metres high close boarded fence panels. The other boundary treatment has been removed to allow the on-going building works. The local area has similar sets of semi-detached houses in varying materials. The area is predominantly residential.
- 3.3 Previous planning permission was granted for a two storey side extension, which has been implemented.

4 PLANNING HISTORY

- 4.1 N/2017/0176 - Two storey side extension. Approved.

5 PLANNING POLICY

5.1 Statutory Duty

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted West Northamptonshire Joint Core Strategy (2014), Northampton Local Plan (1997) saved policies.

National Policies

- 5.2 **The National Planning Policy Framework (NPPF)** sets out the current aims and objectives for the planning system and how these should be applied. In delivering sustainable development, decisions should have regard to the mutually dependent social, economic and environmental roles of the planning system. The NPPF should be read as one complete document. However, the following section is of particular relevance to this application:

- Section 12 - Achieving well designed places.

5.3 West Northamptonshire Joint Core Strategy (2014)

The West Northamptonshire Joint Core Strategy (JCS) provides an up to date evidence base and considers the current Government requirements for plan making as it has been prepared in full conformity with the NPPF. Policy of particular relevance is:

- Policy S10 – Sustainable Development Principles

5.4 Northampton Local Plan 1997 (Saved Policies)

Due to the age of the plan, the amount of weight that can be attributed to the aims and objectives of this document are diminished, however, the following policies are material to this application:

- Policy E20 – New Development (Design)
- Policy H18 – Household Extensions

5.5 Supplementary Planning Documents

Residential Extensions and Alterations Design Guide SPD 2011
Northamptonshire County Parking Standards 2016
Northampton Parking Standards 2019

6 CONSULTATIONS/ REPRESENTATIONS

Comments are summarised as follows:

- 6.1 **Councillor J Davenport:** Objected and called in the application to be determined by the Planning Committee so that the local residents can exercise their democratic right to present their views. There are two kitchens which could sub divide the property into two properties. Also, there would be increase in anti-social behaviour because of the proposed games room and bar with large French doors opening into garden. The proposed porch is large and there is no precedent in the area. The rear garden has been bisected to store industrial scaffoldings, which reduced the land for the property and result in overdevelopment.
- 6.2 9 representations have been received. 4 in objections, 4 in support and one letter with comments. The letters have been summarised as follow:

Objection letters have been summarised as follow:

- The works have already been carried out and retrospective permission has been requested.
- The plans are inaccurate and the building materials are not accurately described.
- The applicant has ignored the rules and carried on with the works on the site.
- The rear extension would block the daylight and sunlight and infringe the 45' rule from the nearest habitable window.
- No room is left to allow the maintenance of the adjoining fence.
- Increase in noise and antisocial behaviour due to the proposed game room and bar adjoining to the neighbouring properties.
- The brick wall has been removed from the other side, which would increase the potential of burglaries.
- The front porch is excessive and breaks the building line.
- The Juliet balconies on the front elevation are not in keeping with the wider character of the area.
- The rear garden has been bisected to store industrial scaffoldings, which reduced the land for the property and result in overdevelopment.
- Breach of original planning permission.
- Application form has not accurately to describe the parking arrangements and impact on the existing hedges.
- Working on the site at unsocial hours.
- Block the pedestrian access with the working vans.
- Inaccurate plans were submitted even after the retrospective permission has been applied.

Support letters have been summarised as follow:

- No objection as they were always being informed of the works taking place.
- Once complete, it would look good. Recently, many houses have face uplift with changed window and new rendering, this property is slightly larger and is no different to the works done at the other properties.
- The house will look nice when completed. Throughout the works, the street was kept tidy and there has been no noise at antisocial hours.
- No problem with the building works and the street has started to look more appealing.

7 APPRAISAL

- 7.1 The main issues to consider are the impact on the appearance and character of the host dwelling, local area and impact on the residential amenity of neighbours.

Design and appearance

- 7.2 The development includes a single storey rear extension and front porch, which would increase the footprint of the application property. However, owing to the plot size, the extensions would not result in overdevelopment of the site.
- 7.3 The single storey side extension has been proposed in render to match the existing house and is considered to be in keeping with the character of the local area. Whilst the rear extension would be partly visible from the street, it is not considered the proposal would have any adverse impact on the streetscene.
- 7.4 The porch to the front elevation of the house would be visible in the streetscene. The front porch would interrupt the building line of the semi-detached pair by protruding 1.75m to the front of the property. Whilst the porch would be visible in the street scene, with the use of render assimilating the appearance with other properties along Gloucester Crescent, which also have storm porches, the porch would not appear out of character in the locality. Moreover, a smaller porch with 3 square metres area could be erected without the need for planning permission, the impact of the proposed porch is not considered to be of any significant detriment to warrant a refusal of the application.
- 7.5 It is considered that the development would accord with the advice within the National Planning Policy Framework and saved policies H18 and E20 of the Northampton Local Plan.

Residential Amenity

- 7.6 The single storey rear extension is 3.1m deep and 3.7m high at the highest point. However, a 3m deep single storey rear extension up to 4m high could be erected under permitted development rights. The proposal is just slightly over such limits.
- 7.7 The neighbouring property at no.40 has a French door on the rear elevation that sits adjacent to the new single storey rear extension. As per the guidance outlined in the Council's adopted Residential Design Guide, the virtual 45° line taken from the centre of these French doors is being infringed by the single storey extension; however, owing to the fact that a 3m deep extension could be erected under the provisions of the permitted development rights, the additional depth of 0.1m is not considered to have unacceptable impact on the amenity of this property. A condition has been recommended to withdraw the permitted development rights to insert any window on the side elevation to ensure that there is not undue overlooking for this property.
- 7.8 Owing to the ground levels, the single storey rear extension is located at the lower levels than the neighbouring property at no.44. Owing to the separation, this extension is not considered to have any undue impact on the amenity of this neighbouring property.
- 7.9 Owing to the scale and siting of the porch, it is not considered to have any adverse impact on the amenity of the any neighbouring properties.
- 7.10 The rear extension is indicated to be used as a bar and a games room. There is nothing to suggest that such facilities would be used for anything else other than domestic circumstances. Overall, it is considered that the scale, design and orientation of the developments would not have adverse impact on the residential amenity of the adjoining neighbouring properties.

Parking

- 7.11 The developments would not result in any additional bedroom; therefore, it would not require any additional parking space.

Other matters

Juliet balconies on the front elevation

- 7.12 It is noted that Juliet balconies have been inserted to the front of the property. As the current application only relates to the rear extension and the front porch, any permission for these features would be dealt with under a separate application.

Impact on the maintenance of the fence

- 7.13 Concerns raised relation to the maintenance issue of the boundary fence are civil matters and are not considered to be material to the assessment of the current application.

Inaccurate Plans

- 7.14 During the course of the application, amended elevation drawings were submitted for the front elevation, which demonstrate the accurate details of the works carried out on the site.

Rear garden been used for industrial storage

- 7.15 Concerns have been raised in relation to the storage of scaffoldings in the rear garden, however, the scaffolding has been used during the construction period at the property and the Applicant has confirmed that after completion of the works, the rear garden would be reinstated.

Removal of the hedging to the front

- 7.16 The front hedge was removed before the original permission was implemented and is not part of the current application. Moreover, the application property is not located a conservation area or under any preservation order so the hedge removal would not have required any permission.

8 CONCLUSION

- 8.1 It is considered that the developments are of a scale and design appropriate to the main dwelling and surrounding area. There would not be any unacceptable detrimental impact on the residential amenity of the neighbouring properties.
- 8.2 It is considered that the proposal would be in accordance with saved policies E20 and H18 of the Northampton Local Plan, Policy S10 of the West Northamptonshire Joint Core Strategy, Residential Extensions and Alterations Design Guide a Supplementary Planning Document and advice given within National Planning Policy Framework.
- 8.3 The proposal is considered acceptable and recommended for approval subject to the following conditions.

9 CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed Front elevation received on 16.11.2020, Proposed side elevation, Proposed rear elevation, Proposed Ground floor plan.

Reason: For the avoidance of doubt and to accord with the terms of the planning application.

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no window shall be installed in the side elevations of the single storey rear extension.

Reason: To safeguard the privacy of adjoining properties in accordance with Policy H18 of the Northampton Local Plan.

3. The external walls of the extensions shall be rendered in similar texture and colour as the external walls of the existing building and as specified in the application form.

Reason: In the interests of visual amenity to ensure that the extension harmonises with the existing building in accordance with Policy E20 of the Northampton Local Plan.

10 BACKGROUND PAPERS

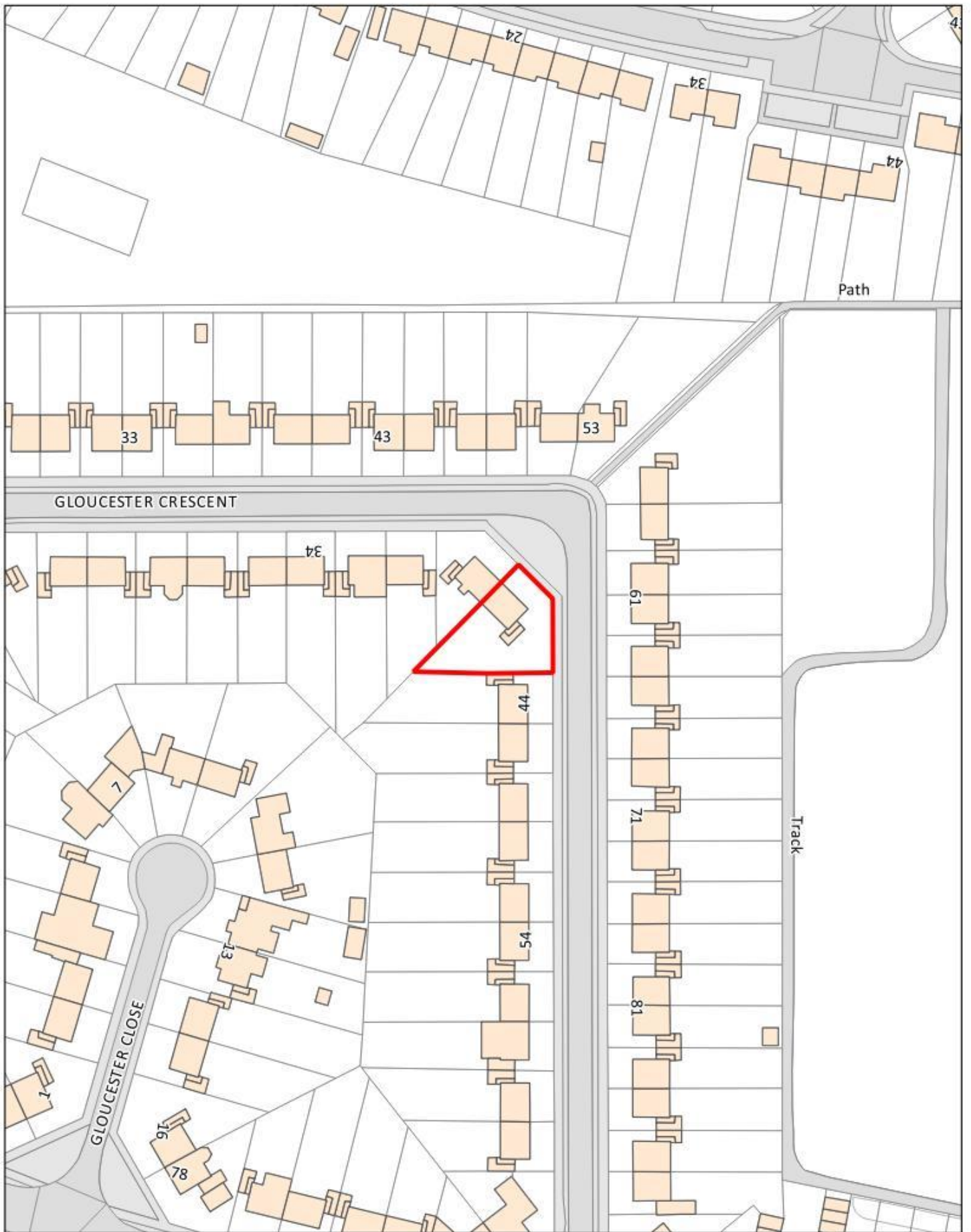
- 10.1 N/2020/0920 and N/2017/0176.

11 LEGAL IMPLICATIONS

- 11.1 The development is not CIL liable.

12 SUMMARY AND LINKS TO CORPORATE PLAN

- 12.1 In reaching the attached recommendations regard has been given to securing the objectives, visions and priorities outlined in the Corporate Plan together with those of associated Frameworks and Strategies.



 <p>NORTHAMPTON BOROUGH COUNCIL</p>	<p>Title: 42 Gloucester Crescent</p>	<p>Date: 10-12-2020</p>
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PLANNING COMMITTEE: 22nd December 2020
DEPARTMENT: Planning Service
DIRECTOR OF PLANNING: Peter Baguley

APPLICATION REF: N/2020/1118

LOCATION: 2 Mercers Row

DESCRIPTION: Change of Use of Basement and Ground Floor from Estate Agents (Use Class E) to Hot Food Takeaway (Sui Generis), including installation of extraction flue system. Change of Use of Upper Floors from Offices (Use Class E) to House in Multiple Occupation (Use Class C4) for 4 occupants. Associated internal and external alterations to shop front and new flue

WARD: Castle Ward

APPLICANT: Mr S Rajkumar
AGENT: Anva

REFERRED BY: Councillor D Stone
REASON: Overdevelopment

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1 RECOMMENDATION

1.1 **APPROVAL** subject to the conditions as set out below and for the following reason:

The principle of the proposed uses as a 4 person HIMO and takeaway are considered acceptable in this location in line with national policy requirements to deliver a wide choice of homes and appropriate town centre uses. The proposed HIMO layout would provide adequate facilities for 4 occupants and is located within the town centre where by definition there would not be an impact on the residential character of the area. The proposal would not have an unacceptable impact upon the character and appearance of the Conservation Area, street scene, or host property, nor an unacceptable impact upon neighbouring amenity and highway safety. The proposal thereby complies with the National Planning Policy Framework; Policies H1, H5, BN5, BN7, BN9, N1 and S10 of the West Northamptonshire Joint Core Strategy; policies 1 and 16 of the Central Area Action Plan, and the Council's adopted Houses in Multiple Occupation Supplementary Planning Document.

2 THE PROPOSAL

- 2.1 The application proposes to convert the ground floor of the unit into a hot food takeaway and erect an associated flue, and the upper floors to a house in multiple occupation.
- 2.2 During the course of the application, the proposal has been amended to remove a proposed roof extension, reduce the number of HMO occupiers to 4, and undertake internal rearrangements.

3 SITE DESCRIPTION

- 3.1 The application site is located on the northern side of Mercers Row, near the junction with Drapery and comprises a four storey building. The site has been vacant for an extended period but was previously used as an estate agents with associated offices above. The application building is locally listed and the site is located within the All Saints Conservation Area.

4 PLANNING HISTORY

- 4.1 N/2010/0720 – Change of use of first, second and third floor from jewellers to tattoo studio – Approved

5 PLANNING POLICY

5.1 Statutory Duty

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted West Northamptonshire Joint Core Strategy (2014), and Northampton Central Area Action Plan (2013).

Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require Local Planning Authorities when considering development to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

5.2 National Policies

The National Planning Policy Framework (NPPF) sets out the current aims and objectives for the planning system and how these should be applied. In delivering sustainable development, decisions should have regard to the mutually dependent social, economic and environmental roles of the planning system. The NPPF should be read as one complete document. However, the following sections are of particular relevance to this application:

Paragraph 72 (c) - ensure that a variety of homes to meet the needs of different groups in the community will be provided.

Paragraph 127 (f) - seeks to create safe and healthy places with a high standard of amenity for existing and future users.

Section 12 – seeks to achieve well designed places

5.3 West Northamptonshire Joint Core Strategy (2014)

The West Northamptonshire Joint Core Strategy (JCS) provides an up to date evidence base and considers the current Government requirements for plan making as it has been prepared in full conformity with the NPPF. Policies of particular relevance are:

S1 – Distribution of development, S3 – Scale and distribution of housing development, S10 – Sustainable development, H1 – Housing Density and Mix and Type, H5- Managing the existing housing stock, BN5 – Historic environment, BN7 – Flood risk, BN9 – Pollution control, N1 – The regeneration of Northampton.

5.4 Northampton Central Area Action Plan (2013)

- 1 – Promoting Design Excellence
- 13 – Improving the retail offer
- 16 – Central Area Living

5.5 **Supplementary Planning Documents**

Northampton Parking SPD (2019)
Planning out Crime in Northamptonshire SPG 2004
All Saints Conservation Area Appraisal and Management Plan 2007
Houses in Multiple Occupation (HIMO) SPD (2019)

Proposals for HIMOs should:

- Contribute towards the creation of a balanced and mixed community and protect the physical character of the street and the neighbourhood as a whole. It should not result in a material change or an adverse impact on the character and amenity of the area. No more than 10% of properties within a 50m radius shall be HIMOs in order to prevent over concentration of similar uses in one locality.
- Secure the provision of adequate facilities, amenities and refuse disposal.
- Minimise flood risk.
- Secure provision of adequate parking whilst promoting sustainable travel movements;
- Ensure provision of adequate storage for refuse and materials for recycling.

6 **CONSULTATIONS/ REPRESENTATIONS**

Comments received are summarised as follows:

- 6.1 **NBC Private Sector Housing** – No objection – advise that property will require licencing, that property is suitable for 4 occupants as proposed, that adequate kitchen and sanitary facilities are provided, and that details of a fire protection system will be required when applying to licence.
- 6.2 **NBC Public Protection** – No objection. Request conditions requiring a noise assessment, fume extraction system, controlling opening hours of the takeaway, air quality, refuse storage, waste collections and deliveries, and the control of fats, oils and grease, and an informative on construction times.
- 6.3 **NBC Conservation Officer** – No objection. The upper floor metal windows are original and should be retained and secondary glazed if required for thermal or acoustic reasons. A condition requiring details of any required alterations is suggested. The extract flues on the roof should not be unduly prominent but should be colour coated.
- 6.4 **NCC Highways** – No comment to make on application.
- 6.5 **Town Centre Conservation Area Advisory Committee** – Welcome removal of proposed loft extension. Over concentration of hot food takeaways in the area which has visual impact and adverse impact on conservation area due to rubbish and stained pavements. Principle of residential use for upper storeys acceptable, object to HIMOs as not considered appropriate in conservation areas as should be high quality uses and dwellings. Proposed units have poor amenity and little living space. Existing upper windows are original and should be retained. Any replacement windows should be metal.
- 6.6 **Councillor Danielle Stone** – Quality shops and dwellings needed in town centre. Proposal over development and out of keeping with the area. Bad to propose a HIMO over a fast food outlet.
- 6.7 No neighbour letters have been received.

7 **APPRAISAL**

Principle of development

- 7.1 The application proposes the conversion of the ground floor into a takeaway and the upper floors into a 4 person HIMO. The application site is located within a secondary shopping frontage. Policy 13 of the CAAP outlines that within the secondary frontages the change of use from retail will be allowed where it will not result in a significant decline in the total length of identified retail frontage below 60%. This 60% requirement has been superseded by the revised NPPF (2018) which does not require policies on frontages, and the policies within the Central Area Action Plan are being replaced by the Northampton Local Plan Part 2. As such the requirement for no less than 60% retail frontage within secondary shopping areas can no longer be required as this has been replaced by the more recent requirements of the revised NPPF.
- 7.2 Whilst the limit of 60% cannot be required, Policy 13 of the CAAP does outline that ground floor levels will be expected to contribute to the character and function and be compatible with adjoining uses, and provide high quality shop frontages.
- 7.3 The application site is located within the town centre. The NPPF emphasises that town centres should be able to grow and diversify and identifies that town centre living is a suitable town centre use. Policy 16 of the CAAP identifies that residential accommodation within the town centre is to be supported. Policy S2 of the JCS seeks to ensure the vitality and viability of the town centre is maintained and enhanced. Policy H5 of the JCS allows for HIMOs where the proposal would not adversely impact on the character of the area and amenity of residential areas.
- 7.4 The HIMO SPD (2019) outlines that no more than 10% of properties within a 50m radius of the property can be HIMOs in order to prevent over concentration of similar uses within one locality. It is the case that the intention of this policy is to protect the character and appearance of residential areas and to restrict the number of residential units used as HIMOs.
- 7.5 The application site is located within the town centre, and whilst flats have been approved in the locality, only those which are completed at this time can be counted when calculating the concentration. As currently the vast majority of units within 50 metres of this property are non-residential, when calculating the percentage of HIMOs within the vicinity, the calculation only includes an assessment of those properties in residential use. As such, if a site is located within a non-residential area, any figure would be distorted to appear higher due to the lower number of residential units. Within 50 metres of this site there is one other HIMO property and 18 residential units. This would equate to 11.1% concentration when including the HIMO proposed.
- 7.6 Whilst above the 10% threshold, this 10% threshold does not relate to circumstances within the town centre and the purpose of this threshold is not to restrict development within the town centre, but rather to restrict the number of dwellings being converted into HIMOs within residential areas outside of the town centre.
- 7.7 As such, whilst the development would be over the 10% guidance threshold at this point in time, this is not considered a sufficient reason for refusing the scheme as the intention of the 10% threshold does not relate to this location within the town centre.
- 7.8 With regards to the proposed conversion of the ground floor into a hot food takeaway, this is an appropriate town centre use and is considered acceptable in principle. The application site has been empty for a considerable time and this would be an opportunity to bring a town centre unit back into use. Whilst the objection from the Town Centre Conservation Area Advisory Committee and Ward Councillor to a takeaway is noted, a takeaway is an appropriate town centre use and would bring a vacant building back into use.

The impact of the proposed conversion on the character and appearance of the host property, street scene and Conservation Area

- 7.9 The application is predominantly for the conversion of the property and the external appearance would remain largely akin to that existing. The only exterior alteration proposed is the insertion of a flue, which would be placed in the north-western corner to reduce its appearance from outside of the site.
- 7.10 The Council's Conservation Officer has been consulted on this proposal and advises that the application site relates to a good example of a 1920s commercial building that is locally listed and makes a positive contribution to the character and appearance of All Saints Conservation Area. The building is in a sensitive and significant setting. No objection is raised to the proposed use of the ground floor as a takeaway, which would not harm the character of the conservation area; it is further advised that the extraction flue at the rear would not be unduly prominent. The Conservation Officer advises that the retention of the existing corner entrance is important and the alteration to the shopfront on Drum Lane to re-open an entrance to the upper floors is acceptable. The Conservation Officer advises that the residential use of the upper floors is also acceptable in principle as a means of bringing the whole of the building into use.
- 7.11 The Conservation Officer advises that the upper floor metal windows are original and should be retained and that any replacement windows at ground floor should be metal. A condition requiring details of any required alterations and details of the flue is proposed.
- 7.12 The Town Centre Conservation Area Advisory Committee (TCCAAC) object to the provision of a takeaway due to rubbish from this impacting on the appearance of the Conservation Area. Subject to suitable waste provisions being provided, it is not considered that the use of the building for a takeaway within the town centre would have an unacceptable impact upon the appearance of the Conservation Area. Furthermore, the TCCAAC object to the provision of a HIMO as the uses in a Conservation Area should be high quality and dwellings. The application site is located within the town centre where it is appropriate to have residential uses above commercial properties. The use of the building as a HIMO, which could be high quality itself, as opposed to a residential flat and does not impact upon the appearance of the Conservation Area.

Amenity

- 7.13 The proposal is for a 4 bedroom, 4 person HIMO within the upper floors. At first floor a communal kitchen with living room is provided, alongside a toilet with sink. At second floor two bedrooms are provided alongside a shower room. At third floor two bedrooms are provided alongside a further shower room. Bin storage is shown at ground floor level, with a cycle storage area within the basement.
- 7.14 All of the proposed bedrooms exceed the minimum bedroom sizes within the HIMO SPD, and the proposed communal space (kitchen/dining room and lounge) and bathroom facilities also exceed that required within this SPD. It is therefore considered that adequate living facilities for the occupiers of the proposed HIMO are provided. NBC Private Sector Housing have been consulted on the application and no objection has been raised.
- 7.15 With regards to the relationship between the proposed HIMO and the proposed takeaway use, Public Protection have raised no objection to the proposal subject to conditions controlling noise, fumes, opening hours, air quality, refuse storage, waste collections and deliveries, and the control of fats, oils and grease.
- 7.16 The proposed change of use and new flue is not considered to impact upon any existing neighbouring amenity within the vicinity of this site.

Flood risk

- 7.17 The site is located outside the areas at risk of flooding.

Parking/use of public transport

- 7.18 The application site is located within the town centre of Northampton, within a sustainable location that is within walking distance of bus stops and facilities within the town centre. It is, therefore, considered that a nil parking provision would be acceptable on this site.
- 7.19 NCC Highways have been consulted on the proposal and have raised no objection.
- 7.20 The proposal includes an internal cycle store for the HIMO occupants. A condition requiring the provision of this pre-occupation is proposed.

Refuse store

- 7.21 The proposal has been designed to ensure that the HIMO use and takeaway use are separate within the building and that a person using the takeaway cannot access the HIMO and vice versa. A refuse store for the HIMO is provided at ground floor level. The takeaway is provided with a basement kitchen with store rooms, within which a refuse store could be provided. A condition requiring details of this and the provision of each store before occupation/first use is proposed.

8 CONCLUSION

- 8.1 To conclude, it is considered that the principle of the proposed uses as a 4 person HIMO and takeaway are acceptable in this location in line with national policy requirements to deliver a wide choice of homes and appropriate town centre uses. The proposed HIMO layout would provide adequate facilities for 4 occupants and is located within the town centre where by definition there would not be an impact on the residential character of the area. The proposal would not have an unacceptable impact upon the character and appearance of the Conservation Area, street scene, or host property, nor an unacceptable impact upon neighbouring amenity and highway safety. The proposal thereby complies with the National Planning Policy Framework; Policies H1, H5, BN5, BN7, BN9, N1 and S10 of the West Northamptonshire Joint Core Strategy; policies 1 and 16 of the Central Area Action Plan, and the Council's adopted Houses in Multiple Occupation Supplementary Planning Document.

9 CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Location plan 1:1250, 049.20/5 Rev C, 049.20/06 Rev D, 049.20/07 Rev D, 049.20/08 Rev D.

Reason: For the avoidance of doubt and to accord with the terms of the planning application.

3. Prior to the commencement of development, full details of all proposed external facing materials (including details of any replacement windows with sections and details of the flue coating) shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and to ensure that the development will harmonise with its surroundings in accordance with Policy BN5 of the West Northamptonshire Joint Core Strategy. This is a pre-commencement condition to enable timely submission of information.

4. Prior to the commencement of development, a full noise survey and assessment must be submitted to and approved in writing by the Local Planning Authority. The noise survey must take into account existing noise sources likely to affect future occupiers of the proposed HMO and potential noise nuisance from the proposed commercial kitchen extraction system on existing and proposed residential receptors alongside mitigation for this. Any proposed mitigation must ensure

that the internal noise climate for each habitable room for both new and existing residential receptors should achieve compliance with BS8233: 2014 recommended Internal ambient noise level guidelines and the commercial kitchen extraction system should be rated to operate at 10 dB below the existing measured background noise level to avoid background noise creep. The approved mitigation shall be provided in full on site prior to first use of the takeaway and House in multiple occupation hereby permitted and retained thereafter.

Reason: In the interests of securing a satisfactory standard of development, in accordance with the requirements of Policy S10 of the West Northamptonshire Joint Core Strategy. This is a pre-commencement condition to enable timely submission of information.

5. Prior to the commencement of development and notwithstanding the submitted details, precise details of a fume extract system for the takeaway use hereby permitted (including high end abatement technology) shall be submitted to and approved in writing by the Local Planning Authority. The system shall be provided on site in full accordance with the approved details prior to first use of the takeaway hereby permitted and shall thereafter be maintained in accordance with the approved details.

Reason: In the interests of securing a satisfactory standard of development, in accordance with the requirements of Policy S10 of the West Northamptonshire Joint Core Strategy. This is a pre-commencement condition to enable timely submission of information.

6. Prior to the commencement of development, a comprehensive health exposure assessment with regards to air quality, including mitigation measures, and with due regard to the Council's adopted Low Emission Strategy, shall be submitted to and approved in writing by the Local Planning Authority. The approved mitigation measures shall be undertaken in full accordance with the details prior to first occupation and retained in full working condition at all times thereafter.

Reason: In the interests of securing a satisfactory standard of development, in accordance with the requirements of Policy S10 of the West Northamptonshire Joint Core Strategy. This is a pre-commencement condition to enable timely submission of information.

7. Prior to the commencement of development, a scheme for the collection, treatment and disposal of fats oils and grease and maintenance of the plant (to meet BS EN 1825:2002 standards) shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior to the first use of the takeaway hereby permitted and retained at all times thereafter.

Reason: In the interests of securing a satisfactory standard of development, in accordance with the requirements of Policy S10 of the West Northamptonshire Joint Core Strategy. This is a pre-commencement condition to enable timely submission of information.

8. The house in multiple occupation hereby permitted shall be occupied by a maximum of 4 residents at any one time.

Reason: In the interests of amenity of the proposed occupiers and the surrounding area in accordance with Policies H1 and H5 of the West Northamptonshire Joint Core Strategy

9. Prior to first occupation of the House in Multiple Occupation hereby permitted, the bin store for this use as shown within plan 049.20/05 shall be provided in full and retained at all times thereafter.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policies H1 and H5 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

10. Prior to first occupation of the House in Multiple Occupation hereby permitted, the bike store for this use as shown within plan 049.20/05 shall be provided in full and retained at all times thereafter.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policies H1 and H5 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

11. Prior to first use of the takeaway hereby approved, details of a bin storage area for the use hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The approved bin storage area shall be provided on site prior to first use of the takeaway and retained at all times thereafter.

Reason: In the interests of amenity and to ensure a satisfactory standard of development in accordance with the requirements Policy S10 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

12. The ground floor takeaway premises shall be open to the public only between the hours of 11am to 11pm Mondays to Saturdays and 12 midday and 10pm on Sundays and Bank and Public Holidays and at no other times.

Reason: To ensure that the development does not prejudice the amenities of residential occupiers in the vicinity of the development in accordance with the requirements of Policy BN9 of the West Northamptonshire Joint Core Strategy.

13. No collections or deliveries to the takeaway unit hereby approved shall occur between the hours of 23:00 hours and 07:00 hours on any day.

Reason: To ensure that the development does not prejudice the amenities of residential occupiers in the vicinity of the development in accordance with the requirements of Policy BN9 of the West Northamptonshire Joint Core Strategy.

Informatives

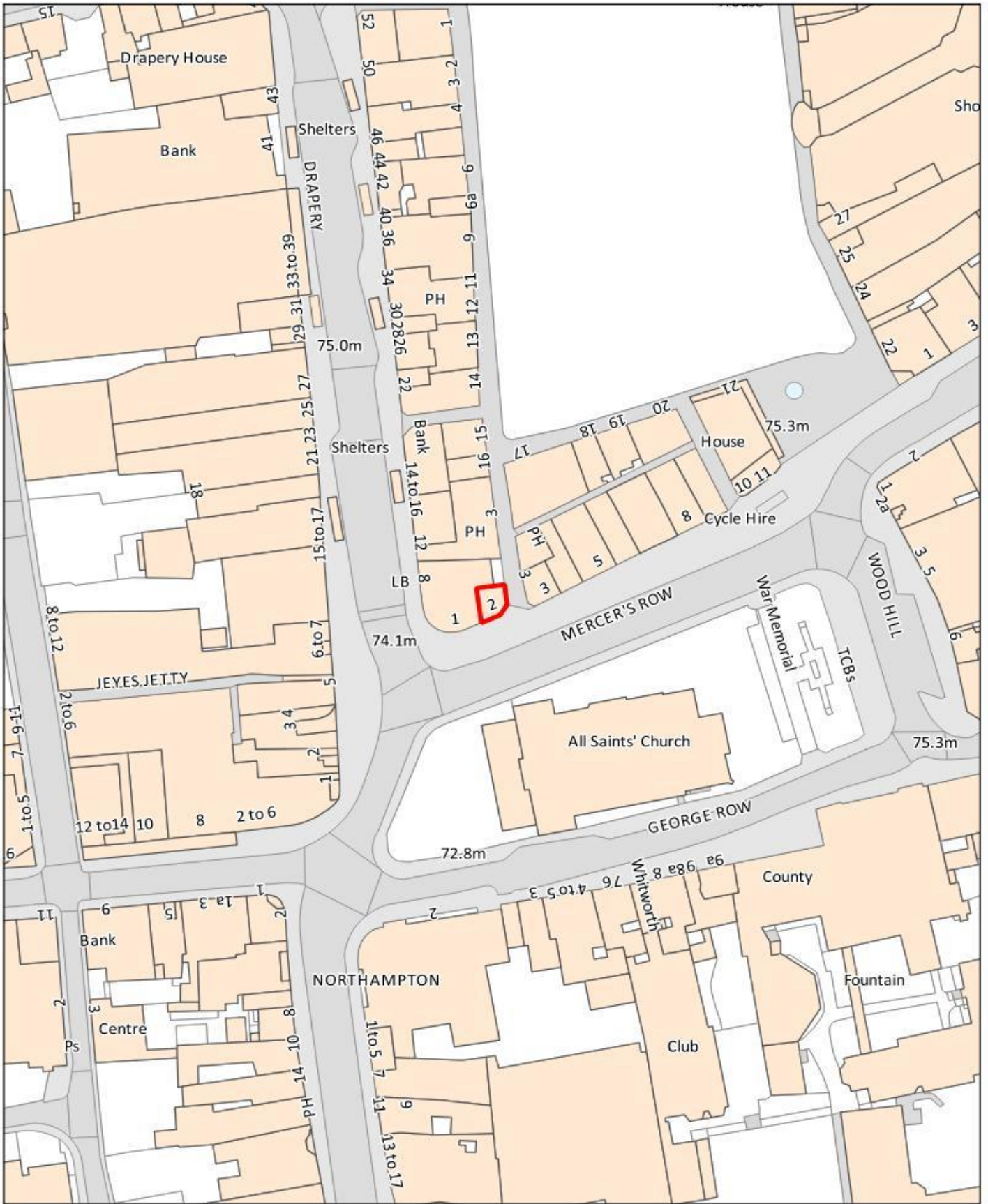
1. It is recommended that the applicants chosen consultants contact the Environmental Protection Team at epadmin@northampton.gov.uk to agree the scope/assessment methodology in advance for conditions 4, 5, 6 and 7.
2. Environmental Health advise that in order to reduce the likelihood of local residents being subjected to adverse levels of noise annoyance during construction, work on site must not occur outside the following hours: -
Monday – Friday 7.30 a.m. – 18.00 p.m.
Saturday 8.30 a.m. – 13.00 p.m.
NO WORK ON SUNDAYS & BANK HOLIDAYS.
3. Private Sector Housing advise that the property will require licensing under the additional licensing scheme. Full details, application forms, schedule of fees and guidance can be accessed at: <http://northampton.gov.uk/info/200144/landlords/1288/houses-in-multiple-occupation-hmos>
Reference should be made by the applicant to the guide downloadable at: <http://www.northampton.gov.uk/downloads/download/2875/hmo-amenities-guide>.


10 LEGAL IMPLICATIONS

- 10.1 The development is not CIL liable.

11 SUMMARY AND LINKS TO CORPORATE PLAN

11.1 In reaching the attached recommendations regard has been given to securing the objectives, visions and priorities outlined in the Corporate Plan together with those of associated Frameworks and Strategies.



 <p>NORTHAMPTON BOROUGH COUNCIL</p>	<p>Title: 2 Mercers Row</p>	<p>Date: 10-12-2020</p>
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PLANNING COMMITTEE: 22nd December 2020
DEPARTMENT: Planning Service
DIRECTOR OF PLANNING: Peter Baguley

APPLICATION REF: N/2020/1163

LOCATION: 139 Bouverie Road

DESCRIPTION: Change of Use from Hairdressers (Use Class E) to Hot Food Takeaway (Sui Generis), including installation of extraction flue system

WARD: Nene Valley Ward

APPLICANT: Mr Repon Miah
AGENT: Anva

REFERRED BY: Councillor P Larratt
REASON: Impact on amenity and parking

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1 RECOMMENDATION

1.1 **APPROVAL** subject to the conditions as set out below and for the following reason:

The proposed development, as part of a balanced assessment, is considered to be acceptable and would not create unacceptable impact on highway safety, visual amenity, general and residential amenity and would have a neutral impact on the character of Hardingstone Conservation Area. The proposal would be in line with the National Planning Policy Framework, Policies S1, S2, S7, S9, C2, and BN9 of the West Northamptonshire Joint Core Strategy and Saved Policy E20, E26 and R9 of the Northampton Local Plan.

2 THE PROPOSAL

2.1 Change of Use from Hairdressers (Use Class E) to Hot Food Takeaway (Sui Generis), including installation of extraction flue system.

3 SITE DESCRIPTION

3.1 The application site is located on the corner Bouverie Road and High Street within the village of Hardingstone, 2 miles south of Northampton Town Centre and is located within the Hardingstone Conservation Area. The established use of the site is for a hair salon and it has been used for this

purpose since 1987. The site is located next door to the village post office with one other retail premises within the small parade of shops.

4 PLANNING HISTORY

- 4.1 N/1990/868 – Alteration to shop front - Approved
N/1990/1023 – Extension to shop front – Approved

5 PLANNING POLICY

5.1 Statutory Duty

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted West Northamptonshire Joint Core Strategy (2014), Northampton Local Plan (1997) saved policies.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities when considering development to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

6 National Policies

- 6.1 **The National Planning Policy Framework (NPPF)** sets out the current aims and objectives for the planning system and how these should be applied. In delivering sustainable development, decisions should have regard to the mutually dependent social, economic and environmental roles of the planning system. The NPPF should be read as one complete document. However, the following sections are of particular relevance to this application:

- Paragraph 17 - Core Planning Principles
- Section 7 - Requiring good design
- Section 8 - Promoting healthy communities
- Section 11 - Conserving and enhancing the natural environment

- 6.2 **West Northamptonshire Joint Core Strategy (2014)**

The West Northamptonshire Joint Core Strategy (JCS) provides an up to date evidence base and considers the current Government requirements for plan making as it has been prepared in full conformity with the NPPF. Policies of particular relevance are:

- Policy S1 – Distribution of Development
- Policy S2 – Hierarchy of Centres
- Policy S7 – Provision of Jobs
- Policy S9 – Distribution of Retail Development
- Policy S10 – Sustainable Development Principles
- Policy C2 – New Developments
- Policy BN9 – Planning for Pollution Control

- 6.3 **Northampton Local Plan 1997 (Saved Policies)**

Due to the age of the plan, the amount of weight that can be attributed to the aims and objectives of this document are diminished, however, the following policies are material to this application:

- E20 - New development
- E26 - Development in Conservation Areas
- R9 - Local Centres

6.4 **Supplementary Planning Documents**

Planning out Crime in Northamptonshire SPG 2004
Shop Front Design Code 2011
Northamptonshire County Parking Standards 2016
Northampton Parking Standards 2019
Hardingstone Conservation Area Appraisal 2009

7 **CONSULTATIONS/ REPRESENTATIONS**

Comments received are summarised as follows:

- 7.1 **NBC Public Protection** - no objections to the proposal as long as conditions to secure a scheme to protect residential amenity from the impacts of noise and odour can be added to any decision document.
- 7.2 **NCC Highways** - Given the existing use, the LHA does not believe the potential increased parking generated by this proposed change of use would result in that parking impacting upon highway safety. The adjacent High Street has parking restrictions where it would be inappropriate to park and there are also bollards preventing parking around the corner into Bouverie Road.
- 7.3 **NBC Conservation** - No objection on heritage grounds to the change of use of the premises to a takeaway; the use would have a neutral impact on the character of Hardingstone Conservation Area. No alterations to the appearance of the shopfront are indicated. The height of the proposed ventilation flue on the rear elevation means it will not be unduly prominent in views within the Conservation Area.
- 7.4 **Hardingtone Parish Council** - object on several points below:
- Area suffers from inadequate parking
 - Parking will increase from customers and deliveries
 - Whilst there are plans for extraction this will only help to a degree and there will be noxious smells, against restrictive covenant on the building
 - Increased wastes could encourage vermin
 - No need for a takeaway in village, there are plenty in adjoining area
 - The hours of opening seem unnecessary to open at 11am
 - The site is in a conservation area and consideration should be given
- 7.5 **Councillor P Larratt** - object on several points below:
- Village not built to accommodate traffic
 - Site is on junction next to busy post office
 - Parking restrictions are ignored vehicle parked on footpaths
 - Cash point at post office attracts a lot of customers in evening causing obstruction to residents
 - Takeaway in this location will severely exacerbate the parking problem on the High Street
 - Traffic / parking congestion on High Street major problem for buses, unable to get through, Stagecoach has threatened to withdraw bus service if it comes more prolific and a takeaway would attract more visitors and cause the problem to worsen
 - Will attract people from nearby area who will drive to the takeaway increase the traffic problem
 - If minded to approve, then condition to stop delivery service to stop vehicle coming through the village in evenings
 - There was a planning application in 1975 to convert 139, Bouverie Road to a take away. This application was refused on amenity grounds. Since this decision 45 years ago, the traffic and parking problems in the village have only become more severe

7.6 **27 letters of objection** have been received. These letters include the following points:

- Inadequacy parking already parking problems in village
- Highway safety – cars parked illegally block footpath, large delivery vehicles will increase problem
- Traffic generation
- Noise and disturbance in evenings
- Littering and vermin
- Set precedent for other change of uses in area
- Will be used by residents outside of village will increase traffic and parking issue
- Buses cannot get down the High Street due to traffic and parking this will make issue worse
- Substantial number of fast food outlet in local vicinity
- Negative impact on village
- Bins to front unsightly
- Unsuitable in residential area
- Covenant on property states that no noxious or offense trade or business shall be carried on upon the property and no act shall be done which shall be a nuisance or annoyance to the owner of the adjoining plots of land
- Inadequate public consultation
- Fumes and smells detract from rural setting of village

7.6 **8 Letter of support** were received. These letters include the following points:

- Excellent addition to the village
- Support the application but parking needs to be addressed
- Support despite concerns over parking as village could use something different than 3 hairdressers within 50m
- Great idea should have been put in sooner gives chance for residents to walk to and get hot food
- Good for young people and those who do not have access to vehicle
- Provide jobs for local young people
- Village needs this, elderly would benefit having hot food supplier than they would with a choice of three hairdressers
- No impact on conservation area and has 5 parking spaces outside and is unreasonable to think people would drive to takeaway
- More traffic created with hairdresser and park for longer compared to takeaway and post office creates traffic problems in village, need something different in village

8 APPRAISAL

Principle of development

8.1 The application site is located on the corner Bouverie Road and High Street within the village of Hardingsstone and is located within the conservation area. The established use of the site is for a hair salon and it has been used for this purpose since 1987. The site is located next door to the village post office with one other retail premises within the small parade of shops. The site has been marketed as hair salon for a lengthy period with little interest. The site is designated under saved policy R9 within the Northampton Local Plan which states:

“Planning permission will not be granted for change of use from shop in local centres where:-

- It would lead to unacceptable traffic problems
- It would adversely affect the amenity of neighbouring properties
- It would be detrimental to the shopping character of a centre or part of a centre by an unacceptable increase in number of non-shop uses or increasing the length of frontage in non-shop use to an unacceptable proportion of the total frontage.”

- 8.2 To accord with Policy R9, any planning application should be supported by adequate information to demonstrate that there is no reasonable prospect of the premises being used for the intended classified business use. Evidence was provided in relation to the marketing of the property and the applicant confirm that the premises has been empty for at least 12 months. The supporting evidence sets out that there are 3 other nearby hairdressers and that an additional hairdresser is no longer viable in this location. The village does not have a hot food takeaway and would add to the retail mix of the adjoining units in the parade.
- 8.3 A Core Planning Principle of the NPPF is to proactively drive and support sustainable economic development. Paragraph 80 of the guidance advises that planning should encourage and support economic growth and the expansion of existing business sectors.
- 8.4 The proposal would assist in providing an active frontage along this shopping parade, allowing a vacant unit to be brought back into use. The proposal would also be in accordance with the NPPF which seeks to create conditions in which businesses can invest, expand and adapt. The proposed change from a shop use would not lead to any significant impact on the character of the area, and the shop front would remain unchanged maintaining a visible interior and active frontage to the street. As such the proposal is considered to be in acceptable in principle.

Employment benefits

- 8.5 The proposal indicates that it would create a total of 7 jobs, 4 full time and 3 part time contributing to the local economy in accordance with Paragraph 80 of the NPPF which clearly encourages development resulting in job creation.

Residential Amenity

- 8.6 Saved Policy E20 of the Local Plan and the Core Planning Principles in the NPPF seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 8.7 There are neighbouring residential properties to the east side of Bouverie Road and commercial units to the west. It is noted that a large number of concerns have been received from local residents regarding noise, disturbance and pollution from the new use.
- 8.8 The applicant has provided an odour scheme which was assessed by Environmental Health, who raised no objections to the scheme subject to conditions to secure that further details on the impact of noise and odour are submitted prior to the use commencing, in order to protect residential amenity. It is considered reasonable that each of these are controlled by condition in accordance with sound planning practice and Environmental Health guidance to protect the amenity of nearby occupants. The rear extraction flue would not impinge on any outlook or light to any existing residential accommodation. This accords with Policy BN9 of the Joint Core Strategy and E20 of the Northampton Local Plan.
- 8.9 Proposed opening hours are 11am to 11pm Monday to Sunday and 12 noon to 10pm Sunday and Banks Holidays which would be acceptable within the context of the surrounding uses. The Sun Public House within the vicinity of the site is open with similar hours. The hours would be controlled by condition. In relation to bin storage, the applicant clarified that there is outside space to the rear enclosed by the rear boundary wall and side fencing of over 6 feet, where bins can be stored on normal days without difficulty and would not be visible from the street scene. They only need to be placed outside on collection days, to the front of the site where the small shrub would be removed to accommodate the bin storage area.
- 8.10 In light of the above, it is considered that a condition restricting hours of opening would be reasonable. However, it is not considered that a no delivery of hot food condition would be necessary or reasonable for the proposed development as it could be argued that food delivery would reduce the number of customers attending the takeaway in person. Furthermore, subject to

the conditions recommended by the Council's Environmental Protection team, it is considered that the proposal would not adversely impact on the residential amenities of neighbouring properties.

Parking and Highways

- 8.11 Paragraph 109 of the NPPF advises that development should only be prevented or refused on highway grounds if there would be unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 8.12 The site relies on parking bays to the front of the site along Bouverie Road which serve the other two retail premises. Concern have been raised by a number of local residents about parking being limited at this site, however it is not considered that the parking need of the takeaway would be over and above that of a Class E shop, albeit the opening times and use of the car parking may vary. In addition, it is also expected that many local residents may walk to the site from nearby properties. It is not considered that this would be so unduly harmful to warrant a refusal the application.
- 8.13 The Local Highway Authority were consulted and raised no objections stating they do not believe the potential increased parking generated by this proposed change of use would result in adverse impact upon highway safety.

Impact on conservation area

- 8.14 The application site lies within the designated Hardingstone Conservation Area. The Conservation Area Assessment (2009) acknowledges that all the buildings of the village are of traditional construction, brick and stone with pitched roofs. This gives an overall harmonious appearance and consistency to the character of the place. No external alterations to the appearance of the premises are proposed. Returning the current vacant building to an active use would contribute to the upkeep of the premises and the wider Conservation Area. In addition, the conservation officer was consulted and raised no objections stating that the change of use of the premises to a takeaway would have a neutral impact on the character of Hardingstone Conservation Area. The height of the proposed ventilation flue on the rear elevation means it will not be unduly prominent in views within the Conservation Area.

Other considerations

- 8.15 Neighbour concerns have also been received relating to the effect of the proposed development on property values, however this is not a material planning consideration.
- 8.16 Concerns were raised in relation to littering associated with takeaway restaurants. There is no evidence that littering would be of a magnitude to warrant a refusal of the application. There is a public bin located directly to the front of the site and the applicant has stated that they will place a bin near the exit door and monitor the area after opening. They expect locals to attend collect takeaways on foot and eat the same at home.
- 8.17 The covenant on property is a legal matter and is not covered under planning legislation and therefore would not be a material planning consideration in assessing the current application.
- 8.18 In relation to the lack of consultation, neighbour letters were sent to all adjoining properties affected by the application along with a site notice and press notice. It is therefore, considered a full consultation with all the relevant bodies was undertaken.

9 CONCLUSION

- 9.1 The proposal is considered appropriate for a local shopping centre and would not have an undue detrimental impact on residential amenity, parking, visual amenity, or the Hardingstone Conservation Area and is compliant with national and local planning policy.

10 CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, 050.20/01 A, 050.20/02, 050.20/03, 050.20/04.

Reason: For the avoidance of doubt and to accord with the terms of the planning application.

3. Notwithstanding the details as submitted, full details of the provision for the storage of refuse and materials for recycling shall be first submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the first occupation or bringing into use of the unit hereby permitted and thereafter retained.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy.

4. The premises shall be open only between the hours of 11am to 11pm Mondays to Saturdays and 12 noon to 10pm on Sundays, Bank and Public Holidays and at no other time.

Reason: In the interests of the amenities of the occupiers of nearby properties in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.

5. Prior to the use commencing, the applicant shall undertake a noise assessment in accordance with BS4142:2014+A1 2019 of any newly proposed plant capable of emitting noise, and /or equipment submitted with the application. The report assessment and conclusions, together with any mitigation required to deliver a "Low Impact" as set out in BS4142:2014+A1 2019, shall be submitted in writing and agreed to the satisfaction of the Local Planning Authority. Any agreed mitigation required shall be implemented at the application site prior to the use hereby permitted commences and retained thereafter.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy. This is a pre-commencement condition to ensure timely submission of details.

6. Prior to the commencement of development a scheme for the collection, treatment and dispersal of cooking smells and fumes shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall have been implemented prior to the premises being used for the permitted purpose and retained thereafter.

Reason: In the interests of the amenity of the surrounding locality and to secure a satisfactory standard of development in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy. This is a pre-commencement condition to ensure timely submission of details.

11 BACKGROUND PAPERS

11.1 None.

12 LEGAL IMPLICATIONS

12.1 The development is not CIL liable

13 SUMMARY AND LINKS TO CORPORATE PLAN

13.1 In reaching the attached recommendations regard has been given to securing the objectives, visions and priorities outlined in the Corporate Plan together with those of associated Frameworks and Strategies.

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PLANNING COMMITTEE: 22nd December 2020
DEPARTMENT: Planning Service
DIRECTOR OF PLANNING: Peter Baguley

APPLICATION REF: N/2020/1272

LOCATION: 70 Booth Meadow Court

DESCRIPTION: Change of Use from Dwellinghouse (Use Class C3) to House in Multiple Occupation (Sui Generis) for 7 occupants

WARD: Talavera Ward

APPLICANT: Mr Jacek Luniewski
AGENT: Planners & Architects

REFERRED BY: Councillor J Duffy
REASON: Parking, noise and refuse concerns

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1 RECOMMENDATION

1.1 **APPROVAL** subject to the conditions as set out below and for the following reason:

The principle of the proposed use is considered acceptable in this location in line with national policy requirements to deliver a wide choice of homes. The proposed layout would provide adequate facilities for 7 occupants. Notwithstanding the existing parking situation in the local area, the site is in a sustainable location close to facilities on Thorplands Local Centre and bus stops. The proposal thereby complies with the National Planning Policy Framework; Policies H1, H5, BN5, BN7 and S10 of the West Northamptonshire Joint Core Strategy; saved Policy H30 of the Northampton Local Plan, and the Council's adopted Houses in Multiple Occupation Supplementary Planning Document.

2 THE PROPOSAL

- 2.1 The application for a change of use from a dwellinghouse to a 7 occupant HIMO (Sui Generis).
- 2.2 Further internal alterations have been proposed with no external changes to the property. Five bedrooms will share bathroom facilities located on the first and second floors, with an additional toilet located on the ground floor. Two of the bedrooms will have an en-suite bathroom each. The proposed kitchen and living room will be located on the ground floor. Parking will be on-street.

3 SITE DESCRIPTION

- 3.1 The site comprises a large end of terrace property over three floors. The property has a front yard and rear garden.

4 PLANNING HISTORY

- 4.1 None relevant.

5 PLANNING POLICY

5.1 Statutory Duty

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted West Northamptonshire Joint Core Strategy (2014) and Northampton Local Plan (1997) saved policies.

5.2 National Policies

National Planning Policy Framework (NPPF) sets out the current aims and objectives for the planning system and how these should be applied. In delivering sustainable development, decisions should have regard to the mutually dependent social, economic and environmental roles of the planning system. The NPPF should be read as one complete document. However, the following sections are of particular relevance to this application:

Paragraph 72 (c) - ensure that a variety of homes to meet the needs of different groups in the community will be provided.

Paragraph 127 (f) - seeks to create safe and healthy places with a high standard of amenity for existing and future users.

Section 12 – seeks to achieve well designed places.

5.3 West Northamptonshire Joint Core Strategy (2014)

The West Northamptonshire Joint Core Strategy (JCS) provides an up to date evidence base and considers the current Government requirements for plan making as it has been prepared in full conformity with the NPPF. Policies of particular relevance are:

Policy H1 - Housing Density & Mix & Type of Dwellings

Policy H5 - Managing the Existing Housing Stock

Policy S10 - Sustainable Development Principles

Policy BN7 - Flood Risk

5.4 Northampton Local Plan 1997 (Saved Policies)

Due to the age of the plan, the amount of weight that can be attributed to the aims and objectives of this document are diminished, however, the following policies are material to this application:

E20 – allows for new development providing that the design reflects the character of its surroundings in terms of layout, siting, form, scale & appropriate use of materials and that the proposal is designed and located to ensure adequate standards of privacy, daylight and sunlight.

H18 – allows for house extension provided design acceptably in keeping with character and appearance of the host dwelling; and effect upon adjoining properties.

H30 – Multi occupation with a single dwelling.

5.5 Supplementary Planning Documents

Planning out Crime in Northamptonshire SPG 2004

Northamptonshire County Parking Standards 2016

Northampton Parking Standards 2019

Houses in Multiple Occupation Supplementary Planning Document 2019

Proposals for HIMOs should:

- Result in a balanced and mixed community and protect the physical character of the street and neighbourhood as a whole, by not resulting in a concentration of similar uses, a material change or adverse impact on the character of the area, or more than 10% of HIMOs within a 50 metre radius.
- Secure the provision of adequate facilities and amenities
- Provide adequate waste and recycling facilities and sufficient refuse storage
- Minimise flood risk
- Secure provision of adequate parking
- Provide adequate secure cycle storage in accordance with relevant parking standards documents and SPDs

6 CONSULTATIONS/ REPRESENTATIONS

Comments received are summarised as follows:

- 6.1 **NCC Highways** – Following a review of the submitted information, the LHA has no comments to make regarding this application.
- 6.2 **NBC Environmental Health** – No comments to raise. Veolia should be consulted on suitability of waste and recycling provisions. Recommend informative regarding construction hours.
- 6.3 **Private Sector Housing** – Subject to adequate sizes the property is suitable for the 7 people in 7 households as requested. The applicant is advised that a combined kitchen/living room must be at least 24m² for the number of people requested. A separate toilet is also requested. Following amendments to the internal layout, Private Sector Housing are satisfied that the proposal meets requirements.
- 6.4 **Councillor Janice Duffy** - calls in the application on grounds that it would exacerbate lack of parking in the immediate area, and lead to increased noise and litter as a result of the HIMO.
- 6.5 **4 neighbour representations** objecting to the proposal have been received. Comments are summarised as follows:
- 7 occupants in one house is overcrowding.
 - The court is already overcrowded.
 - Lack of parking.
 - Existing fly tipping will be exacerbated.
 - People cannot be bothered to use/put out bins on collection days.
 - Multiple people already living in neighbouring properties.
 - Builders already making internal alterations.
 - Concern relating to current government guidelines and bubbles.
 - Neighbour privacy.
 - Concerns about noise.
 - Site a mess whilst works undertaken.
 - Parking survey is not correct.

7 APPRAISAL

- 7.1 The principle of the conversion of the existing large dwellinghouse to a large HIMO is considered to be in line with national policy requirements to deliver a wide choice of homes to create sustainable and mixed communities. Policy H5 of the JCS allows for HIMOs where the proposal would not adversely impact on the character of the area and amenity of residential areas.

Area concentration

- 7.2 The Houses in Multiple Occupation Supplementary Planning Document (HIMO SPD) states:

“The proposal should not result in a concentration of similar uses in one particular locality. It should not result in a material change or an adverse impact on the character and amenity of the area. It should not result in more than 10% of the total number of HIMO dwellings, regardless of whether licensed or not, within a 50m radius of the application site, in order to prevent over concentration of similar uses in one locality”.

- 7.3 The number of HIMOs is calculated from a number of data sources, including previous planning permissions, licences granted under the Housing Act and other data held by the Council. Within the 50m radius, there are currently no other HIMOs (established or with planning approvals) on Booth Meadow Court, South Holme Court and Nicholls Court.
- 7.4 Neighbour concerns have been raised about the existing HIMOs. Council records evidence that the proposal would not lead to an over-concentration of authorised and licensed HIMOs within a 50m radius of the application site. The inclusion of the proposed HIMO would result in a concentration of 2.2%.
- 7.5 The proposed 2.2% concentration is within the threshold of 10% as described in the adopted SPD.

Size of property and facilities for future occupiers

- 7.6 Policy H30 of the Local Plan, although dated, is in line with the aims of NPPF in respect of the provision of adequate amenity for proposed occupiers and requires HIMOs to be of sufficient size to accommodate the proposed use.
- 7.7 The property is considered to be of sufficient size, and it provides a mix of bedroom sizes of between 7.5 – 15.4m². These will comprise of 7x single occupant bedrooms and all exceed the minimum bedroom size requirement of 6.51 sqm. For a 7 occupant HIMO set over 3 storeys and meeting the minimum size requirements, a 24 sqm combined kitchen/living/dining room is required. The ground floor provides a space of 24 sqm sufficient to accommodate this. The kitchen provides 2 sets of cooking equipment and 2 sinks in line with Private Sector Housing requirements. This is in accordance with the Council’s HIMO Facilities and Amenities Guidance.
- 7.8 The property provides a toilet and sink on the ground floor; a shower room including toilet on the first floor which would serve three bedrooms; an en-suite shower room to one bedroom on the first floor; a shared shower room serving two bedrooms to the second floor and a second en-suite shower room on the second floor. This would meet the requirement as stated in Principle 2 of the HIMO SPD 2019.
- 7.9 The kitchen and living room would be served by double doors with an additional window to the rear. This provides good outlook and light into this main shared space for future occupants. Each bedroom is served by at least one window, each providing sufficient light and outlook to the front or to the rear elevations of the property. There is an adequate number of shower rooms for each of the bedrooms, two have their own en-suite facilities and there is also an additional W.C. to the ground floor. It is considered that this provides a good level of facilities for the number of occupants.

- 7.10 A condition restricting the use of the property to a maximum of 7 people could be imposed. Private Sector Housing have confirmed that the room sizes, amenities and facilities indicated on the submitted plans indicate that the proposals would meet the requirements for a 7-occupant HMO.
- 7.11 There are no external alterations proposed to the property as part of this change of use application.

Flooding

- 7.12 The application site is located in Flood Zone 1 and with very low risk of flooding.

Highways/Parking

- 7.13 The Houses in Multiple Occupation SPD sets out clearly that where limited or no parking provision is proposed, the site must provide a parking beat survey. Should a parking beat survey reveal that there is insufficient on-street parking capacity, the application site should be within 400m of a bus stop with at least one bus every 30 minutes between 0700 and 1900 Mondays to Sundays and be located within 400m of facilities and services contained in a town centre, district centre, local centre or neighbourhood parade. Only outside such locations is parking required to be provided.
- 7.14 A parking beat survey has been submitted with the application, which has been seen by Northamptonshire County Council Highways. However, NCC are not accepting parking beat surveys during the current pandemic and have not raised any comments on the application in this respect. Neighbour representations have indicated that parking is in high demand in the local area.
- 7.15 The property is located on Booth Meadow Court, located within 400m of bus stops on Billing Brook Road which provides services between Rectory Farm and Northampton Town Centre. Buses also travel to the Weston Favell Shopping Centre. Close to these bus stops are facilities at a small Thorplands Local Centre. Whilst it is acknowledged that not all people who live close to bus stops will necessarily choose these as their main form of transport, the proposed location does mean the proposal is in accordance with the requirements of the HIMO SPD in respect of parking considerations. The SPD also requires that cycle storage is made available as another option for future occupants.
- 7.16 The HIMO SPD recommends that storage space should be provided which is accessible to cycle users to encourage and facilitate sustainable transport. Space is available to the rear of the property for a sufficient amount of cycle storage (7 bicycles). Although adequate details of these are not shown on the submitted floorplans, this can be secured via a condition. The cycle storage would be accessible within the rear garden which also has a rear access. Further details including dimensions of the secure cycle storage for at least 7 bicycles can be secured via a condition to be agreed prior to occupation.
- 7.17 A further consideration in respect of parking is the Northamptonshire Parking Standards, which states that HIMO shall provide on plot parking at the ratio of one parking space per bedroom. The proposed development would produce a demand for 7 parking spaces, which is an increase of 4 compared to the existing use, as parking the requirement for a 6-bed dwelling is 3 spaces. There are no off-road parking spaces provided as part of the proposal and parking in the area is on-street and within allocated bays. In the absence of parking provision, Principle 5 of the Northampton Parking Standards SPD outlines the requirements, similar to the HIMO SPD, whereby the application site should be within a sustainable location. In this regard, the proposal is still considered to be in accordance with the requirements of the Parking Standards SPD in respect of parking considerations.

Refuse storage

- 7.18 There is sufficient space to the rear and front of the property for the outdoor storage of waste prior to refuse collection days. A condition can be attached to secure details of the type of structure for bin storage prior to occupation of the HIMO and ensure that it is retained thereafter. Comments

raised the potential for increased waste or fly tipping issues. However, the formal bin storage can be secured via condition and therefore easy access to the front for collection day would ensure that there is suitable provision for future tenants to utilise.

8 CONCLUSION

- 8.1 The use of the property as a 7-person HIMO, following alterations to the layout as shown on the submitted plans, would provide an appropriate standard of accommodation for residents and taking into account all material planning considerations, would not have an undue impact upon the amenity of adjoining occupiers.
- 8.2 The proposed development would be in accordance with the requirements of Policies H1, H5, BN5, BN7 and S10 of the West Northamptonshire Joint Core Strategy, saved Policies E20 and H30 of the Northampton Local Plan, the Council's Houses in Multiple Occupation Supplementary Planning Document 2019 and the aims and objectives of the National Planning Policy Framework.

9 CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: TQRQM20273232633622, BMC/02 and BMC/03 rev B.

Reason: For the avoidance of doubt and to accord with the terms of the planning application.

3. The development hereby permitted shall be occupied by a maximum of 7 residents at any one time.

Reason: In the interests of amenity of the proposed occupiers and the surrounding area in accordance with Policies H1 and H5 of the West Northamptonshire Joint Core Strategy

4. Prior to the occupation of development, details of facilities for the secure and covered parking of at least 7 bicycles shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and fully implemented prior to the development being first brought into use and retained thereafter.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policies H1 and H5 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

5. Prior to the occupation of development, details of facilities for refuse and recycling storage shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and fully implemented prior to the development being first brought into use and retained thereafter.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policies H1 and H5 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

Informative

- Please note that the premises will require licensing and room sizes and facilities will need to meet licensing requirements.

- In order to reduce the likelihood of local residents being subjected to adverse levels of noise annoyance during construction, work on site must not occur outside the following hours:

Monday – Friday 7.30 a.m. – 18.00 p.m.

Saturday 8.30 a.m. – 13.00 p.m.

NO WORK ON SUNDAYS & BANK HOLIDAYS.

If work at other times is required permission should be obtained from the local planning authority.

10 BACKGROUND PAPERS

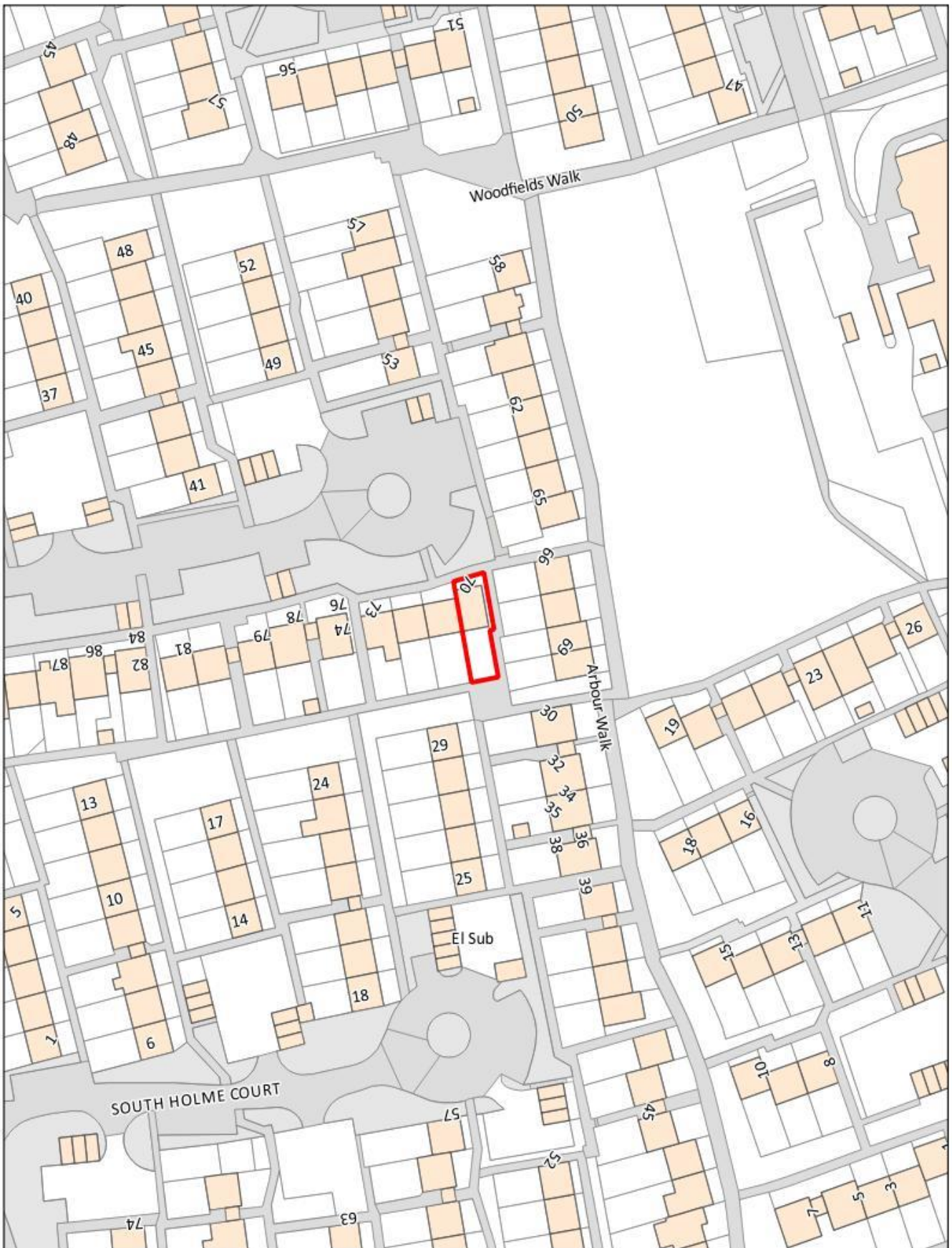
- 10.1 Application file N/2020/1272.

11 LEGAL IMPLICATIONS

- 11.1 The development is CIL liable.

12 SUMMARY AND LINKS TO CORPORATE PLAN

- 12.1 In reaching the attached recommendations regard has been given to securing the objectives, visions and priorities outlined in the Corporate Plan together with those of associated Frameworks and Strategies.



Title: **70 Booth Meadow Court.**

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PLANNING COMMITTEE: 22nd December 2020
DEPARTMENT: Planning Service
DIRECTOR OF PLANNING: Peter Baguley

APPLICATION REF: N/2020/1321

LOCATION: 41 Hardy Drive

DESCRIPTION: Single storey rear extension together with internal alterations

WARD: Nene Valley Ward

APPLICANT: Northampton Partnership Homes
AGENT: Sketchhaus Ltd

REFERRED BY: Director of Planning and Sustainability
REASON: Council owned land

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1 RECOMMENDATION

1.1 **APPROVAL** subject to the conditions as set out below and for the following reason:

The design and appearance of the proposed development is acceptable and would not lead to any unacceptable impacts on the character of the existing dwelling, local area or the amenity of the occupants of neighbouring dwellings. The proposed development would be in accordance with the aims and objectives of the National Planning Policy Framework, Policy S10 of the West Northamptonshire Joint Core Strategy, saved Policies E20 and H18 of the Northampton Local Plan and the Council's Residential Extensions and Alterations Design Guide.

2 THE PROPOSAL

2.1 The current application seeks planning permission for the erection of a single storey flat roof rear and side extension, together with internal alterations.

3 SITE DESCRIPTION

3.1 The application site consists of a semi-detached bungalow with a side and rear garden, which can be accessed from the pedestrianised access off Hardy Drive.

3.2 The local area is predominantly residential with mix of bungalows and two storey houses.

4 PLANNING HISTORY

4.1 None relevant.

5 PLANNING POLICY

5.1 Statutory Duty

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted West Northamptonshire Joint Core Strategy (2014), Northampton Local Plan (1997) saved policies.

6 National Policies

6.1 **The National Planning Policy Framework (NPPF)** sets out the current aims and objectives for the planning system and how these should be applied. In delivering sustainable development, decisions should have regard to the mutually dependent social, economic and environmental roles of the planning system. The NPPF should be read as one complete document. However, the following section is of particular relevance to this application:

- Section 12 - Achieving well designed places

6.2 West Northamptonshire Joint Core Strategy (2014)

The West Northamptonshire Joint Core Strategy (JCS) provides an up to date evidence base and considers the current Government requirements for plan making as it has been prepared in full conformity with the NPPF. Policy of particular relevance is:

- Policy S10 – Sustainable Development Principles

6.3 Northampton Local Plan 1997 (Saved Policies)

Due to the age of the plan, the amount of weight that can be attributed to the aims and objectives of this document are diminished, however, the following policies are material to this application:

- Policy E20 – New Development (Design)
- Policy H18 – Household Extensions

6.4 Supplementary Planning Documents

Residential Extensions and Alterations Design Guide SPD 2011
Northamptonshire County Parking Standards 2016
Northampton Parking Standards 2019

7 CONSULTATIONS/ REPRESENTATIONS

7.1 **Hardingstone Parish Council:** No objections.

8 APPRAISAL

8.1 The main issues to consider are the impact on the appearance and character of the host dwelling, local area and impact on the residential amenity of neighbours.

Design and appearance

- 8.2 The proposed development would result in a single storey rear extension, which will increase the footprint of the application property. However, owing to the plot size, the proposed extension will not result in overdevelopment of the site.
- 8.3 The proposed single storey rear extension would be screened behind the main dwelling and is not considered to have any adverse impact on the streetscene. The proposed design of the extension would not have any adverse impact on the existing bungalow and is sympathetic in scale, materials and appearance.
- 8.4 It is considered that the proposed single storey rear extension would accord with the National Planning Policy Framework, policy S10 of the JCS, saved policies H18 and E20 in the Northampton Local Plan and advice contained within the Council's Residential Extensions and Alterations Design guide SPD.

Residential Amenity

- 8.5 The proposed single storey rear extension would be 1.3m deep adjoining to the neighbouring property at no.39; however, the further depth would be set in from the common boundary between the application site and neighbouring property at no.39. Owing to the separation from the common boundary and the existing boundary treatment, it is not considered that the proposed rear extension would result in any undue impact on no.39. Moreover, there are no windows proposed on the side elevation overlooking this neighbouring property and a condition has been recommended to withdraw the permitted development rights to insert any new window on the side elevation, which would ensure that the proposed extension would not result in any undue impact on the amenity of the neighbouring property.
- 8.6 The application site shares its side boundary with the neighbouring property at no.45. The proposed extension would be partly visible over the existing boundary treatment; however, owing to the separation of the proposed extension and that the proposed extension would sit approximately 2.5m from the common boundary, it is not considered to have any adverse impact on this neighbouring property.
- 8.7 The neighbouring properties to the rear are separated by a public footpath and not considered to have any adverse impact resulting from the proposed extension.
- 8.8 No representation has been received from any of the neighbouring properties. Overall, it is considered that the scale, design and orientation of the proposed development would not have adverse impact on the residential amenity of the adjoining neighbouring properties.

Parking

- 8.9 The application property is a 3-bed bungalow and the proposed extension would not result in any additional bedroom. Therefore, the proposal would not generate any additional parking requirements.

9 CONCLUSION

- 9.1 It is considered that the proposed development is of a scale and design appropriate to the main dwelling and surrounding area. There would not be any unacceptable detrimental impact on the residential amenity of the neighbouring properties.
- 9.2 It is considered that the proposal would be in accordance with saved policies E20 and H18 of the Northampton Local Plan, Policy S10 of the West Northamptonshire Joint Core Strategy, Residential Extensions and Alterations Design Guide a Supplementary Planning Document and advice given within National Planning Policy Framework.
- 9.3 The proposal is considered acceptable and recommended for approval subject to the following conditions.

10 CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: SK24 -03, SK24 -02A.

Reason: For the avoidance of doubt and to accord with the terms of the planning application.

3. The external walls and roof of the extension shall be constructed with materials of the same type, texture and colour as the external walls and roof of the existing building.

Reason: In the interests of visual amenity to ensure that the extension harmonises with the existing building in accordance with Policy E20 of the Northampton Local Plan.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no addition windows shall be installed in the side elevations of the proposed development.

Reason: To safeguard residential amenity in accordance with Policy E20 of the Northampton Local Plan.

11 BACKGROUND PAPERS

- 11.1 N/2020/1321.

12 LEGAL IMPLICATIONS

- 12.1 The development is not CIL liable.

13 SUMMARY AND LINKS TO CORPORATE PLAN

- 13.1 In reaching the attached recommendations regard has been given to securing the objectives, visions and priorities outlined in the Corporate Plan together with those of associated Frameworks and Strategies.



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