



NORTHAMPTON
BOROUGH COUNCIL

PLANNING AGENDA

Tuesday, 29 September 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.

George Candler

Chief Executive

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 application 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.

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

How long can I speak for?

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

An invitation will be sent to Members and registered Public Speakers for the meeting via Zoom Conferencing Webinar.

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

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

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.

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, 29 September 2020

at 5:00 pm.

AGENDA

1. **APOLOGIES**
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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**
Report of Head of Planning (copy herewith) (Page number 7)
7. **OTHER REPORTS**
 - (A) **N/2020/0790 - REQUEST FOR VARIATIONS TO S106 AGREEMENT TO AMEND MORTGAGEE EXCLUSION CLAUSE AND REMOVAL OF OBLIGATIONS RELATING TO HIGHWAYS AND SECONDARY EDUCATION, THAT ARE NOW COVERED BY THE COMMUNITY INFRASTRUCTURE LEVY.**

LAND SOUTH OF ROWTREE ROAD AND WEST OF WINDINGBROOK LANE (Page number 9)
8. **NORTHAMPTONSHIRE COUNTY COUNCIL APPLICATIONS**
9. **NORTHAMPTON BOROUGH COUNCIL APPLICATIONS**
10. **ITEMS FOR DETERMINATION**
 - (A) **N/2020/0353 A MIXED-USE DEVELOPMENT, INVOLVING A REAR SIDE ROOFTOP EXTENSION FOR 2 NEW OFFICES (USE CLASS B1) AND 5 SELF-CONTAINED RESIDENTIAL FLATS (USE CLASS C3) B AND C, 102A ABINGTON STREET** (Page number 15)

- (B) N/2020/0585 - SINGLE STOREY FRONT EXTENSION AND PART TWO STOREY / PART SINGLE STOREY REAR EXTENSION WITH INTERNAL ALTERATIONS**
10 REEDHAM CLOSE (Page number 27)
- (C) N/2020/0764 - CHANGE OF USE FROM DWELLINGHOUSE (USE CLASS C3) TO HOUSE IN MULTIPLE OCCUPATION (USE CLASS C4) FOR 4NO. OF OCCUPANTS**
110 LUTTERWORTH ROAD (Page number 35)
- (D) N/2020/0780 - CHANGE OF USE FROM DWELLINGHOUSE (USE CLASS C3) TO CHILDREN'S HOME (USE CLASS C2) TO ACCOMMODATE UP TO 3NO CHILDREN AGED 8 TO 18 YEARS OLD**
5 DITCHFORD CLOSE (Page number 43)
- (E) N/2020/0781 - PRIOR NOTIFICATION OF INSTALLATION OF 1 NO. 20M TELECOMMUNICATIONS STREETWORKS POLE, 1 NO. EQUIPMENT CABINET, 1 NO. METER CABINET AND ASSOCIATED ANCILLARY DEVELOPMENT**
TELECOMS BASE STATION, ARUNDEL STREET (Page number 51)
- (F) N/2020/0824 - CHANGE OF USE FROM DWELLINGHOUSE (USE CLASS C3) TO HOUSE IN MULTIPLE OCCUPATION (USE CLASS C4) FOR 4 OCCUPANTS**
14 STANHOPE ROAD (Page number 57)
- (G) N/2020/0972 - CHANGE OF USE FROM DWELLINGHOUSE (USE CLASS C3) TO CHILDREN'S HOME (USE CLASS C2) TO ACCOMMODATE A MAXIMUM OF 2NO CHILDREN AGED 8 TO 18 YEARS OLD**
121 PENRHYN ROAD (Page number 65)
- (H) N/2020/0973 - CHANGE OF USE FROM DWELLINGHOUSE (USE CLASS C3) TO CHILDREN'S HOME (USE CLASS C2) TO ACCOMMODATE A MAXIMUM OF 2NO CHILDREN AGED 8 TO 18 YEARS OLD**
62 PENRHYN ROAD (Page number 71)

11. ITEMS FOR CONSULTATION

12. NORTHAMPTON PARTNERSHIP HOMES APPLICATIONS

- (A) N/2020/0684 - REMOVAL OF CONDITION 6 OF PLANNING PERMISSION N/2017/1029 (DEMOLITION OF NOS. 1-6 AND 14-17 TOMS CLOSE AND DEVELOPMENT OF 21NO NEW BUILD AFFORDABLE DWELLINGS AND ASSOCIATED LANDSCAPING) AS BUS SHELTER IS NO LONGER REQUIRED**
TOMS CLOSE (Page number 77)

**(B) N/2020/0796 - SINGLE STOREY REAR AND SIDE EXTENSION,
TOGETHER WITH INTERNAL ALTERATIONS
20 HARDY DRIVE (Page number 83)**

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, 1 September 2020

PRESENT: Councillor Oldham (Chair); Councillor Lane (Deputy Chair);
Councillors Birch, Bottwood, Choudary, Golby, Kilby-Shaw, 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), Paul
Everard (Planning Policy & Heritage Manager), Francis Fernandes
(Solicitor), Ed Bostock (Democratic Services Officer)

1. APOLOGIES

An apology for absence was received from Councillor King.

2. MINUTES

The minutes of the meetings held on 7th July and 28th July 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/2020/0648

Gary Owens

4. DECLARATIONS OF INTEREST/PREDETERMINATION

Councillor Bottwood declared a disclosable and pecuniary interest in respect of items 12a and 12b as a board member of Northampton Partnership Homes (NPH) and advised that he would leave the meeting for those items.

Councillor M Markham declared a disclosable and pecuniary interest in respect of items 12a and 12b as a board member of Northampton Partnership Homes (NPH) and advised that he would leave the meeting for those items

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 that no decisions had been made by the Planning Inspectorate and that summer holiday was a likely reason for the delay.

Members discussed the report.

RESOLVED:

That the report be noted.

7. OTHER REPORTS

(A) RECENT CHANGES TO PLANNING LEGISLATION, THE PLANNING FOR THE FUTURE WHITE PAPER AND CONSULTATION ON CHANGES TO THE CURRENT PLANNING SYSTEM

The Development Manager submitted a report to the Committee which outlined recent changes to Planning legislation, the Planning for the Future White Paper and consultation on Changes to the Current Planning System, in response to the challenges posed by Covid-19. One major change in legislation was the extension of planning permission; applications that had an expiry date between 23rd March and 31st December 2020 had the expiry date automatically extended until 1st May 2021. A further piece of legislation relating to permitted development rights came into effect on 1st August 2020 which allowed for the construction of new dwellings on detached purpose-built blocks of flats. Further, 2 additional storeys of purpose-built dwellings could be built on top of free-standing blocks, terraced houses or mixed-use buildings with an element of housing. Vacant office buildings could be replaced with a block of flats without planning permission also. These 3 would be subject only to the prior notification approval process; the criteria to consider such applications were listed in paragraph 3.4 of the report. The Use Class Order had undergone a change, effective from 1st September 2020, for example, a shop could now be changed to a restaurant without the requirement for planning permission. Whilst an element of control would be lost in terms of planning, it was noted that these premises would still be required to apply for premises licences so some level of control would remain. Pubs and hot food takeaways were now "Special Use Class"; planning permission was still required to change use between these classes. It was explained that a shop could change to a light industrial unit without planning permission under the change to Class E. Members' attention was drawn to page 23 of the agenda which showed a table outlining all Use Classes changes. An extension to construction site hours had also been introduced, a developer could apply for permission to work longer hours, subject to possible conditions. Further changes included deferral of CIL payments and pavement licences. The government published their White Paper on "Planning for the Future" and a consultation paper on Changes to the Current Planning System which both had significant implications on local plan making and development management policy; both papers were currently in the consultation stage, it was noted that the Council needed to make formal comments to MHCLG by 1st October 2020 and 29th October 2020 for each of the consultation paper. It was further noted

that a briefing session to Members on the White Paper was scheduled for 16th September 2020.

In response to questions, the Committee heard that regarding extensions to construction times, developers would need to apply, and the Council should seek to be as flexible as possible. Environmental Health would also be consulted as part of these applications. Regarding timing of determining applications, the White paper specified a 13-week timeframe which was considered tight for major applications; applicants were being encouraged to do more pre-application work to resolve as many issues as possible before submitting their applications. It was confirmed that should the Council be found to unreasonably refuse an application then it would be subject to costs as well as the refund of planning fee. It was confirmed that there was no green paper prior to the white paper before Members.

The Planning Policy & Heritage Manager confirmed that the white paper did pose questions throughout; the intention behind the document seemed to be to take a significant change of course in terms of planning.

The Director of Planning and Sustainability commented that the white paper represented a fundamental shift in the planning system, that permission for major sites when allocated in growth and renewal areas would be granted at the allocation of the plan; sites already allocated in the Joint Core Strategy would not be affected. The move in front-loading the system would mean less applications made so less fees and also less applications to be determined by the Planning Committee. It was noted that the Local Plan had to be produced in 30 months. It was further confirmed that the lack of a green paper was not without precedent, however it was a strong indication that the proposals within the white paper were what the government intended to do with the planning system.

Members discussed the report.

RESOLVED:

That the report be noted.

Councillor Choudary joined the meeting at this juncture.

(B) N/2020/0368 - DEED OF VARIATION OF SECTION S106 OBLIGATIONS ASSOCIATED WITH AGREEMENTS DATED 7 OCTOBER 1992 AND 23 SEPTEMBER 1997 RELATING TO THE BUILDING EXCLUSION ZONE AND LANDSCAPE CONTROL ZONE. LAND RELATING TO SWAN VALLEY

The Development Manager submitted a report to the Committee which sought to vary S106 Agreements dated 7th December 1992 and 23rd September 1997; subsequent development since those agreements were made had slightly encroached outside of the permitted area and the application sought to regularise this. The impact of this encroachment was not considered harmful and the variation would accurately reflect what was on the site.

Members discussed the report.

RESOLVED:

That the Members **AGREED** to the variation of the S106 agreements as set out in the report.

(C) N/2020/0898 - APPLICATION FOR A VARIATION TO THE S106 AGREEMENT TO ALLOW THE OPEN SPACE TO BE TRANSFERRED INTO THE OWNERSHIP OF WOOTTON PARISH COUNCIL. OPEN SPACE, WOOTTON FIELDS, WOOLDALE ROAD

The Development Management Team Leader submitted a report to the Committee. The application sought to vary the S106 Agreement to allow the open space to be transferred to the ownership of Wootton Parish Council, following discussions with the Parish Council and David Wilson Homes. It was further proposed that delegated authority be given to the Director of Planning and Sustainability and Monitoring Officer to agree the amended wording of said clause and relevant definitions and any consequential amendments as considered necessary.

In response to questions, the Committee heard that the original S106 Agreement mentioned grounds maintenance; David Wilson Homes would continue to be responsible for this for the next several years as set out in the legal agreement.

Members discussed the report.

RESOLVED:

That the Members **AGREED** to the variation of the S106 agreement as set out in the report.

8. NORTHAMPTONSHIRE COUNTY COUNCIL APPLICATIONS

None.

9. NORTHAMPTON BOROUGH COUNCIL APPLICATIONS

None.

10. ITEMS FOR DETERMINATION

(A) N/2020/0353 - A MIXED USE DEVELOPMENT, INVOLVING A REAR SIDE ROOFTOP EXTENSION FOR 2 NEW OFFICES (USE CLASS B1) AND 5 SELF CONTAINED RESIDENTIAL FLATS (USE CLASS C3) B AND C, 102A ABINGTON STREET

This application was withdrawn from the agenda.

(B) N/2020/0458 - VARIATION OF CONDITIONS 2, 15, 16, 19, 24, 27, 28 AND 30 OF PLANNING PERMISSION N/2018/0277 (DISTRIBUTION CENTRE (USE CLASS B8) INCLUDING RELATED SERVICE ROADS, ACCESS AND SERVICING ARRANGEMENTS, CAR PARKING, LANDSCAPING BUND AND ASSOCIATED WORKS) TO MODIFY THE HEIGHT AND WIDTH OF UNIT 1, TO ALTER THE PARKING AND TO ADD A STAFF EXERCISE TRAIL, AND VARIATION OF CONDITIONS 3, 4, 6, 7, 8, 9, 20, 21 AND 22 TO BE IN ACCORDANCE WITH DETAILS SUBMITTED. MILTON HAM FARM, TOWCESTER ROAD.

The Principal Planning Officer submitted a report to the Committee and explained that the application was approved in principle by the Planning Committee on 28th July 2020. Following this, the drainage system had been slightly altered in response to concerns raised at the meeting. The Local Lead Flood Authority considered the amendment acceptable. Members attention was drawn to the addendum for the meeting.

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 left the meeting at this juncture.

11. ITEMS FOR CONSULTATION

None.

12. NORTHAMPTON PARTNERSHIP HOMES APPLICATIONS

(A) N/2020/0489 - REPLACEMENT OF BROWN FRAME WINDOWS WITH WHITE FRAME WINDOWS

The Principal Planning Officer submitted a report to the Committee. The presentation related to 14 applications which sought approval for the replacement of brown window frames with white UPVC window frames of the same size and design. The Principal Planning Officer answered questions from Members clarifying that the photographs demonstrated that some properties had already got white window frames, and that the need to change the colour of sky boxes would be something the applicant, Northampton Partnership Homes, would be responsible for looking into.

Members discussed the report.

RESOLVED:

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

(B) N/2020/0648 - DEMOLITION OF EXISTING LOCK-UP GARAGES AND DEVELOPMENT OF 2NO SEMI-DETACHED DWELLINGS WITH ASSOCIATED PARKING. GARAGE 1 LOCK UP GARAGES, STENSON STREET

The Principal Planning Officer submitted a report to the Committee. The application sought approval for the demolition of a disused garages to allow for the construction of 2x 2-bedroom dwellings with garages at ground floor level and 4 external parking spaces. Due to the site falling within Flood Zone 3 there were no habitable rooms proposed on the ground floor. It was noted that there were no statutory objections to the application.

In response to questions, the Committee heard that several trees would be removed as part of the development, but some would be retained; a condition was included to

ensure that they were protected during the construction phase. The Committee further heard that there was a condition requiring the maintenance of landscaping for 5 years, which is a standard time to require this.

In response to questions Gary Owens of NPH advised that NPH would take responsibility for maintenance of the landscaping; this would be enveloped within NPH's standard maintenance regime.

Members discussed the report.

RESOLVED:

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

The meeting concluded at 7:22 pm

Planning Service

Director of Planning and Sustainability: Peter Baguley



List of Appeals and Determinations – 29th September 2020

Written Reps Procedure

Application No.	DEL/PC	Description	Decision
N/2019/0803 APP/V2825/W/20/3249179	DEL	Demolition of existing property and erection of 13no new flats and associated 15no car parking spaces at 104 Semilong Road	AWAITED
N/2019/1193 APP/V2825/W/20/3247668	DEL	Change of Use from Car Repair Shop (Use Class B2) to Martial Arts Studio (Use Class D2) at 69 Bunting Road	DISMISSED
N/2019/1259 APP/V2825/D/20/3248407	DEL	Single storey rear extension (Retrospective) at 123 Southampton Road	AWAITED
N/2019/1425 APP/V2825/D/20/3246616	DEL	Single storey rear extension, loft conversion with dormers and detached garage- part retrospective at 25 Beechwood Road	ALLOWED
N/2019/1511 APP/V2825/W/20/3250888	DEL	Conversion of a terrace property into 2no flats at 24 Clare Street	DISMISSED
N/2019/1524 APP/V2825/W/20/3248396	DEL	Erection of detached single storey dwelling at 47 Beech Avenue	AWAITED
N/2019/1550 APP/V2825/W/20/3247195	DEL	Extensions and alterations to create 6no apartments at 33 Harlestone Road	AWAITED
N/2020/0034 APP/V2825/D/20/3253305	DEL	New outbuilding attached to side of dwelling together with new boundary treatment to side (Part Retrospective) at 26 Villa Way	AWAITED
N/2020/0083 APP/V2825/D/20/3251078	DEL	Single storey side extension at 91 Broadway East	DISMISSED
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/2020/0113 APP/V2825/W/20/3254880	DEL	Change of Use from Dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4) for 6 occupants at 69 Moore Street	AWAITED
N/2020/0160 APP/V2825/Z/20/3252801	DEL	Scanlite Digital LED Ticker Display. Surface Mounted Diode LED Display with pixels mounted at 6mm intervals. 1680 pixels (w) x 120 pixels (h) at Unit 4B, 113 St James Mill Road East	ALLOWED
N/2020/0227 APP/V2825/W/20/3254653	DEL	Change of use of existing dwelling (Use Class C3) to part dwellinghouse with hairdressing studio (Sui Generis) at 110A Harlestone Road	AWAITED
N/2020/0243 APP/V2825/D/20/3254512	DEL	Single storey front extension and two storey side extension at 64 Javelin Close	AWAITED
N/2020/0251 APP/V2825/W/20/3253575	DEL	Outline Planning Permission for erection of 4no dwellings with all matters reserved except access at Land and Lock Up Garages, Barry Road	AWAITED
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	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



PLANNING COMMITTEE: 29th September 2020
DEPARTMENT: Planning Service
DIRECTOR OF PLANNING: Peter Baguley

APPLICATION REF: N/2020/0790

LOCATION: Land south of Rowtree Road and west of Windingbrook Lane

DESCRIPTION: Request for variations to S106 agreement dated 22 December 2015, to amend mortgagee exclusion clause and removal of obligations relating to highways and secondary education, that are now covered by the Community Infrastructure Levy

WARD: East Hunsbury

APPLICANT: Clarion Housing Group
AGENT: N/A

REFERRED BY: Director of Planning and Sustainability
REASON: Major application with S106 agreement

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1 RECOMMENDATION

- 1.1 That the Committee **AGREE** to vary the Section 106 Agreement dated 12 December 2015, to allow the amendment of the mortgagee exclusion clause and relevant definitions in the Agreement and to remove the obligations to make financial contributions to the Northampton Growth Management Scheme and Secondary School Transport as set out in the report.
- 1.2 That the Borough Secretary and Monitoring Officer in consultation with the Director of Planning and Sustainability be given delegated authority to agree the amended wording of the mortgagee exclusion clause and relevant definitions and to remove the obligations to make financial contributions to the Northampton Growth Management Scheme and Secondary School Transport together with any consequential amendments as are considered necessary.

2 THE PROPOSAL

- 2.1 The application requests variations to the S106 agreement dated 22 December 2015 (relating to the development of land at Northampton South Sustainable Urban Extension) to amend the mortgagee exclusion clause and to remove obligations relating to highways and secondary education, which are now covered by the Community Infrastructure Levy.

3 SITE DESCRIPTION

- 3.1 The application site is located to the southern edge of Northampton Borough and comprises approximately 96 hectares of land including parts of Collingtree Golf Course as well as agricultural land. It is allocated as the Northampton South Sustainable Urban Extension (SUE) under Policy N5 of the Joint Core Strategy for 1,000 dwellings, together with provisions for other facilities including a primary school, local centre, green space and flood risk management. The SUE site will have vehicular accesses taken from Rowtree Road and Windingbrook Lane and benefits from an outline planning permission granted at appeal under reference N/2013/1035. The first phase of the SUE for 349 dwellings accessed off Windingbrook Lane benefits from reserved matters permission under reference N/2017/1566 and works have recently commenced on site.

4 PLANNING HISTORY

- 4.1 N/2013/1035: Outline Application for the Northampton South Sustainable Urban Extension to comprise up to 1000 dwellings, a mixed use local centre, a site for a primary school, green infrastructure including formal and informal open space, reconfiguration and extension of Collingtree Park Golf Course, demolition of all existing buildings and structures within the site, new vehicular accesses off Windingbrook Lane and Rowtree Road, car parking, sustainable drainage systems (including flood risk betterment) and infrastructure (including highway improvements) all matters reserved accept access (the application was accompanied by an Environmental Statement). Refused permission; appeal allowed.
- 4.2 N/2017/1566: Reserved Matters application pursuant to planning permission N/2013/1035 (Sustainable Urban Extension to comprise up to 1,000 dwellings) for the approval of Phase 1 development comprising 349 dwellings served by a new access from Windingbrook Lane, re-configuration of part of the Golf Course including new temporary hole 17, children's play area, drainage attenuation and demolition of all existing buildings and structures within the site. Approved.
- 4.3 N/2020/0362: Variation of Conditions 1 and 15 of Planning Permission N/2017/1566 (Reserved Matters application pursuant to planning permission N/2013/1035 to revise house types and make minor layout changes. Pending consideration at time of drafting report.

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

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:

Paragraphs 7-12 - Presumption in favour of sustainable development.

Section 4 - Decision making

Section 5 - Housing Supply

Section 8 - Promoting healthy and safe communities

Section 9 - Promoting sustainable transport

Section 11 - Making effective use of land

Section 12 - Achieving well designed places

Section 14 - Meeting the challenge of climate change and flooding
Section 15 - Conserving and enhancing the natural environment
Section 16 - Conserving and enhancing the historic environment

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 S1 - The Distribution of Development
Policy S3 - Scale and Distribution of Housing Development
Policy S5 - Sustainable Urban Extensions
Policy S10 - Sustainable Development Principles
Policy N5 - Northampton South Sustainable Urban Extension
Policy H1 - Housing Density and Mix and Type of Dwellings
Policy H2 - Affordable housing
Policy RC2 - Community Needs
Policy C1 - Changing Behaviour and Achieving Modal Shift
Policy C2 - New Developments
Policy BN1 - Green Infrastructure Connections
Policy BN2 - Biodiversity
Policy BN3 - Woodland Enhancement and Creation
Policy BN5 - The Historic Environment and Landscape
Policy BN7A - Water Supply, Quality and Wastewater Infrastructure
Policy BN7 - Flood Risk
Policy BN9 - Planning for Pollution Control
Policy INF2 - Contributions to infrastructure requirements

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 E9 – Locally Important Landscape Areas
Policy E20 – New Development (design)
Policy E26 – Conservation Areas
Policy H14 – Residential Development, Open Space and Children’s Play Facilities

5.5 **Other Material Considerations / Supplementary Planning Documents**

NBC CIL Charging Schedule 2015
NBC CIL Regulation 123 List 2016
Planning Obligations Strategy SPD 2013
Affordable Housing Interim Statement 2013

6 **CONSULTATIONS / REPRESENTATIONS**

6.1 None.

7 **APPRAISAL**

7.1 On the 22 December 2015, a S106 agreement was entered into in connection with an appeal against the refusal of outline application N/2013/1035 for up to 1000 dwellings together with provisions for other facilities at land relating to the Northampton South Sustainable Urban Extension. The appeal was determined by the Secretary of State in August 2016, following a public inquiry, and the outline application was allowed. The completed S106 agreement includes various obligations and the current application seeks to amend the mortgage exclusion clause relating to the affordable housing obligation and also remove the obligations to make financial

contributions to the Northampton Growth Management Scheme and Secondary School Transport which are now covered by the Community Infrastructure Levy (CIL).

Mortgagee Exclusion Clause

- 7.2 Mortgagee in possession clauses (also known as mortgagee exclusion clauses or mortgagee protection clauses) are standard in S106 Agreements which provide for the provision of affordable housing. These clauses provide for circumstances where a Registered Provider defaults on loan payments and the mortgagee takes control of the Registered Provider's interest in the affordable housing units as assets against which their loan is secured.
- 7.3 Such clauses allow for another Registered Provider or the Council to purchase the affordable housing units within a specified timeframe under a prescribed procedure. Where the affordable housing units are not purchased within this period, they are released from affordable housing tenure, enabling the mortgagee to dispose of the units to regain some or all of the loan that they have provided.
- 7.4 The wording of a mortgagee in possession clause affects the level of funding that a Registered Provider is able to secure against the affordable housing units to fund the provision of additional affordable housing as part of their delivery programme.
- 7.5 Where a mortgagee in possession clause does not provide sufficient protection for the funder and they would be bound by the affordable housing restrictions in the Section 106 Agreement, the funding value would be limited to Existing Use Value for Social Housing. The best possible funding value is Market Value Subject to Tenancies, where the funder would be able to sell on the open market, to either a Registered Provider or a non-regulated purchaser; and neither the lender nor successors in title would be bound by the affordable housing restrictions in the Section 106 Agreement.
- 7.6 In this instance, the wording of some of the relevant definitions and the mortgagee in possession clause in the S106 Agreement are such that the value of the affordable housing units is limited to Existing Use Value – Social Housing. Accordingly, it is proposed that these are amended to enable the property to be charged at Market Value Subject to Tenancies. This will enable a Registered Provider to obtain maximum value and reinvest in further affordable housing schemes.
- 7.7 In effect, to amend the mortgagee clause would allow the Registered Provider to obtain higher value funding from their funders, which in turn would allow them to fund further developments and deliver more affordable housing units elsewhere, but it would not affect the level of provision of the affordable units for this development in any event.

Northampton Growth Management Scheme and Secondary School Transport Obligations

- 7.8 The S106 Agreement the subject of the application includes obligations to make financial contributions to the Northampton Growth Management Scheme, specifically relating to works to the trunk road network at M1 Junction 15 and the A45 Wootton Interchange (Clauses 1.1-1.3 of the Second Schedule), and to the cost of Secondary School Transport (Clause 3.1 of the Second Schedule), to mitigate the impacts arising from the development.
- 7.9 However, Clause 19 (Community Infrastructure Levy) of the S106 Agreement details that, if after the date of the Agreement but prior to the planning permission being issued by the Secretary of State the Community Infrastructure Levy (CIL) is applicable, then all parties shall use reasonable endeavours to agree amendments to the Agreement with the intent that the owner is not adversely prejudiced by the introduction of CIL or required to contribute more than once for any item of infrastructure. As detailed above, the S106 Agreement was completed on the 22 December 2015 and the Appeal Decision Notice was issued by the Secretary of State on 9 August 2016.
- 7.10 The Council adopted CIL on 21 September 2015 and it came into effect on the 1 April 2016 such that all residential developments granted after this date are required to pay the levy to contribute to

infrastructure on the Council's list of CIL infrastructure types/projects (the CIL Regulations 123 List). Furthermore, the Council's CIL infrastructure list includes 4 infrastructure types/projects, which include the Northampton Growth Management Strategy and education (excluding primary schools). As such, CIL came into effect prior to the Appeal Decision Notice on the site being issued and its introduction would result in the developer being required to make financial contributions towards the NGMS and secondary education under both the S106 Agreement and CIL. Therefore, the provisions under Clause 19 of the S106 are enacted, which detail that the owner should not contribute more once for an item of infrastructure, and it is recommended that the NGMS and secondary education obligations are removed from the S106 Agreement.

8 CONCLUSION

- 8.1 The proposed amendment to the mortgage exclusion clause is in line with recent practices and allows a Registered Provider to seek funding which will enable investment in further developments and is considered to be an acceptable request.
- 8.2 The completed S106 agreement and CIL both include requirements for financial contributions towards the NGMS and secondary transport. However, the completed S106 agreement also includes a clause detailing that the owner should not contribute more than once for an item of infrastructure following the introduction of CIL. Therefore, the removal of the requirement in the S106 agreement to contribute towards these two forms of infrastructure is considered an acceptable request.

9 BACKGROUND PAPERS

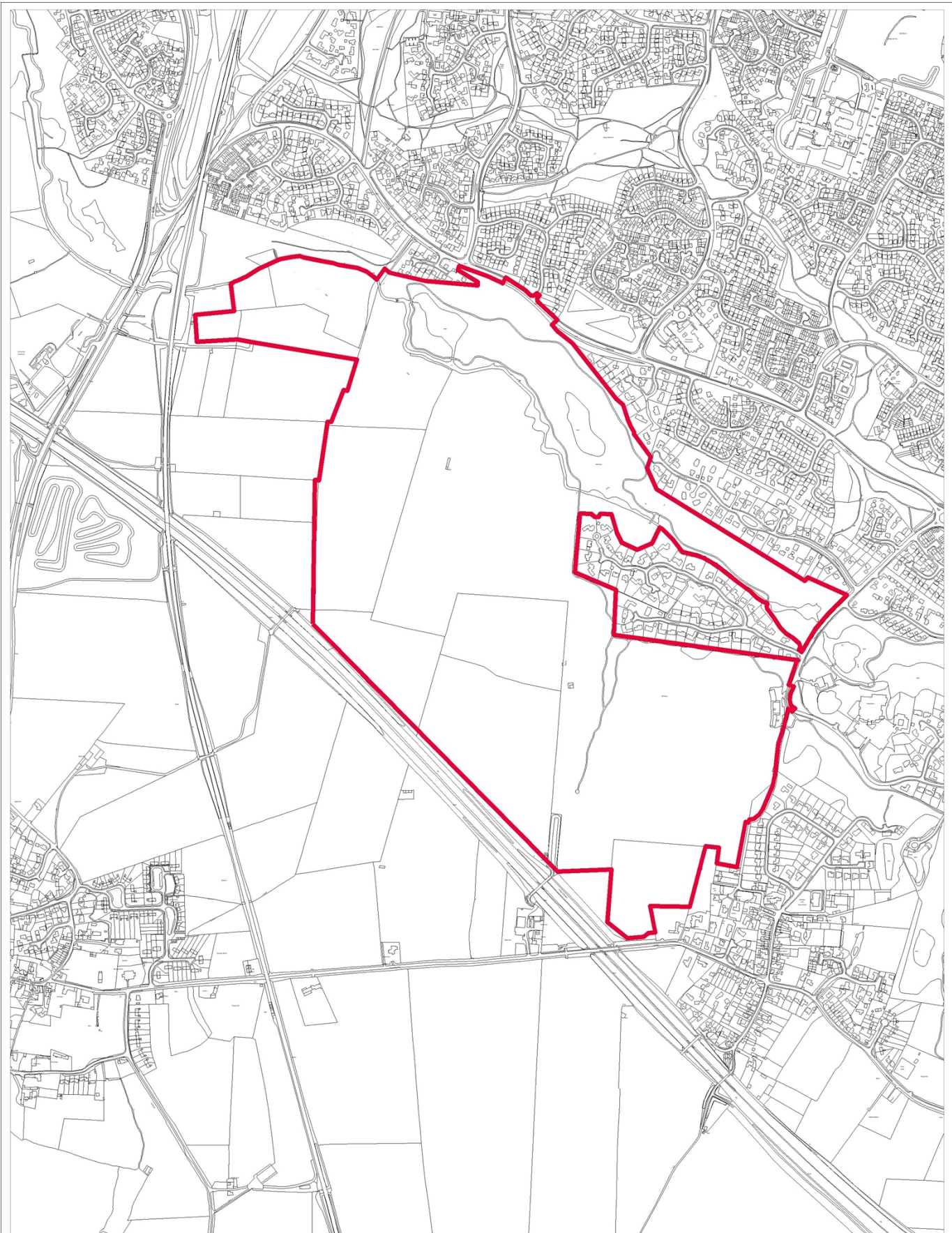
- 9.1 N/2013/1035.

10 LEGAL IMPLICATIONS

- 10.1 The Social Housing Regulator monitors the financial viability of Registered Providers and can intervene in the management of a Registered Provider in financial difficulty. There are few examples of Registered Providers falling into financial difficulties and where this has been the case Registered Providers have to date been taken over by another Registered Provider. There are no known cases of mortgagee in possession clauses being triggered in relation to assets owned by Registered Providers.
- 10.2 Taking these issues into account it is considered that any risk associated with a Registered Provider defaulting on a loan and the affordable housing units not being secured by the Council or another Registered Provider is limited and is outweighed by the factors referred to above.

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.



Name: **Location plan**
Date: **8th January 2015**
Scale: **1:10,000**
Dept: **Planning**
Project: **Planning Committee**

Title

Npton South SUE, Rowtree Rd & West of Windingbrook Ln

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Addendum to Agenda Items Tuesday 29TH September 2020

7. OTHER REPORTS

Item 7a

N/2020/0790

Request for variations to S106 agreement to amend mortgagee exclusion clause and removal of obligations relating to highways and secondary education, that are now covered by the Community Infrastructure Levy

Land south of Rowtree Road and west of Windingbrook Lane

No update.

10. ITEMS FOR DETERMINATION

Item 10a

N/2020/0353

A mixed use development, involving a rear side rooftop extension for 2 new offices (Use Class B1) and 5 self contained residential flats (Use Class C3)

B And C, 102A Abington Street

Further comments received from Environmental Health raised concerns about the management of refuse collections from the first floor for both the office and residential waste. The agent is in discussion with private waste collectors, one of whom has responded to confirm that they would collect waste from first floor level. Discussions are ongoing with the agent and Environmental Health to agree an appropriate Waste Management Strategy, the details of which can be approved by Condition 5.

Condition 5 is amended as follows:

5. Notwithstanding the details submitted, prior to occupation of the development, a Waste Management Strategy providing details of the provision for the storage of refuse and materials for recycling for both commercial and residential uses and method and management of collection shall be 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 development 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.

Item 10b

N/2020/0585

Single storey front extension and part two storey / part single storey rear extension with internal alterations

10 Reedham Close

No update.

Item 10c
N/2020/0764
Change of Use from Dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4) for 4no. of occupants
110 Lutterworth Road

No update.

Item 10d
N/2020/0780
Change of Use from Dwellinghouse (Use Class C3) to Children's Home (Use Class C2) to accommodate up to 3no children aged 8 to 18 years old
5 Ditchford Close

No update.

Item 10e
N/2020/0781
Prior Notification of installation of 1 no. 20m telecommunications streetworks pole, 1 no. equipment cabinet, 1 no. meter cabinet and associated ancillary development
Telecoms Base Station, Arundel Street

No update.

Item 10f
N/2020/0824
Change of Use from Dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4) for 4 occupants
14 Stanhope Road

No update.

Item 10g
N/2020/0972
Change of Use from Dwellinghouse (Use Class C3) to Children's Home (Use Class C2) to accommodate a maximum of 2no children aged 8 to 18 years old
121 Penrhyn Road

No update.

Item 10h
N/2020/0973
Change of Use from Dwellinghouse (Use Class C3) to Children's Home (Use Class C2) to accommodate a maximum of 2no children aged 8 to 18 years old
62 Penrhyn Road

No update.

12. NORTHAMPTON PARTNERSHIP HOMES APPLICATIONS

Item 12a
N/2020/0684
Removal of Condition 6 of Planning Permission N/2017/1029 (Demolition of Nos. 1-6 and 14-17 Toms Close and development of 21no new build affordable dwellings and associated landscaping) as bus shelter is no longer required
Toms Close

No update.

Item 12b

N/2020/0796

Single storey rear and side extension, together with internal alterations

20 Hardy Drive

No update.

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PLANNING COMMITTEE: 29th September 2020
DEPARTMENT: Planning Service
DIRECTOR OF PLANNING: Peter Baguley

APPLICATION REF: N/2020/0353

LOCATION: B and C, 102A Abington Street

DESCRIPTION: A mixed use development, involving a rear side rooftop extension for 2 new offices (Use Class B1) and 5 self contained residential flats (Use Class C3)

WARD: Castle Ward

APPLICANT: MSA Properties
AGENT: LMR Designs

REFERRED BY: Councillor D Stone
REASON: Inappropriate and intrusive development

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 would, subject to conditions, represent an acceptable land use contributing to the Council's 5-year housing land supply. The proposal would not have undue impact upon neighbour and visual amenity and would not adversely impact on the St Giles Conservation Area or the setting of the adjacent Listed Buildings. The proposal is therefore in conformity with the requirements of the National Planning Policy Framework; Policies H1, S10 and BN5 of the West Northamptonshire Joint Core Strategy; Policies 1 and 11 of the Northampton Central Area Action Plan, and the St Giles Conservation Area Appraisal and Management Plan.

2 THE PROPOSAL

- 2.1 A mixed-use development, involving a rear side rooftop extension for 2 new offices (Use Class B1, which will become Class E on 1st September 2020) and 5 self-contained residential flats (Use Class C3).
- 2.2 The supermarket floor is to remain unaltered this is at street level to Abington Street, but has a basement on the rear elevation.

- 2.3 The office floor, above the supermarket, is to be occupied as two open plan offices and a one bedroom flat, with kitchen/lounge.
- 2.4 The first floor would comprise of a one bed and a two-bedroom flats, both with separate kitchen/lounge and bathroom. To the rear they would have an amenity area comprising of a roof terrace.
- 2.5 The second floor would comprise of two one-bedroom flats, again with a kitchen/lounge, bathroom and roof terrace.
- 2.6 The main bedrooms and kitchen/lounges are to be on the rear elevation and look towards St Giles Churchyard.

3 SITE DESCRIPTION

- 3.1 The premises are located towards the end of Abington Street and is currently occupied as a Supermarket on the ground floor, having previously been occupied as a furniture shop. At first and second floor are offices. The supermarket also has a basement area, which leads to the loading bay area at ground level to the rear.
- 3.2 Surrounding the premises are a number of retail, drinking and fast food outlets and is also close to the Radio Northampton studio. St Giles Terrace to the south west of the site, includes some residential properties as well as commercial.
- 3.3 The property is located close to St Giles Conservation Area. The rear of the unit is visible from the Church of St Giles churchyard, a Grade 1 Listed Building, but the existing building is substantially screened by the William and Patricia Venton Centre (Age Concern), which is in a central location of the space behind Abington Street, York Road, St Giles Terrace and the Churchyard.
- 3.4 The access and parking for the supermarket and the proposed residential units is taken from the access road that serves the day care centre, which is accessed from York Road. Whilst a right of access for the retail unit is known, certificate B has been served as the extent of the right of access was uncertain and this will be a separate issue for the applicant to carry out due diligence to ensure his rights in this respect.

4 PLANNING HISTORY

- 4.1 Historic applications on the site have indicated that the upper floors of the property have been used for residential previously:
 - 1969 – change of use of flat to offices - approved.
 - 1975 – change of use from residential to offices (first and second floors) – approved.
 - 1979 – development of site for shop - approved
 - 2014 – new shop front – approved.
- 4.2 N/2016/0475 - Change of use from Retail (A1) to mixed use of retail and restaurant/cafe and install extraction flue. Approved 08/07/2016 but this has since expired.
- 4.3 N/2016/0476 - Erection of 6no. two bed flats located on the roof of the ground floor and associated car parking and install extraction flue. Withdrawn.
- 4.4 N/2019/0440 - Mixed use development for 2no new offices (Use Class B1) and 5no self-contained residential flats (Use Class C3), including rear/side rooftop extension with access from York Road. This application was approved on 08/08/2019. Although approved, due to an error on the plans, the approved scheme is unable to be implemented in the form 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, 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 preserving a listed building or its setting and 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:

Paragraphs 7-12 - Presumption in favour of sustainable development.

Section 5 - Housing Supply

Section 8 - Promoting healthy and safe communities.

Section 9 - Promoting sustainable transport

Section 11 - Making effective use of land

Section 12 - Achieving well designed places

Section 15 - Conserving and enhancing the natural environment

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 SA: presumption in favour of sustainable development requires the Council to take a positive approach that reflects a presumption in favour of sustainable development and that proposals should be determined in accordance with the development plan.

Policy S10: Sustainable Development Principles - Seeks to achieve the highest standards of design and to protect, conserve and enhance heritage assets and their settings.

Policy H1: Housing Density and Mix and Type of dwellings – considers the location and setting of the site, the character of an area, living conditions for future residents and amenities of occupiers of neighbouring properties. The principles of Policy H1 require that development should make most efficient use of land.

Policy BN5: The Historic Environment and Landscape – Heritage assets and their settings and landscapes will be conserved and enhanced in recognition of their individual and cumulative significance.

6.2 Northampton Central Area Action Plan 2013

The Central Area Action Plan (CAAP) provides specific planning policy and guidance for the town centre and adjoining areas where significant regeneration and investment is proposed in the period up to 2026 and is in conformity with the objectives of the NPPF. Relevant policies include:

Policy 1 - Promoting Design Excellence

Policy 11 – Town Centre Boundary

Policy 15 – Office and business uses
Policy 16 – Central Area Living

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 policy is material to this application:

Saved Policy E26 – new development to preserve or enhance character and appearance of conservation areas. This has been partly replaced by Policy 1 of the CAAP.

6.4 **Supplementary Planning Documents**

St Giles Conservation Area appraisal
Northamptonshire County Parking Standards 2016
Northampton Parking Standards 2019

7 **CONSULTATIONS/ REPRESENTATIONS**

Comments received are summarised as follows:

- 7.1 **NBC Public Protection** Officers have raised no objection to the proposal, although further information relating to noise and odour are required. Details have been submitted of the proposed refuse storage and any comments from the Environmental Health Officer will be included in the addendum to the Committee agenda.
- 7.2 **NCC Highways and Access** has raised objections to the use of the commercial access for residential traffic. The proposal contravenes the Northamptonshire Highways Development Strategy with regards shared drives. The Highway Authority objects to the application.
- 7.3 **Northamptonshire Police** following the submission of additional plans advice is given in respect of security measures associated with the entrance. Concerns have been expressed regarding the proximity of the cycle parking. Whilst no objection to the use is raised, unauthorised colonisation of the internal spaces, communal corridors and stairwells should be robustly addressed.
- 7.4 **NBC Conservation Section** No objection. The proposal is a revised scheme to extend above the ground floor to the rear of 102 Abington Street. The proposed stepping of the extension will reduce the impact on views from St Giles churchyard and from within Conservation Area and the setting of the grade II listed group of buildings at 1-8 St Giles Terrace compared to the previous proposal. Consider the impact to be acceptable.
- 7.5 **Town Centre Conservation Area Advisory Committee** have not raised objections to the proposal subject to appropriate facing materials being used.
- 7.6 **Anglian Water** has referred to its standing guidance relating to consultations with the authority. The applicant is required to check for any assets of Anglian Water that cross the site.
- 7.7 **Councillor Stone** – called in the application on the grounds of inappropriate and intrusive development that will impact negatively on the street scene and neighbours.
- 7.8 Three representations have been received from adjacent landowners. The comments raised relate to the following concerns:
- Loss of sunlight to courtyard/dining area
 - Impact on kitchen extraction system
 - Consideration needs to be given to disruption during construction
 - Insufficient detail to determine the application (Note: amended plans have subsequently been submitted)

- Impact on window to flat 3 of the adjacent property, reducing evening light
- Loss of privacy to flat 1 from balcony
- Concern about design, height incorrectly shown.
- Impact on elderly people visiting the William and Patricia Venton Centre
- Note that two previous schemes have been rejected (Note: one was refused the other was approved)
- Parking provision on site
- Entrance to offices is narrow and this would result in additional footfall
- Concern about noise
- Drawings have been drip-fed into the file with inaccurate date headers (Note: during the course of the application amended plans have been sought and added to the file, this is not an uncommon situation)
- Consider that the lack of accurate drawings are intended to mislead the planning authority

8 APPRAISAL

Principle of Development

- 8.1 The site is located in the Town Centre where Policy 16 of the CAAP allows for residential uses comprising 1 or 2 bedroom apartments. As such, and subject to the considerations below, the principle of residential use is acceptable and would contribute towards the Council's 5-year housing supply.

Design

- 8.2 The layout proposed comprises:
- The office level above the shop – to create two offices with 1 x 1 bedroom flat with a floor area of 63.6sqm.
 - The first floor with 1 x 1 bedroom flat (47.2sqm) and 1 x 2 bedroom flat (91.6sqm).
 - The second floor with 2 x 1 bedroom flats (54.9sqm and 31.2sqm).
 - All flats have kitchen/lounges and bathrooms.
 - All flats have a balcony area, which look towards St Giles Churchyard.
- 8.3 The floors are stepped back into tiers to lessen the impact on the conservation area and would have a flat roof. The materials will be Kingspan cladding panel, aluminium windows, anthracite grey. There would also be glass balustrades. It is recommended that a condition is imposed to seek further details of the balustrades, to ensure that the side panels are obscure glazed.
- 8.4 Access to the flats is from Abington Street, which is an existing entrance and a shared access with the offices. To the rear of the building, is a secure cycle parking area, which is accessed via York Road. This area also includes the refuse storage area for the supermarket.
- 8.5 The intention is to provide a management company who will be responsible ensuring that maintenance and refuse are kept in order.
- 8.6 Details have been submitted of the proposed refuse storage on the first floor. Refuse is proposed to be stored in a vented dedicated room that is in an open area between the existing offices and the proposed extension. Any comments from the Environmental Health Officer will be included in the addendum to the Committee agenda, but a condition has been recommended to ensure the implementation of any scheme.
- 8.7 Whilst the development is of a modern design, there are a variety of materials in this location and it is considered that the design will not adversely impact on the visual amenities of the area and street scene in line with Policy S10 of the JCS.

Impact on the Conservation Area and Listed Buildings

- 8.8 The area is close to the St Giles Conservation area, which includes a number of Listed Buildings, St Giles Terrace (which is in office use) being the closest. The application does not propose any alterations to the front elevation.
- 8.9 The rear elevation is visible from St Giles Churchyard and currently the rear elevation is dominated by a large flat roofed area, covering the shop and basement. The proposal seeks to construct a tiered three storey extension above this area.
- 8.10 A number of properties along this section of Abington Street have been the subject of extensions and alterations to form flats. This particular property has a large area of flat roof, and it is considered that this will give a softer edge to this elevation, by providing a second active frontage.
- 8.11 The existing flat roof elevation on this property, is quite prominent from the churchyard and the conservation area. The scheme proposed a tiered elevation with glass fronted balconies which step back as the height increased, is considered to reduce the impact on the churchyard of St Giles Church.
- 8.12 No objections have been raised by the Conservation Officer or the Conservation Area Advisory Committee.
- 8.13 It is considered that this would not significantly adversely impact on the appearance of the conservation area or the setting of the Listed Buildings including St Giles Church. The proposal is considered to meet the requirements of H1, S10 and BN5 of the JCS and the objectives of Policy E26 of the Northampton Local Plan.

Impact on surrounding residential properties

- 8.14 This part of Abington Street has been the subject of several applications for conversions/extensions to form flatted development.
- 8.15 The adopted planning policies for the area encourage the use of the upper floors of commercial buildings for residential purpose. The NPPF also encourages residential living in town centres to encourage the vitality of town centres. It is therefore relevant to consider the impact of the proposed and existing residential accommodation.
- 8.16 The upper floors and rear of 104 Abington Street adjacent to the application site comprise of the conversion of building to 6no 1 and 2 bed apartments alongside a two-storey extension over existing walkway to rear. The development has been recently completed and occupied. Access is from Abington Street and they sit above an existing restaurant.
- 8.17 The nearest flat is apartment 1, which would be a 2 bedroomed flat with a mezzanine floor. The windows on the back of the property would serve a lounge and bedroom. Above the lounge would be bedroom 2. This room would be only served by two rooflights either side of the pitched roof.
- 8.18 Apartment 4 of this development would have windows fronting Abington Street. The approved plans for this flat indicate a rooflight above the shower room, but no windows to Bedroom 1. On the ground floor at no. 104 is the bin store and a porch.
- 8.19 A comparison has been made between the existing flats and the proposed. It is considered that whilst there may be some overshadowing of the courtyard in terms of daylight, the courtyard will only be affected by the evening sun, although it is already overshadowed by the rear section of no. 104 itself. This is primarily an outside dining area for the restaurant, although it is understood that residents may use this area at certain times.
- 8.20 In terms of the windows to the first floor, again this would only be affected by the evening sun. It is acknowledged that there will be some loss of light to the smaller roof light of bedroom 2 of flat 1 but given the pitch of the roof, the larger rooflight would only experience some overshadowing.

- 8.21 The objector has referred to loss of privacy to flat 1 from the balcony. The nearest flat with no. 102A would be flat 1. The levels of this balcony would be below the existing boundary wall between nos. 102A and 104. Flat 2 on the first floor of no. 102A, has a bedroom closest to the boundary, with no balcony. There is a balcony proposed to the rear of the kitchen/lounge, but any overlooking of the balcony from no. 102 would be at an obscure angle and there would still be sufficient private area for future occupiers of flat 2.
- 8.22 The objector has sought his own advice and submitted sketch survey drawings which are not dissimilar to those submitted by the applicant in terms of the relationship.
- 8.23 The objector has also submitted a calculation of the sunlight to the rear of 104 Abington Street. These also indicate that there may be an impact on late afternoon and evening sun, which again not dissimilar from the Council's own assessment.
- 8.24 The objector considers that the loss of outlook would be significant. Whilst it is accepted that there would be a solid wall on part of the boundary and a loss of view, there would not necessarily be a significant loss of outlook that would result in demonstrable harm to warrant a refusal of the application.
- 8.25 Given the relationship between nos. 102A and 104, it is considered that there is unlikely to be significant loss of daylight or sunlight, arising from this proposal which would justify grounds for refusal, given the tiered nature of the design and the history of the site.
- 8.26 One of the letters of objection referred to concerns about the proposal blocking ventilation systems to these flats. At the time of the officer's visit, it was not clear where these ventilation vents were located. The approved drawings were reviewed, and the ventilation vents are indicated to be located on the opposite side of the outrigger that lies on the boundary. There is no planning requirement in respect of ventilation on this wall in respect of these flats, and it is therefore considered that this is a civil matter to be dealt with through the Party Wall Agreement, rather than a planning matter.
- 8.27 In respect of the proposal for the flats associated with nos.98-100 Abington Street (Burger King), on the opposing side of the application site, the majority of the windows on the side elevation, which would look towards the proposed flats, serve hallways, rather than habitable rooms. The rooms which are bedrooms would overlook the service yard, rather than the building.
- 8.28 It is considered that the separation distance between the two structures, along with the tiered nature of this application, would not result in a significant loss of daylight or outlook to the proposed flats.
- 8.29 In terms of the existing properties on York Road and St Giles Terrace, it is considered that the distance and the uses of the buildings are such that the proposal would not result in significant adverse harm on the amenities of these properties.
- 8.30 It is therefore considered that the proposal meets the requirements of Policy S10 of the JCS and Policy 1 of the CAAP.

Noise

- 8.31 The Environmental Health Officer (EHO) has raised concerns about the level of background noise in the area and the impact on the future occupiers of the flats. The day care centre has an air conditioning unit located on the elevation nearest to this property. This has previously been identified as a potential source of noise, odour and disturbance by the EHO.
- 8.32 Abington Street is predominantly pedestrianised, and any traffic noise would come from the York Road/Wellingborough Road junction. Within the comments, the EHO has referred to plant (ventilation and extraction) that may be located in the vicinity.

- 8.33 A noise report was carried out for the previous application, which was undertaken during the winter period and the EHO has noted that during the summer period these systems can work harder and longer in order to control the temperature of buildings. Given the current situation, where the restaurants, community and other town centre uses are not fully operational, it would not be appropriate to carry out a further survey at this time.
- 8.34 The Venton Centre (Age Concern), is situated to the rear of the site, is a normally a weekday centre only with no evening activities, so vehicle movements, extraction systems and general noise and disturbance are considered to be minimal during the normally hours where protection is sought.
- 8.35 The flats are screened from activities in Abington Street by the existing building, which it is considered would reduce the majority of noise and disturbance, particularly during the evening.
- 8.36 It has been agreed with the EHO that these matters can be addressed through a suitably worded condition, requiring a more robust noise assessment covering not only external noise but also internal noise.
- 8.37 The EHO had considered the impact of an office use in close proximity to the flats and an hours of use condition was considered, however, given that this would only apply to part of the building, it was considered this was not reasonable. The applicant will be required to ensure that the soundproofing meets the required standards for residential occupancy.

Odour

- 8.38 In respect of odour, there are some hot food outlets in the vicinity which would operate extraction equipment. The nearest is the Venton Centre (Age Concern community facility), which operates during the daytime only and for a relatively short part of the day.
- 8.39 As with the issue of noise, the Venton Centre offers limited services over a short space of time. The main purpose is to offer elderly clients somewhere to go for a shower, hairdressing and social activities. During the day a hot meal will be offered. It will be during the lunchtime period that the area may incur some odour.
- 8.40 This has been discussed with the EHO and it is considered that this is a relatively short period of time during the working week only and is unlikely to result in significant harm.
- 8.41 The other source of odour that could occur in the area, would be associated with Burger King. This is a relatively new addition to this area, having previously been operating as a public house. As a result of the planning approval for the change of use, further information of the extraction system and flue was required to assess impact on residential use. This was been subsequently agreed following consultation with the Public Protection Team.
- 8.42 Following consultation with the EHO, a request for an odour assessment was sought. The applicant responded that whilst a survey had not been carried out, there was no noticeable odour at the time of his visit. In addition, it was noted that recent applications that had been approved in this area, had not been subject to such an assessment, including the application for residential units above Burger King.
- 8.43 It was further noted that the extraction system associated with Burger King was a relatively new installation. Going forward any odour on this type of system, is more likely to be associated with maintenance of the system, rather than the design. Given that the flats referred to above, that have yet to be implemented have been considered with this use in mind, it is difficult to justify a stricter approach in terms of this application.
- 8.44 A further source of odour may be associated with the restaurant behind no. 104 Abington Street, Nuovo. There are already recently constructed flats to the rear and upper floors of this unit and to

date, no complaints have been received regarding the extraction system associated with the restaurant and the relationship of the existing flats.

- 8.45 Following a discussion with the EHO prior to the determination of the last application, it was considered that in the interests of maintaining a consistent approach, this would not be pursued, given that the two sources of potential odour were managed either by time or maintenance. It would therefore be unreasonable to request a condition in respect of this proposal.

Highways, access and Parking

- 8.46 The land surrounding the Venton Centre is in private ownership. A right of access is given over the land for deliveries to the supermarket. During the course of the application, it was advised that Certificate B and notice no 1 was served on the owners of the Venton Centre. The applicants believe that they would be able to implement any consent and provide parking and cycle storage on the area that is currently used for deliveries.
- 8.47 The Local Highway Authority (LHA) has objected to the use of shared use of the access for commercial and residential purposes. No objection was raised on the previous application subject to a condition requiring the submission of a CEMP. Other properties along York Road already use this entrance to access parking areas to the rear for both residential and office type uses.
- 8.48 Given that this is a sustainable location, both in terms of access to amenities, services and transport connections, it is reasonable to presume that not all the occupants would own cars. For this type of development parking would not be insisted on, however, the addition of parking is a bonus. It is therefore considered that for the level of vehicle movements that this development would generate, the LPA would not be able to justify a reason for refusal on highway grounds.
- 8.49 The Venton Centre operate a number of minibuses, which are stored on the site and are used during the day to collect clients. Parking for these vehicles appears to be on an ad-hoc basis, on land adjacent to the loading bay for the supermarket and to the side of the centre.
- 8.50 If a right of access exists, it will be for the two parties to ensure that both parties have clear access, rather than something that the LPA or LHA would police.
- 8.51 Whilst an element of parking provision is proposed, the property is located in a sustainable location, close to local facilities and public transport hubs. In this instance, whilst the LHA would not necessarily insist on parking provision on site, however the parking provision proposed on site is considered appropriate.
- 8.52 It is considered that the proposal meets the criteria set out in Policy S10 of the JCS and Policy 1 of the CAAP.

9 CONCLUSION

- 9.1 It is considered that the proposal would not adversely impact on the amenities of the area, and would add to the vibrancy and vitality of this part of the Town Centre and contribute to the Council's five year housing land supply and is therefore recommended for approval.
- 9.2 The proposed development would, subject to conditions, represent an acceptable land use and would not have undue impact upon neighbour and visual amenity. In addition, it is considered the proposal would not adversely impact on the St Giles Conservation Area of the setting of the adjacent Listed Buildings. The proposal is therefore in conformity with the requirements of the National Planning Policy Framework; Policies S10 and BN5 of the West Northamptonshire Joint Core Strategy; Policies 1 and 11 of the Northampton Central Area Action Plan, and the St Giles Conservation Area Appraisal and Management Plan.

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: 018-062-001E, 018-062-002F, 018-062-003D, 018-062-004C, 018-062-005C, 018-062-007F and 018-062-0011A.

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

3. Development shall not commence on any phase of development until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include but not be limited to the following:
 - a) the management of traffic during construction: to address site access, routes within site kept free from obstruction, wheel washing, loading and unloading, vehicle parking and turning areas, a scheme for prevention of surface water discharges onto the highway;
 - b) location of access points for site traffic during development;
 - c) detailed measures for the control of dust during the construction phase of development;
 - d) details of any temporary lighting;
 - e) hours of working and deliveries.

The development should be carried out in accordance with the approved document.

Reason: In the interests of surrounding amenity and highway safety in accordance with the aims and objectives of the National Planning Policy Framework. This is a pre-commencement condition to ensure timely submission of details.

4. Prior to the commencement of development, details of all proposed external facing materials and balconies 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 S10 of the West Northamptonshire Joint Core Strategy. This is a pre-commencement condition to ensure timely submission of details.

5. Notwithstanding the details submitted, prior to occupation of the development, details of the provision for the storage of refuse and materials for recycling for both commercial and residential uses shall be 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 development 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.

6. Full details of all security measures to be incorporated into the development, including secure access from Abington Street and security for the proposed cycle storage area shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the occupation of the residential accommodation hereby approved.

Reason: To ensure a satisfactory standard of development in the interests of the amenities of future occupiers, in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy.

7. Notwithstanding the submitted details, prior to the occupation of the development hereby permitted full details of a sound insulation and ventilation scheme to protect the development from sources of internal and external noise shall be submitted to and approved in writing by

the Local Planning Authority and the approved details shall be implemented prior to the occupation of the dwellings hereby permitted and retained thereafter.

Reason: In the interests of residential amenity and to secure a satisfactory standard of development in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.

8. The car parking spaces as shown on drawing no. 018-062-005 Rev B shall at all times be reserved for the parking of vehicles by residents and staff of the development hereby permitted.

Reason: To ensure a satisfactory standard of development and to ensure that adequate parking facilities are maintained in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy.

11 BACKGROUND PAPERS

- 11.1 N/2020/0353.

12 LEGAL IMPLICATIONS

- 12.1 The development is 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.



PLANNING COMMITTEE: 29th September 2020
DEPARTMENT: Planning Service
DIRECTOR OF PLANNING: Peter Baguley

APPLICATION REF: N/2020/0585

LOCATION: 10 Reedham Close

DESCRIPTION: Single storey front extension and part two storey / part single storey rear extension with internal alterations

WARD: Old Duston Ward

APPLICANT: Mrs B Singh
AGENT: Ontime Design

REFERRED BY: Councillor T Hadland
REASON: Impact on neighbours

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 and parking provision. The scheme as amended would not lead to any undue impact on adjacent residential amenity. 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, and saved Policy E20 of the Northampton Local Plan.

2 THE PROPOSAL

- 2.1 Single storey front extension and part two storey / part single storey rear extension with internal alterations.
- 2.2 The front extension would provide an extended lounge and porch. The proposed rear ground floor extension, which has been reduced in length from 6m to 5m during the application process, will provide a kitchen extension and utility with an additional bedroom above.

3 SITE DESCRIPTION

- 3.1 The site is located in a quiet residential estate within a cul-de-sac and the street is made up of mainly two storey semi-detached dwelling with hung tiles to the first floor. The property is set back from the highway with a grassed front garden area, and a communal parking area adjacent to the site.
- 3.2 Existing dwellings along this stretch of Reedham Close are generally of the same style and age. There are a number of neighbouring properties which have been extended to the front and rear within the vicinity of the site.

4 PLANNING HISTORY

- 4.1 None.

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 and Duston Neighbourhood Development Plan.

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:

Paragraphs 7-12 – presumption in favour of sustainable development

Section 12 – achieving well designed places

Paragraph 127 - to ensure a high standard of amenity for existing and future user

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 – Extensions

6.4 Supplementary Planning Documents

Planning out Crime in Northamptonshire SPG 2004

Residential Extensions and Alterations Design Guide SPD 2011

Northamptonshire County Parking Standards 2016

Northampton Parking Standards 2019

6.5 Other Material Considerations

Duston Neighbourhood Plan

At Full Council on 14th December 2015 Northampton Borough Council made the Duston Neighbourhood Plan. It now forms part of the Development Plan for Northampton. Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise (see section 38(6) of the Planning and Compulsory Purchase Act 2004).

The following policies are relevant to the determination of this proposal;

OP1: Sustainable Development Principle
H5 – The design of residential conversions and extension
BE1 Local Character areas

7 CONSULTATIONS/ REPRESENTATIONS

Comments received are summarised as follows:

7.1 **Councillor T Hadland** – objects and considered that the proposal would have detrimental impact on neighbours and calls the application in to Committee.

7.2 Comments received from 3 third parties on the original submission which are summarised as follows:

- Not in keeping with general characteristic within street
- Have detrimental effect on visual aspect of the local area
- Proposed gable roof of two storey extension not in keeping with pitched roof line
- Bathroom window will have detrimental effect due to proximity of boundary
- Reduction in sunlight and daylight
- Greater sense of enclosure to front and rear
- Size and outlook will be incongruous to sixties style estate
- Properties are set back to afford privacy
- Drainage sewage will not be able to cope
- Possible bats within roof
- Party wall proposal might affect structural underpinning of adjoining property
- Impact on residential amenity – breaches guidance set out within BRE as does not correctly show 45-degree line at first floor level which should be taken from nearest edge of the window
- Overbearing rear extension by way of scale, mass and harm levels of daylight and outlook from habitable rooms
- Roof lantern falls within 45-degree line from habitable room light spill expected
- Impact on character and appearance of area – no precedent for front extension within surrounding vicinity
- Side elevation of front extension will introduce visually detractive element into the street scene by way of scale and massing, where views along Reedham Close would be framed by this discordant and incongruous addition which is not harmonious with its surroundings
- The front proposal will break the historic rhythm of step and stagger in the streetscape, eroding the sense of place
- The rear extensions would appear as an incongruous and visually overbearing feature that would detract from the features of the original host building by way of scale, mass and overall proportions

7.3 Further 2 objections received on amended plans:

- Right to light inhibited from front extension

- Disturbance to bats
- Illegal for a shower room to lead directly from another room without a dividing wall
- Two storey extension does not comply with 45-degree rule
- Failed to show that a right of light assessment will not be required in relation to front extension
- Extension contravene guidance set out within the BRE document 'site layout planning for daylight and sunlight: A guide to good Practice (2011)
- Rear extensions will result in a form of development which is not sub-ordinate to the appearance of the original dwelling by way of scale, bulk, size and overall massing harmful to the surrounding residents
- The front extension by way of scale, bulk, size and overall massing will result in from of development harmful to the quality and appearance of the street scene and to the residential amenity of neighbouring properties

8 APPRAISAL

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

Design and appearance

- 8.2 The proposed development includes a single storey front extension, which would be visible from Reedham Close. The majority of the houses along Reedham Close are similarly styled semi-detached houses, and the building line along the row of these houses is staggered, with only a few of them having a front porch. Of these, No.16 Reedham Close is the most prominent, having been extended to the front in 2015 with a large L-shaped single storey front extension which extends 4m from the front of the property and therefore breaks the historic rhyme of step and staggered street scape. The proposed single storey front extension will have a lean to pitched roof and extend 2m from the front of the property. It is therefore considered due to the mix of different designs in the surrounding area, the proposed front extension would not appear prominent. Moreover, a condition has been recommended to build the extension in matching materials, which would integrate the proposed extension with the existing building. It is considered that proposed single storey front would not have any adverse impact on the character of the area.
- 8.3 The proposed extensions to the rear would not be widely visible in the street scene and would have a minimal impact on the character of the wider area. A matching materials condition has been recommended to ensure a satisfactory external appearance of development to accord with Policy S10 of the Joint Core Strategy and Policy E20 of the Northampton Local Plan.
- 8.4 The proposed single storey rear extension has been reduced in projection during the course of the application process from 6m to 5m from the existing rear wall, with the two-storey element projecting approximately 3.1m and having an extending gable with a pitched roof sitting lower than the existing ridgeline above. The property has a long narrow garden approximately 24.5m in length to the neighbouring boundary at the rear. Therefore, owing to the size of the application site, it is not considered that the proposed development would result in overdevelopment of the plot.
- 8.5 It is considered that the proposed development including the single storey front and rear extensions would not result in any adverse impact on the character of the area and would comply with the advice contained in the NPPF and saved Policy E20 of the Northampton Local Plan.

Residential amenity

- 8.6 In terms of the impact on the neighbouring properties, the proposed single storey rear extension would span the whole width of the rear of the host dwelling which is set off the boundary with the neighbouring property at No.8 Reedham Close. This neighbouring property is set back from the applicant site and the proposal does not extend past the building line. The part two-storey extension will be sited above the proposed single storey extension. The neighbouring property at

No.8 has a first-floor landing window on the side elevation facing towards the proposed first floor extension and a side door on the ground floor. Due to the orientation of the application property, the side elevation of the proposed first floor extension is sited 2m from this landing window. Whilst it is acknowledged that the proposal is likely to impact on the light to this window, the window does not serve a habitable room. There is an existing boundary fence on the side and it is not considered that the impact on the side door would be unacceptable.

- 8.7 The proposal also includes an additional window on the first floor which would serve a proposed bathroom and would be obscure glazed, would be inserted into the existing side elevation and would face onto a blank section of the neighbour side elevation. The front single storey extension would extend 2m with a lean to pitched roof 3.5m in height. The neighbour at No.8 is set back 5m and has its front door close to the boundary with the application site and a single living room window to the front. Due to the orientation of the neighbouring property, the front extension would cut into the 45-degree guide by 1m. Whilst it is acknowledged that the proposal would have some impact, the resulting impact is not considered detrimental to warrant a refusal of the application.
- 8.8 The neighbouring attached semi at No.12 Reedham Close has a single storey mono pitched roof rear extension that would partially screen the proposal. The proposal has been reduced in length to take account of the impact on the neighbouring property at No.12 and the single storey aspect extends 2m past the neighbouring extension. The proposed extensions to the rear would comply with the 45-degree rule in relation to the impact on No.12 and comply with the guidance in the Residential Extensions and Alterations Design Guide SPD. The single storey front extension would be positioned along the front boundary extending 2m, the neighbouring property has a bay window to the front and the front extension comply with the 45-degree guide. It is not considered that the proposal would have a detrimental impact on the residential amenity of the neighbouring property in terms of loss of outlook, light or overbearing.
- 8.9 The property to the rear of the site at No.46 Newton Road is situated some 20m away. On balance, it is considered, due to the separation distances, that the proposal would not cause a significant adverse impact to this neighbour's amenity in terms of overbearing, overlooking or loss of privacy.
- 8.10 The concerns that the proposal might affect structural underpinning of adjoining property and the drainage and sewage system will not be able to cope, are not a material planning matter as that would be covered by Building Regulations and the Party Wall Act, and so have not been taken into account. In relation to possible bats in the roof the applicant site, an informative will be put on any approval that requires the development to comply with the Conservation of Habitats and Species Regulations (2017) (as amended).

9 CONCLUSION

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

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, Block Plan, 10/RC/20/01 Rev B.

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. The proposed first floor side bathroom window shall be glazed with obscured glass to Level 3 or higher of the Pilkington scale of privacy or equivalent as may be agreed in writing by the Local Planning Authority before the development hereby permitted is first occupied and thereafter retained in that form at all times.

Reason: To safeguard the privacy of the adjoining property in accordance with Policy E20 of the Northampton Local Plan.

Informative:

If bats are discovered on site, the development needs to comply with the Conservation of Habitats and Species Regulations (2017) (as amended).

11 BACKGROUND PAPERS

11.1 N/2020/0585.

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.



NORTHAMPTON
BOROUGH COUNCIL

Title: **10 Reedham Close**

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PLANNING COMMITTEE: 29th September 2020
DEPARTMENT: Planning Service
DIRECTOR OF PLANNING: Peter Baguley

APPLICATION REF: N/2020/0764

LOCATION: 110 Lutterworth Road

DESCRIPTION: Change of Use from Dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4) for 4no. of occupants

WARD: Abington Ward

APPLICANT: Mr Raj Mayoornathan
AGENT: Faluck Raman Patel

REFERRED BY: Councillor Z Smith
REASON: Concerns of parking and loss of a family home

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 is considered acceptable as it would not result in an overconcentration of similar uses within the vicinity of the site, would provide adequate facilities for future occupants and would not be at risk from flooding. The site is in a sustainable location close to a Local Centre, bus services and amenities and would provide adequate facilities for cycle storage and refuse storage. and have an acceptable impact on flood risk. The proposal thereby complies with the aims and objectives of the National Planning Policy Framework., Policies H1, H5, 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 SPD 2019.

2 THE PROPOSAL

- 2.1 Permission is sought for a change of use from a dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4) for 4 occupants. Parking would be on-street.
- 2.2 The site lies within an Article 4 Direction area, which removes permitted development rights for change of use from a dwelling to a HIMO.

3 SITE DESCRIPTION

- 3.1 The application property consists of a two-storey, mid-terraced property on Lutterworth Road with similar terraced properties on both sides of the street. The property has a kitchen, dining room, lounge, a storeroom on the ground floor, three bedrooms and one bathroom on the first floor. There is also a basement to the property.
- 3.2 The application site is located within a predominantly residential area. The site is in close proximity to Wellingborough Road, which contains some retail units and access to bus routes.

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 the Northampton Local Plan (1997) saved policies.

6 National Policies

- 6.1 **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:

Paragraphs 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.

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 H1 - Housing Density, Mix and Type of Dwellings
Policy H5 - Managing the existing Housing Stock
Policy S10 - Sustainable Development Principles
Policy BN7 - Flood Risk

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
H30 - Multi occupation within a single dwelling

6.4 Supplementary Planning Documents

6.5 Houses in Multiple Occupation (HIMO) Supplementary Planning Document (November 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

7 CONSULTATIONS/ REPRESENTATIONS

Comments received are summarised as follows:

- 7.1 **Councillor Z Smith** - call in and object to on grounds of impact of parking, loss of family home and noise.
- 7.2 **Private Sector Housing (NBC)** - has advised that the applicant will require licensing under the mandatory licensing scheme. The property is suitable for the 4 people in 4 households and the amenities and facilities are adequate.
- 7.3 **NCC Highways** – No comments have been received from Highways. Any comments received after the publication of the report would be reported via the addendum.
- 7.4 1 objection received and the comments have been summarised as follow:
- Loss of family home.
 - Parking issues in the area
 - Over concentration of the HIMO in the area
 - Infrastructure of the area cannot support the increased number of HIMO
 - Anti-social behaviour
 - Refuse storage issues and fly tipping

8 APPRAISAL

Principle of the development

- 8.1 The conversion of the existing dwelling to a 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 Joint Core Strategy allows for HIMOs where the proposal would not adversely impact on the character of the area and amenity of residential areas.

Area concentration

- 8.2 NBC records evidence that there are 3 other HIMOs within a 50m radius of the application site. The use of this property as a HIMO would equate to 5.2% concentration and would clearly fall within the 10% maximum threshold recommended by the Council's adopted SPD in

relation to HIMOs. It is considered therefore that there would still be a reasonable mixture of house types within the area.

Size of property and facilities for future occupiers

- 8.3 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. The property is considered to be of sufficient size, providing room sizes in accordance with the Council's HIMO Supplementary Planning Guide and appropriate kitchen, WC and wash facilities. A condition restricting the use of the property to a maximum of 4 people would ensure over-development does not occur. All bedrooms would be served by adequate outlook and light. The application property has a basement and a condition has been recommended to ensure that it would not be used as a habitable room.

Flood Risk

- 8.4 The site lies in a low risk Flood Zone (Zone 1) where there is limited risk from flooding to the proposed use.

Highways / Parking

- 8.5 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.
- 8.6 No parking beat survey was submitted with the application, however, the applicant did provide a Sustainability Statement. It is considered that the application site is in a sustainable location within 400 metres of bus stop with buses stopping, on average, every 30 minutes. The site is also located within 190m of the nearest bus stop on Wellingborough Road to the north of the site. In this regard, the proposal is considered to be in accordance with the requirements of the SPD in respect of parking considerations. It also complies with Principle 5 of the Parking Standards SPD (2019).
- 8.7 Within such areas, the SPD recommends that storage space should be provided which is accessible to cycle users. Full details have been submitted for the cycle storage located to the rear of the property, which are secured by condition. The proposal is, therefore, in compliance with this principle of the SPD. 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 4 parking spaces, which is an increase of 2 compared to the existing use, as parking requirement for a 3-bed dwelling is 2 spaces.
- 8.8 There is no evidence to support that all the residents would own cars. Furthermore, regard must be paid to recent appeal decisions where Planning Inspectors have consistently taken the view that where a site is close to local amenities and public transport, and no parking is provided, considerable weight has been given to the sustainable location of the site, and the appeals concerned have been allowed. Indeed, some Inspectors have taken the view that proposed occupiers in recognising the lack of parking provision and proximity to amenities, may choose the location for this purpose and not wish to have cars.
- 8.9 In view of the recent appeal decisions, and the weight the Inspectors have given to the sustainability of locations, and having regard to the sustainable location of the application site, the number of occupants proposed, and that there is sufficient room within the site to provide secure bicycle storage, in accordance with the requirements of the HIMO SPD and the

Parking SPD, it is not considered that a refusal on highway grounds could be upheld at appeal.

Refuse storage

- 8.10 Details have been submitted for refuse in the rear amenity space, which are deemed acceptable. A condition has been recommended to secure the arrangement and provision.

Amenity

- 8.11 The proposed use falls within Use Class C4, which in effect categorises this as a residential use here is no evidence to demonstrate that the proposal would generate adverse amenity impacts such as noise or anti-social behaviour over and above those created by a more conventional C3 dwelling. Consequently, it is not considered that a refusal of planning permission, or the imposition of conditions in relation to amenity issues would be reasonable or sustainable at appeal.

9 CONCLUSION

- 9.1 The proposed development would not lead to an unacceptable concentration of HIMO's within the locality that would adversely affect upon the character of the local area, street scene, nor would the development have significant adverse impacts on neighbouring amenity or parking provision. The property is of sufficient size to accommodate the level of accommodation as proposed.
- 9.2 The proposed development would be in accordance with the aims and objectives of the National Planning Policy Framework, Policies H1, H5, and S10 of the West Northamptonshire Joint Core Strategy, saved Policies E20 and H30 of the Northampton Local Plan and the Council's Houses in Multiple Occupation SPD.
- 9.3 The proposed development is recommended for approval subject to the conditions listed below:

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: 2020/51 -04, 2020/51 -02, 2020/51 -03, 2020/51 -05.

Reason: For the avoidance of doubt and to accord with the terms of the planning application.
- 3) The maximum number of occupiers shall not exceed four at any one time.

Reason: In order to prevent over-development to accord with Policy H5 of the West Northamptonshire Joint Core Strategy and H30 of the Northampton Local Plan.
- 4) Facilities for the refuse and recycling storage as shown on drawing no. 2020/51-04 shall be implemented prior to the use hereby permitted commencing and retained thereafter.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy S10 of the Joint Core Strategy and E20 of the Northampton Local Plan.

- 5) Facilities for the secure and covered parking of bicycles as shown on drawing no. 2020/51-04 shall be implemented prior to the use hereby permitted commencing and retained thereafter.

Reason: To ensure the provision of adequate facilities in accordance with Policy S10 of the Joint Core Strategy and E20 of the Northampton Local Plan.

- 6) The basement shall not be used as a habitable room at any time during the lifetime of the development.

Reason: In the interests of residential amenity to comply with Policy H1 of the Joint Core Strategy.

10 BACKGROUND PAPERS

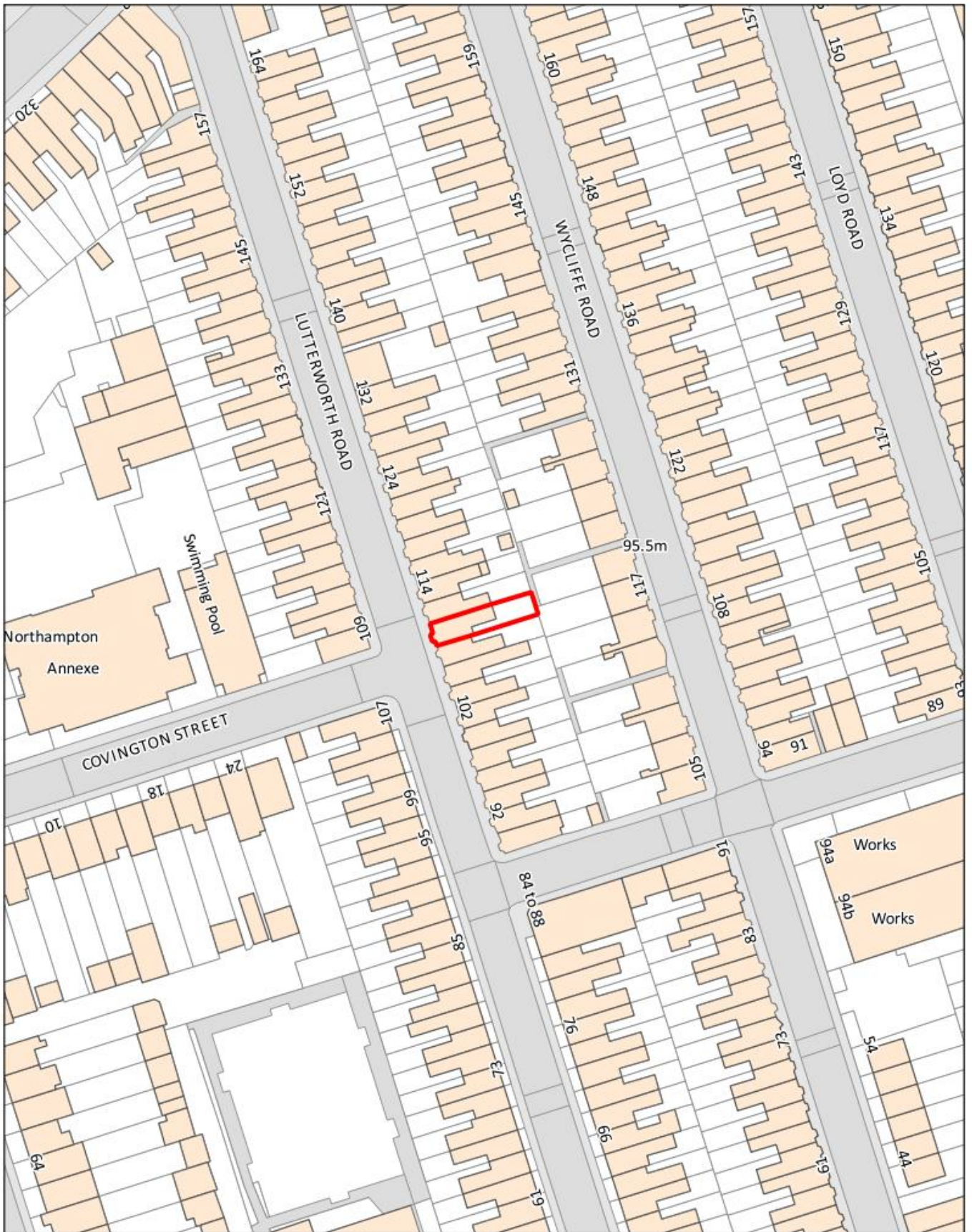
- 10.1 N/2020/0764.

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.



NORTHAMPTON
BOROUGH COUNCIL

Title: **110 Lutterworth Road**

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Date: 17-09-2020

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PLANNING COMMITTEE: 29th September 2020
DEPARTMENT: Planning Service
DIRECTOR OF PLANNING: Peter Baguley

APPLICATION REF: N/2020/0780

LOCATION: 5 Ditchford Close

DESCRIPTION: Change of Use from Dwellinghouse (Use Class C3) to Children's Home (Use Class C2) to accommodate up to 3no children aged 8 to 18 years old

WARD: Nene Valley Ward

APPLICANT: GAC Family Services
AGENT: TZ Town Planners Ltd

REFERRED BY: Director of Planning and Sustainability
REASON: Level of public interest

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1 RECOMMENDATION

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

The proposal would have no significant undue impact upon the character and appearance of the area, neighbour amenity and parking and highway safety. The proposal is therefore in conformity with the National Planning Policy Framework, Policies H1, H5 and S10 of the West Northamptonshire Joint Core Strategy, and Policies E20 and H29 of the Northampton Local Plan.

2 THE PROPOSAL

- 2.1 The application proposes the change of use of the existing dwellinghouse to a children's home for a maximum of three children aged 8 to 18 years old.
- 2.2 There will be no staff living permanently at the property, however there would always be a member of staff on site. One of the existing bedrooms would be used by the carers.
- 2.3 There are no external alterations proposed to the building.

3 SITE DESCRIPTION

- 3.1 The application site comprises a detached two storey dwelling located on the northern side of Ditchford Close. The site is provided with off-street parking for two vehicles.

4 PLANNING HISTORY

- 4.1 None.

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 the Northampton Local Plan (1997) saved policies.

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:

Paragraphs 7-12 - Presumption in favour of sustainable development.

Paragraph 60 - Housing needed for different groups in the community.

Paragraph 127 - Create places with a high standard of amenity for existing and future users.

Section 8 - Promoting healthy and safe communities.

Section 9 - Promoting sustainable transport

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 S10 - Sustainable Development Principles.

Policy H1- Housing.

Policy H5 - Managing the Existing Housing Stock.

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 policy is material to this application:

Policy E20 - New Development (Design)

Policy H29- Residential Institutions

5.5 Supplementary Planning Documents

Northampton Parking SPD (2019)

Planning out Crime in Northamptonshire SPG 2004

6 CONSULTATIONS/ REPRESENTATIONS

Comments received are summarised as follows:

- 6.1 **NBC Public Protection** – No objection. Recommend condition restricting the number of children and staff which would assist in protecting residential amenity from noise and disturbance.
- 6.2 **Private Sector Housing** – No objection. Advise the applicant that fire protection, detection and alarm systems will be required.
- 6.3 **Northamptonshire Police** – No objection as the children’s home will be regulated by the CQC and Ofsted.
- 6.4 **Councillor J Nunn** – Sympathises with neighbour concerns.
- 6.5 **NCC Highways** – No comment to make on application.
- 6.6 29 neighbour letters have been received objecting to the application. The concerns raised can be summarised as follows:

- Application form states there are three parking spaces but there are only two.
- Existing parking issues in area and no space for further on-street parking.
- Concern road would be blocked by vehicles so emergency services could not visit other properties.
- NCC Highways should be required to respond.
- Use will be at all times and concern as to the impact on neighbouring residents.
- Safeguarding issues from proposed children occupiers on existing residents.
- Believe children occupiers would have behavioural problems and substance abuse and the impact of this on other children in the street.
- Area is affluent and safe and does not warrant the presence of people with history of drug abuse.
- Concern as to how property will be operated, staff numbers, security measures, how guests are managed, plan for assisting existing residents with issues.
- Concerned property not large enough for three children and three adult carers.
- Question if children will frequently change and what backgrounds they will be from.
- Impact on community spirit
- Will not be like a family as carers do not live there.
- Concern duty manager who lives nearby could move jobs or homes.
- Believe current property is being used as a HIMO with people moving in and out every few weeks.
- Concerned application is hiding an alternative scheme (*Officer Comment: The application under assessment is that applied for only*).
- Concerned if property meets with current building regulations (*Officer Comment: This is not a material planning consideration*).
- Concerned Planning officers are working from home and not visiting sites during pandemic (*Officer Comment: The site has been visited by the Planning Officer*).
- Doesn’t understand what 3NO means (*Officer Comment: 3no means 3 number*).
- Concerned owner is not as outlined on application form within certificate B (*Officer Comment: The applicant has submitted evidence as to the owner of the property. No evidence has been received showing an alternative owner*).

7 APPRAISAL

Principle of development

- 7.1 The application proposes the conversion of an existing dwellinghouse to a children’s home for a maximum of three children. At ground floor would be a shared lounge, dining room, conservatory, kitchen, utility room, W/C and garage. At first floor would be three bedrooms, one of which is en-suite, a shared bathroom, and a carer’s room.

- 7.2 The proposal is intended to be operated similarly to a 'family' with a maximum of three children being looked after by carers 24/7. With regards to staffing levels, there will be no staff living permanently at the property, however there would always be a member of staff on site. During the day there would be 2 carers on duty and an Ofsted registered manager who will only be on site during the morning. At night, there will be one member of staff on duty. Shift patterns are 8am-2pm, 2pm-8pm, and 8pm-8am.
- 7.3 Visitors to the site are expected to be professionals such as social workers who must visit monthly. Family members do not visit the children at home, with these being by prior arrangement at a contact centre.
- 7.4 The use of a dwellinghouse as a care home for up to 3 children is not considered to be a significant change in terms of the principle as compared with a dwelling, subject to there being an acceptable impact with regards to the impact upon the street scene, amenities of adjoining occupiers, and highway safety. It is not considered that the proposed change would have an unacceptable impact upon the character of the area, with any use being similar in style and scale to the existing use as a dwellinghouse where any occupier could easily have three or more children.

Design

- 7.5 The proposal does not include any changes to the exterior to the existing building. As such it is not considered that there would be any impact upon the character and appearance of the host property or street scene as a result of this proposal.

Amenity

- 7.6 As part of the assessment of this application, the Council's Public Protection team have been consulted on the proposal. No concerns were raised by this team as to the impact upon neighbouring amenity due to the small level of the use. Public Protection requested a condition limiting the number of children to 3 and the number of staff to 3, to ensure that the potential impacts on amenity can be controlled, as if the use is restricted to the low numbers detailed in the application, this would assist in protecting general residential amenity.
- 7.7 It is the case that the use of a house for the care of up to three children is broadly similar to a family dwellinghouse. As a dwellinghouse, each room could have occupiers looking through windows, playing within the garden, and making noise associated with a large family dwellinghouse. As a Care Home for young person's, occupiers would be looking through existing windows, at existing views over neighbouring properties, and would reasonably make the same level of noise disturbance as expected from a family within this building.
- 7.8 It has also been advised that there are infrequent visitors to the site, restricted to professional visits such as the Social Services. Any family visitors are required through Ofsted to meet the children at a contact centre under supervision and on neutral ground. The only likely frequent visitors, other than staff, would be social workers once monthly.
- 7.9 With no objection having been received from Public Protection, and with the disturbance from this property likely to be to a similar level as a three children family and how the property could already be used, it is not considered that the proposed change of use would result in an unacceptable impact upon neighbouring amenity.

Parking and highway safety

- 7.10 As discussed earlier within this report, it is the case that there would be a maximum of three staff at any one time on this site, although the norm is likely to be one to two members of staff. The occupiers of the property would be children between the ages of 8 and 18 and as such are unlikely to have vehicles themselves, and family visitors are not allowed at the property. It is, therefore,

likely that the level of car use associated with this property would be similar to a two parent household.

- 7.11 The application site is provided with a driveway for two vehicles alongside a garage. It is understood that parking also occurs on the grass of the front garden however this cannot be considered a formal parking space. Garages are also not counted as formal parking spaces due to the limited size when compared to current car sizes. As such the site is considered to provide two off-street car parking spaces. The site is also within reasonable walking distance of bus stops and the local facilities.
- 7.12 NCC Highways have been consulted on this application and have raised no comments on the proposal.
- 7.13 With two off-street parking spaces, with no objection from NCC Highways, and with the site being within walking distance of shops and bus routes, it is considered that the proposal would not have an unacceptable impact upon the highway network.
- 7.14 With regards to bicycle storage, the application site has a garage and a secure rear garden within which bicycles could be stored.
- 7.15 With regards to bin storage, there is room for the bins to be stored within the garage or rear garden and this is considered acceptable for the proposed use.

8 CONCLUSION

- 8.1 To conclude it is considered that the proposed change of use to a C2 children's home would not have an unacceptable impact upon neighbouring amenity and the highway network. As such the proposed change of use is considered acceptable and it is recommended that planning permission is granted subject to conditions.

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, A100-A-PROPOSED.

Reason: For the avoidance of doubt and to accord with the terms of the planning application.
- 3. The number of occupants in care within this property shall not exceed 3 persons at any one time and the age of the occupants in care within this property shall be between the ages of 8 years and 18 years only.

Reason: In the interests of the amenity of the area and neighbouring residents, and highway safety in accordance with Policies H1 and H5 of the West Northamptonshire Joint Core Strategy.
- 4. There shall not be more than 3 members of staff on site at any one time.

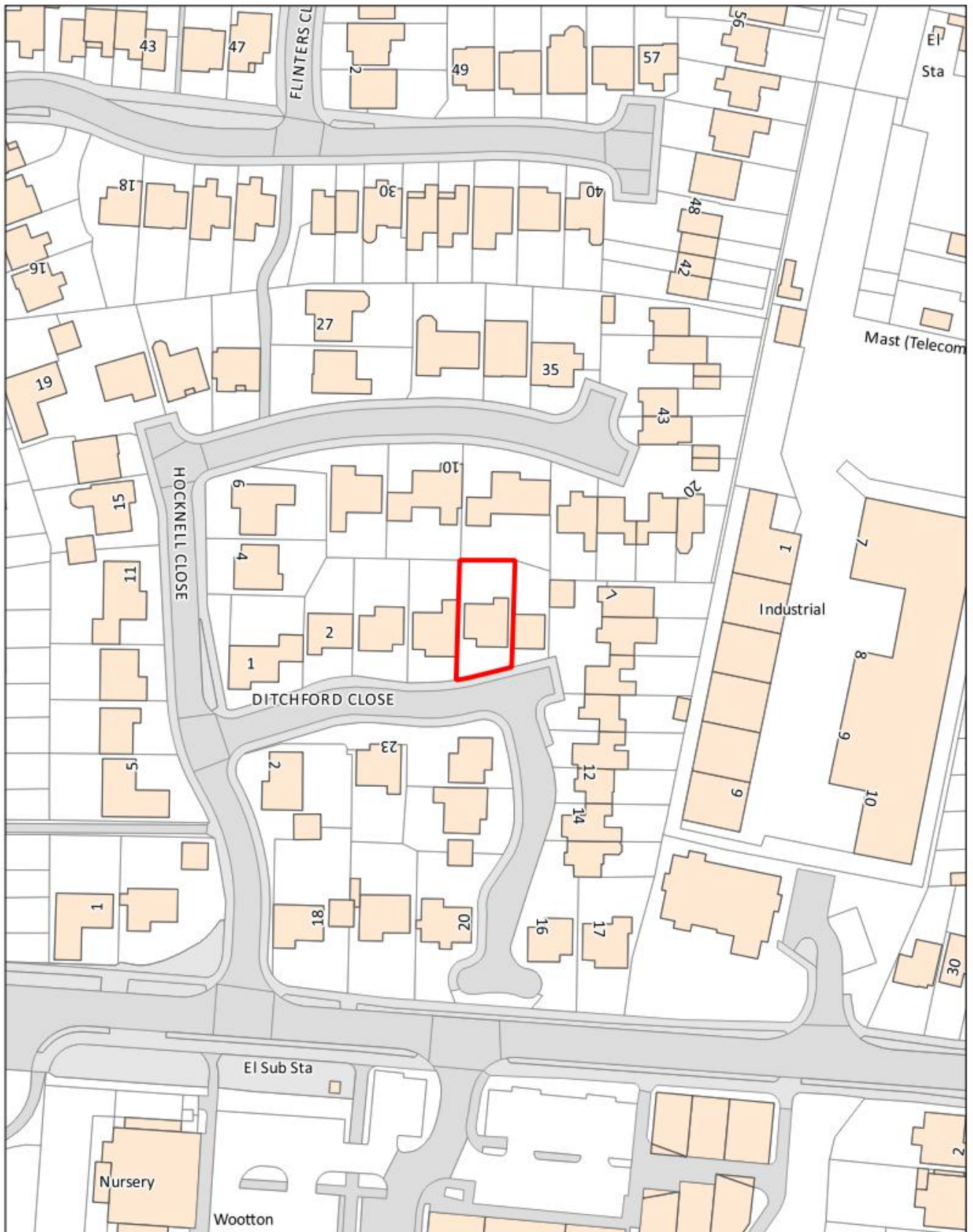
Reason: In the interests of the amenity of the area and neighbouring residents, and highway safety in accordance with Policies H1 and H5 of the West Northamptonshire Joint Core Strategy.

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.



Title: **5 Ditchford Close**

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PLANNING COMMITTEE: 29th September 2020
DEPARTMENT: Planning Service
DIRECTOR OF PLANNING: Peter Baguley

APPLICATION REF: N/2020/0781

LOCATION: Telecoms Base Station, Arundel Street

DESCRIPTION: Prior Notification of installation of 1no 20m telecommunications streetworks pole, 1no equipment cabinet, 1no meter cabinet and associated ancillary development

WARD: Semilong Ward

APPLICANT: Cornerstone
AGENT: Sitec Infrastructure Services Ltd

REFERRED BY: Councillor L Marriott
REASON: Impact on Memory Gardens

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1 RECOMMENDATION

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

The proposal is considered acceptable in terms of siting and design and accords with the aims of the National Planning Policy Framework, Policy S10 of the West Northamptonshire Joint Core Strategy and Policy E20 of the Northampton Local Plan.

2 THE PROPOSAL

2.1 Prior Notification of installation of 1no 20m telecommunications streetworks pole, 1no equipment cabinet, 1no meter cabinet and associated ancillary development.

3 SITE DESCRIPTION

3.1 The site comprises a wide area of pavement located on Arundel Street, set back from the junction of Arundel and Grafton Street, close to the Memorial Gardens and industrial buildings.

4 PLANNING HISTORY

4.1 No recent planning history.

5 PLANNING POLICY

5.1 Statutory Duty

5.2 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 the 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. NPPF states as follows:

- Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections. Policies should set out how high-quality digital infrastructure, providing access to services from a range of providers, is expected to be delivered and upgraded over time; and should prioritise full fibre connections to existing and new developments (as these connections will, in almost all cases, provide the optimum solution).
- The number of radio and electronic communications masts, and the sites for such installations, should be kept to a minimum consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion. Use of existing masts, buildings and other structures for new electronic communications capability (including wireless) should be encouraged. Where new sites are required (such as for new 5G networks, or for connected transport and smart city applications), equipment should be sympathetically designed and camouflaged where appropriate.

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:

- 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 policy is material to this application:

- E20 Design of new development

7 CONSULTATIONS/ REPRESENTATIONS

Comments are summarised as follows:

7.1 **NBC Public Protection** – No objections to the proposal as the relevant ICNIRP guidelines are attached to the application.

7.2 **NBC Estates** – No comments received.

- 7.3 **NCC Highways** – The applicant will have to contact our New Roads & Street Works Act Section for the relevant Licences to install equipment within the limits of the publicly maintained highway. They can be contacted by email at NRSWA@kierwsp.co.uk.
- 7.4 **Councillor L Marriott** – Calls in the application on the grounds of the siting of the mast close to the Memorial gardens.
- 7.5 **Semilong Trinity Neighbourhood Forum** – No comments received.
- 7.6 **4 third party objections and 2 comments** received, **including a petition** against the proposal signed by 4 local residents. Comments summarised as follows:
- This is neglect on behalf of the welfare of residents in the area. This is a highly built up area.
 - Concerns about health and safety including abnormalities and cancers.
 - Suppressing frequencies to make them safe means they are not safe.
 - The Council has a duty to protect its people.
 - Requests the ‘precautionary principle’ is applied.
 - Affects physical and mental health.
 - Will appear ugly in the area.
 - Existing 4G is fine and no need for 5G.
 - Suggest location closer to the school.
 - Question of how long the works will take and how much disturbance to Grafton Street.
 - Will it interfere with TV or telephone reception?
 - Cautionary concerns about whether it is the best placement.

8 APPRAISAL

8.1 Main issues

8.2 The only issues to consider under the prior notification procedure in respect of telecommunications are siting and design.

8.3 Principle of development and Applicant’s Justification and alternative sites

8.4 The reuse of an existing site is the preference under the NPPF, however full consideration has been given to alternative sites along Grafton Street and the surrounding site search area. The proposed new mast has been sited and designed in order to provide 5G coverage and to support the existing mobile network. The nature of this requires equipment and antennas to be different and separated from the existing apparatus.

8.5 The 5G Vodafone antennas, and associated equipment to be utilised, cannot be accommodated on a traditional shared Streetworks pole design, which would require significant changes and so separate poles must be provided in order for a more streamline design. The applicant is seeking to place the new pole in as close proximity to the existing one as possible, taking account of technical constraints, together with issues of safety, highway visibility splays, availability of power and fibre connections, and ensuring as far as practically possible, any visual impact is minimised.

8.6 5G is short for ‘fifth generation mobile networks’. It has been designed to be far faster than previous generations and to allow new uses for mobile data. In the UK, rollout is now commencing. The main benefits of 5G are that it will be much faster and have higher capacity than 4G, with download speeds in excess of 1Gbps. 5G coverage and superfast mobile broadband data capacity demand will continue to increase exponentially.

8.7 The applicant has also submitted an ICNIRP certificate which has been viewed by NBC Environmental Health.

Siting and Design

- 8.8 Paragraph 127 of the NPPF states; Planning decisions should ensure that developments:
- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - are visually attractive as a result of good architecture, layout and appropriate and effective;
 - are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).
- 8.9 Policy S10 of the Joint Core Strategy and Policy E20 of the Local Plan require high standards of design.
- 8.10 The pavement on the western site of Arundel Street, a short distance to the south of the proposed site, houses an existing telecommunications mast. The nature of the antennas, and the separation required from other items of associated equipment, is such that it cannot utilise some existing structures that provide an installation for another operator. The proposed site, therefore, has been selected on a wide area of pavement sufficient to accommodate the proposal. It is set back from the junction with Grafton Street, close to a backdrop of mature trees to the east, and the industrial warehouses to the north and west. There is a high-rise residential development on the other side of Grafton Street however, the nearest gable end overlooking the site does not have any windows. There are a number of existing vertical elements including high street lighting columns along Grafton Street. It is not considered the proposed mast and associated infrastructure would appear as incongruous in such a setting. The proposed mast has been kept to the absolute minimum which can be achieved in this area. The applicant has confirmed that the existing tree heights would prevent signal from a pole of reduced height.
- 8.11 The plans indicate that the associated street level cabinets will be in RAL6009 Fir Green which would assimilate with the greenery within the memorial gardens. The mast would be grey, which is consistent and considered to be more appropriate given surrounding street furniture and industrial buildings. It is also consistent with the existing mast.
- 8.12 On balance, and taking into account all constraints, the siting and appearance as proposed is considered acceptable.

Highway safety

- 8.13 The proposal is unlikely to cause any concerns in terms of highway safety. The Local Highway Authority did not raise an objection. The proposed cabinets would be set off the footpath and therefore pedestrians can pass.

Health issues

- 8.14 The scheme will not cause any undue impact on the services outlined above and fully complies with ICNIRP standards. An ICNIRP certificate is enclosed with the application which has been reviewed by NBC Environmental Health who raise no objection. As a consequence, the applicant has satisfied their legal duty in this regard.

Other concerns

- 8.15 Objectors have questioned the siting and the safety and health impacts of 5G. These have been considered during the application process; however, the applicant has met obligations in this regard as above and National Government stipulates that local planning authorities must determine applications on planning grounds. As such, the prior approval process allows for consideration of siting and design only.

9 CONCLUSION

- 9.1 National planning policy is to facilitate the growth of new and existing telecommunications systems, and operators have obligations to meet customer demands for improved quality of service. This application explains the technical need for the installation to provide improved customer service.
- 9.2 In terms of siting and design, it is considered that the proposal would have an acceptable impact upon the character and appearance of the local environment, adjacent to a main road. The benefits to residents and visitors to the area, by the introduction of 5G technologies to the area outweigh any potential perceived negative impacts. In all these circumstances it is concluded that there no policy or other objections that would warrant not granting prior approval.

10 CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 100 A, 200 A, 201 A, 300 A, 301 A.

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

2. Notwithstanding the submitted plans, the external walls of the new cabinets hereby approved shall be painted in RAL 6009 (Fir Green) prior to the installation hereby approved coming into use and retained in that form thereafter.

Reason: In the interests of visual amenity to ensure that the works harmonise with the surrounding area in accordance with Policy E20 of the Northampton Local Plan.

Informative

The applicant will be required to contact our New Roads & Street Works Act Section for the relevant Licences to install equipment within the limits of the publicly maintained highway. They can be contacted by email at NRSWA@kierwsp.co.uk.

11 BACKGROUND PAPERS

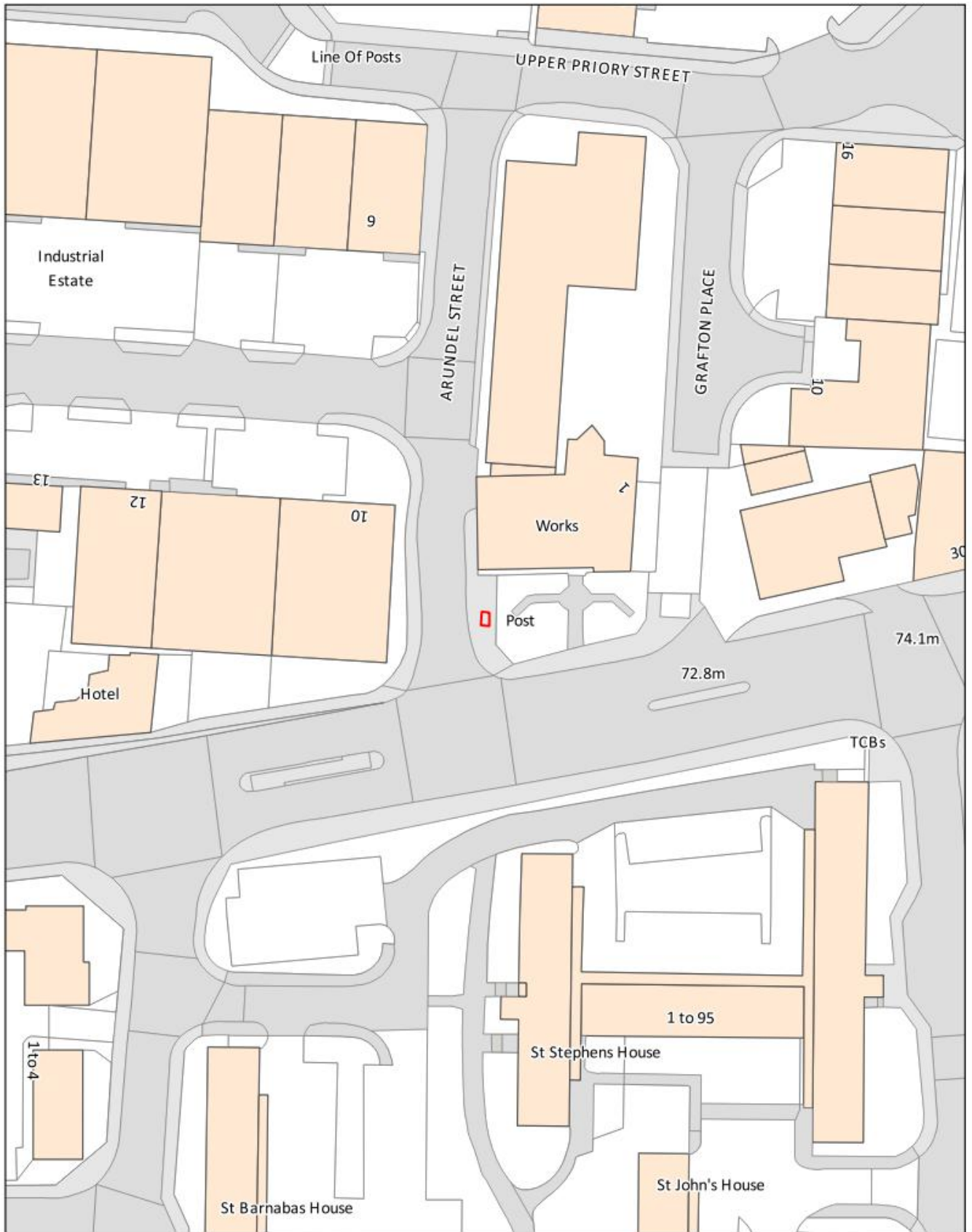
- 11.1 N/2020/0781.

12 LEGAL IMPLICATIONS

- 12.1 The proposal is not CIL chargeable.

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.



Title: **Arundel Street**

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PLANNING COMMITTEE: 29th September 2020
DEPARTMENT: Planning Service
DIRECTOR OF PLANNING: Peter Baguley

APPLICATION REF: N/2020/0824

LOCATION: 14 Stanhope Road

DESCRIPTION: Change of Use from Dwellinghouse) (Use Class C3) to House in Multiple Occupation (Use Class C4) for 4 occupants

WARD: Trinity Ward

APPLICANT: Ms Joycelyn Appiah
AGENT: Leimen Ltd

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

DEPARTURE: No

APPLICATION FOR DETERMINATION:

APPLICATION FOR DETERMINATION:

1 RECOMMENDATION

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

The proposed development is considered acceptable as it would not result in an over concentration of similar uses within the vicinity of the site, it would provide adequate facilities for future occupants. Notwithstanding existing parking conditions in the local area, the site is in a sustainable location close to a local shopping centre, bus services and amenities and would provide adequate facilities for cycle storage and refuse storage. The proposal thereby complies with Policies H1, H5 and S10 of the West Northamptonshire Joint Core Strategy, saved Policy H30 of the Northampton Local Plan, the Council's Houses in Multiple Occupation Interim Planning Policy Statement (IPPS) and the aims and objectives of the National Planning Policy Framework.

2. THE PROPOSAL

2.1 Permission is sought for a change of use from a 2 bedroom dwelling house (Use Class C3) to a house in multiple occupation (HIMO) (Use Class C4) for 4 people in 4 bedrooms. Parking would be on-street.

2.2 The proposal as originally submitted proposed a change of use to a house in multiple occupation (HIMO) (Use Class C4) for 5 people in 5 bedrooms including a bedroom located within the

basement. After officers expressed concerns about the limited outlook and natural light that would unacceptably impact on living conditions, the basement bedroom was removed from the scheme and the number of occupants reduced to 4 only.

3. SITE DESCRIPTION

- 3.1 The application site comprises a two storey, mid-terraced, 2 bedroom property with a basement with an existing loft conversion on Stanhope Road, located in a residential area with similar terraced properties on the street. The property has a kitchen/diner, 2 lounge areas, diner and a WC on the ground floor, 2 bedrooms and a bathroom on the first floor, a basement room and an attic room.
- 3.2 The site is situated between Kingsthorpe Grove and Kingsthorpe Road within a relatively dense residential area of terraced houses with nearby commercial and retail properties.

4 PLANNING HISTORY

- 4.1 None.

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

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.

Paragraph 17 sets out core planning principles that include seeking to secure high quality design and a good standard of amenity for existing and future occupiers; encouraging the effective use of land by using brownfield sites; managing patterns of growth to make fullest use of sustainable transport methods and in sustainable locations.

Paragraph 56 seeks to ensure good design is a key aspect of sustainable development and should contribute to making places better for people.

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

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 policy is material to this application:

Policy H30 – Multi occupation with a single dwelling

5.5 **Supplementary Planning Documents**

Northamptonshire Parking Standards (September 2016)
Planning out Crime in Northamptonshire SPG 2004
Northampton Parking Standards SPD

5.6 **Other Material Considerations**

Houses in Multiple Occupation SPD Nov 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 **Councillor J Birch** – called in the application on the grounds of

- overcrowding
- noise and disturbance
- excess rubbish and fly tipping detrimental to the character of the area
- the standard of accommodation
- waste and cycle storage located to the rear requiring that cycles and rubbish be carried through the dwelling
- lack of parking and impact on Queens Park Working Men's Club
- level of objections received from local residents

6.2 **Councillor C Russell** – raised objections on the grounds of

- waste and cycle storage at properties
- waste within the area
- highway safety
- the standard of accommodation

6.3 **Private Sector Housing (NBC)** – Advised that the property and facilities are sufficient for 4 people as detailed with adequate room sizes, kitchen facilities and sanitary facilities but advises that the premises will require licensing under the mandatory licensing scheme. They also state that the plans show no provision for fire protection, detection and alarm systems which will be required to meet the appropriate standards.

6.4 **Local Highways Authority** – no comments received.

6.6 **Objections received from 15 local residents** raising concerns as follows:

- Over concentration of HIMOs in the area
- Impact on parking within the street and access for emergency services
- Lack of adequate fire protection and escape
- Rubbish, waste collection and fly tipping
- Noise Pollution
- Lack of community and anti-social behaviour
- Lack of access from the rear to enable bin and cycle storage to be accessible without going through the dwellinghouse

7. APPRAISAL

Principle of the development

7.1 The conversion of the existing dwelling to a 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 Joint Core Strategy 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 Council records evidence that there are 3 other HIMOs within a 50m radius of the application site. There are 45 residential properties within the radius and therefore the introduction of an additional HIMO would represent an 6.66% concentration. This would clearly fall within the 10% maximum threshold recommended by the Council's adopted Interim Planning Policy Statement in relation to HIMOs.

Size of property and facilities for future occupiers

7.3 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. The property is considered to be of sufficient size, providing room sizes in accordance with the Council's HIMO Facilities and Amenities Guidance and appropriate kitchen/dining, WC and wash facilities. A condition restricting the use of the property to a maximum of 4 people would ensure over-development does not occur. Private Sector Housing have confirmed that the room sizes, amenities and facilities are acceptable. All bedrooms would be served by adequate outlook and light. The application property has a basement and a condition has been recommended to ensure that it would be used as a storage area only.

Highways/Parking

1.2 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.

1.3 No parking beat survey was submitted with the application, this was due to not being able to undertake one under the current restrictions relating to travel. It is considered that the application site is in a sustainable location within 400 metres of bus stop with buses stopping, on average, every 30 minutes. The site is also located within 346m of the nearest bus stop on Kingsthorpe Road to the south-west of the site. In this regard, the proposal is considered to be in accordance

with the requirements of the SPD in respect of parking considerations. It also complies with Principle 5 of the Parking Standards SPD (2019).

- 1.4 Within such areas, the SPD recommends that storage space should be provided which is accessible to cycle users. Full details have been submitted for the cycle storage located to the rear of the property, and this is considered acceptable, despite the rear garden only being accessible through the dwellinghouse. The proposal is, therefore, in compliance with this principle of the SPD. The Northamptonshire Parking Standards state that HIMO shall provide on plot parking at the ratio of one parking space per bedroom. The proposed development will produce a demand for 2 additional spaces than the lawful use, as a 2 bedroom dwelling would normally require 2 parking spaces.
- 1.5 There is no evidence to support that all the residents would own cars. Furthermore, regard must be paid to recent appeal decisions where Planning Inspectors have consistently taken the view that where a site is close to local amenities and public transport, and no parking is provided, considerable weight has been given to the sustainable location of the site, and the appeals concerned have been allowed. Indeed, some Inspectors have taken the view that proposed occupiers in recognising the lack of parking provision and proximity to amenities, may choose the location for this purpose and not wish to have cars.
- 1.6 In view of the recent appeal decisions, and the weight the Inspectors have given to the sustainability of locations and having regard to the sustainable location of the application site, the number of occupants proposed, and that there is sufficient room within the site to provide secure bicycle storage, it is not considered that a refusal on highway grounds could be upheld at appeal.

Refuse storage

- 7.9 Details have been submitted for refuse storage, which are deemed acceptable despite the need to transport refuse through the property on collection days as many properties in the area currently do. A condition has been recommended to retain the arrangement and provision.

Amenity

- 7.10 The proposed use falls within Use Class C4, which in effect categorises this as a residential use. There is no evidence to demonstrate that the proposal would generate adverse amenity impacts such as noise or anti-social behaviour over and above those created by a more conventional C3 dwelling. Consequently, it is not considered that a refusal of planning permission, or the imposition of conditions in relation to amenity issues would be reasonable or sustainable at appeal.

8. CONCLUSION

- 8.1 The proposed development not lead to significant adverse impacts on neighbouring amenity and the property is of sufficient size to accommodate the level of accommodation as proposed.
- 8.2 The proposed development would be in accordance with the requirements of Policies H1, H5, and S10 of the West Northamptonshire Joint Core Strategy, saved Policy H30 of the Northampton Local Plan, the Council's Houses in Multiple Occupation Interim Planning Policy Statement and the aims and objectives of the National Planning Policy Framework.
- 8.3 The proposed development is recommended for approval subject to the following conditions.

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 plan: A937-1b and A937-S1

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 four 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. Facilities for the refuse and recycling storage as shown on drawing no.A937-1b shall be implemented prior to the use hereby permitted commencing 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. Facilities for the cycle storage as shown on drawing no.A937-1b shall be implemented prior to the use hereby permitted commencing 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.

6. The basement room shall be used as storage room only and shall not be used as a bedroom at any time.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of accommodation is provided, in accordance with Policies H1 and H5 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

10. BACKGROUND PAPERS

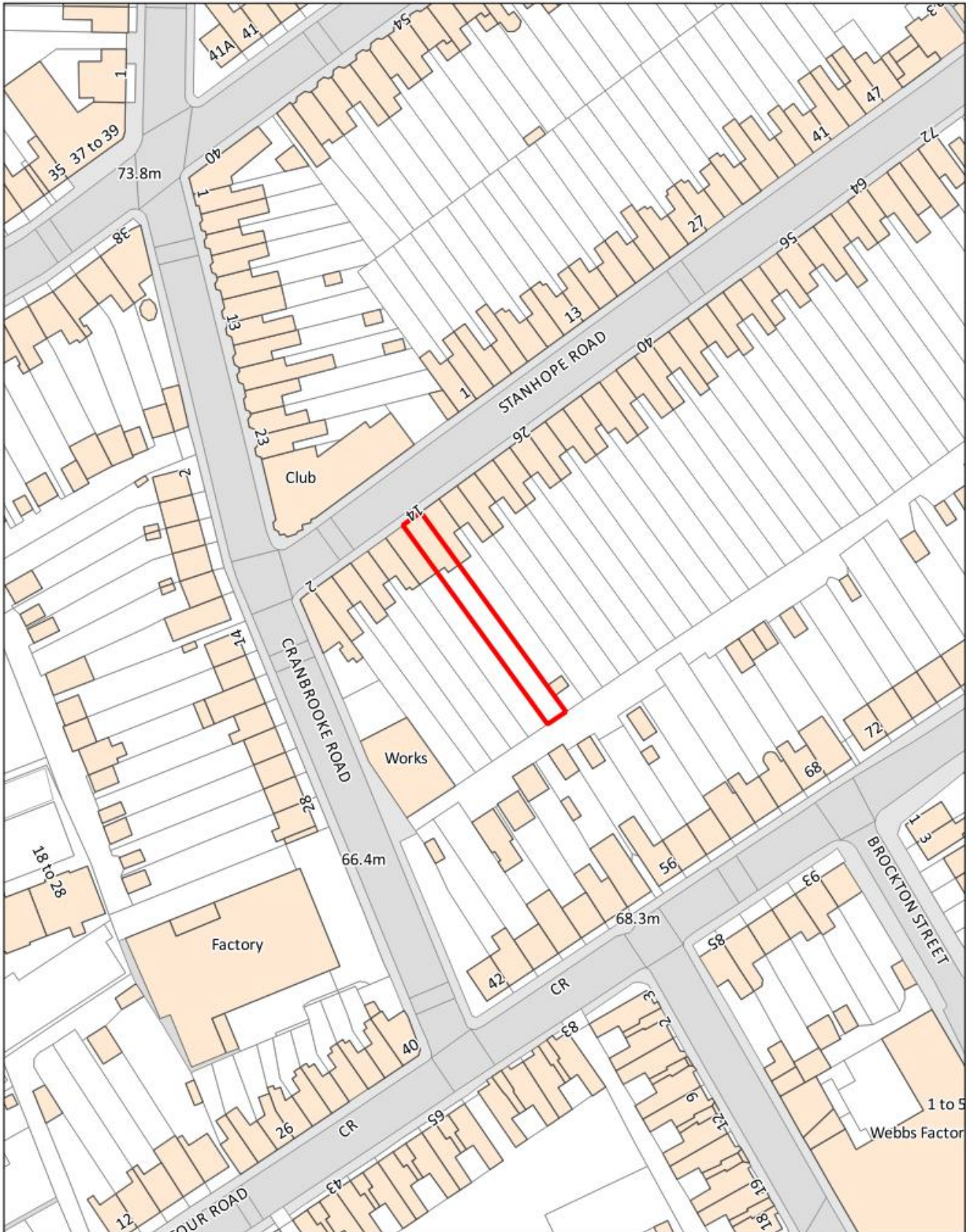
- 10.1 N/2020/0824.

11. LEGAL IMPLICATIONS

- 11.1 The development is CIL not chargeable.

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.



NORTHAMPTON
BOROUGH COUNCIL

Title: **14 Stanhope Road**

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Date: 17-09-2020

Scale: 1:1,000

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PLANNING COMMITTEE: 29th September 2020
DEPARTMENT: Planning Service
DIRECTOR OF PLANNING: Peter Baguley

APPLICATION REF: N/2020/0972

LOCATION: 121 Penrhyn Road

DESCRIPTION: Change of Use from Dwellinghouse (Use Class C3) to Children's Home (Use Class C2) to accommodate a maximum of 2no children aged 8 to 18 years old

WARD: Delapre & Briar Ward

APPLICANT: CAG Family Services
AGENT: Land and General Planning Services

REFERRED BY: Councillor J Davenport
REASON: Concerns about parking and anti-social behaviour

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1 RECOMMENDATION

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

The proposal would have no significant undue impact upon the character and appearance of the area, neighbour amenity and parking and highway safety. The proposal is therefore in conformity with the National Planning Policy Framework, Policies H1, H5 and S10 of the West Northamptonshire Joint Core Strategy, and Policies E20 and H29 of the Northampton Local Plan.

2 THE PROPOSAL

- 2.1 The application proposes the change of use of the existing dwellinghouse to a children's home for a maximum of two children aged 8 to 18 years old.
- 2.2 There will be no staff living permanently at the property, however there would always be a member of staff on site.
- 2.3 There is no external alteration proposed to the property. One of the existing bedrooms would be used by a carer.

3 SITE DESCRIPTION

- 3.1 The application site comprises an end of terrace two storey 3-bed dwelling located on the southern side of Penrhyn Road. Parking is provided on-street.

4 PLANNING HISTORY

- 4.1 None.

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 the Northampton Local Plan (1997) saved policies.

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:

Paragraphs 7-12 - Presumption in favour of sustainable development.

Paragraph 60 - Housing needed for different groups in the community.

Paragraph 127 - Create places with a high standard of amenity for existing and future users.

Section 8 - Promoting healthy and safe communities.

Section 9 - Promoting sustainable transport

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 S10 - Sustainable Development Principles.

Policy H1 - Housing.

Policy H5 - Managing the Existing Housing Stock.

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 policy is material to this application:

Policy E20 - New Development (Design)

Policy H29 - Residential Institutions

5.5 Supplementary Planning Documents

Northampton Parking SPD (2019)

Planning out Crime in Northamptonshire SPG 2004

6 CONSULTATIONS/ REPRESENTATIONS

Comments received are summarised as follows:

- 6.1 **NBC Public Protection** – No objection. Recommend condition restricting number of children which would assist in protecting general residential amenity.
- 6.2 **Private Sector Housing** – The property is not considered a HIMO as it will only be occupied by two occupiers. No involvement unless a complaint of disrepair is received.
- 6.3 **Northamptonshire Police** – No objection as the children’s home will be regulated by the CQC and Ofsted.
- 6.4 **Councillor J Davenport** – Concern with impact on parking and anti-social behaviour from children with behavioural problems exacerbating issues already seen with HIMOs and students, further affecting the character of the area.
- 6.5 4 neighbour letters have been received objecting to the application. The concerns raised can be summarised as follows:
- Crime issues in area, not suitable for children.
 - Change may result in an increase in anti-social behaviour.
 - Existing parking issues in the street. Staff and visitors to this property would exacerbate the issue.
- 6.6 1 letter of support has been received appreciating the need for this type of housing for young people in need.

7 APPRAISAL

Principle of development

- 7.1 The application proposes the conversion of an existing dwellinghouse to a children’s home for a maximum of two children. A shared lounge, kitchen, dining room, and bathroom are provided, alongside two bedrooms and a carer’s room.
- 7.2 The proposal is intended to be operated similarly to a ‘family’ with a maximum of two children being looked after by carers 24/7. With regards to staffing levels, there will be no staff living permanently at the property, however there would always be a member of staff on site. During the day there would be 2 carers on duty and an Ofsted registered manager who will only be on site during the morning. When children are at school, only one support staff will be on duty during the day. At night, there will be one member of staff on duty. Shift patterns are 8am-2pm, 2pm-8pm, and 8pm-8am.
- 7.3 Visitors to the site are expected to be professionals such as social workers who must visit monthly. Other appointments, such as with GPs, are offsite. Family members do not visit the children at home, with these being by prior arrangement at a contact centre.
- 7.4 The planning statement outlines that ‘the children who will be looked after at this property are children who are finding it hard to be placed with a foster parent(s) and reasons for this are varied and one of them could be because there is no availability of places with foster parents and the local authority would have decided that the child cannot live with their parents. The purpose of this is to provide the children with a family home where there are responsible individuals 24/7 (carers who will be on a rota) who will look after the children and support them to live a normal family life. A maximum of 3 staff will be on duty at the property at any one time.’
- 7.5 The use of a dwellinghouse as a care home for up to 2 children is not considered to be a significant change in terms of the principle as compared with a dwelling, subject to there being an acceptable impact with regards to the impact upon the street scene, amenities of adjoining occupiers, and highway safety. It is not considered that the proposed change would have an

unacceptable impact upon the character of the area, with any use being similar in style and scale to the existing use as a dwellinghouse where any occupier could easily have two or more children.

Design

- 7.6 The proposal does not include any changes to the exterior to the existing building. As such it is not considered that there would be any impact upon the character and appearance of the host property or street scene as a result of this proposal.

Amenity

- 7.7 As part of the assessment of this application, the Council's Public Protection team have been consulted on the proposal. No concerns were raised by this team as to the impact upon neighbouring amenity due to the small level of the use. Public Protection requested a condition limiting the number of children to 2, to ensure that the potential impacts on amenity can be controlled, as if the use is restricted to the low numbers detailed in the application, this would assist in protecting general residential amenity.
- 7.8 It is the case that the use of a house for the care of up to two children is broadly similar to a family dwellinghouse. As a dwellinghouse, each room could have occupiers looking through windows, playing within the garden, and making noise associated with a large family dwellinghouse. As a Care Home for young persons, occupiers would be looking through existing windows, at existing views over neighbouring properties, and would reasonably make the same level of noise disturbance as expected from a family within this building.
- 7.9 It has also been advised that there are infrequent visitors to the site, restricted to professional visits such as the Social Services. Any family visitors are required through Ofsted to meet the children at a contact centre under supervision and on neutral ground. The only likely frequent visitors, other than staff, would be social workers once monthly.
- 7.10 With no objection having been received from Public Protection, and with the disturbance from this property likely to be to a similar level as a two children family and how the property could already be used, it is not considered that the proposed change of use would result in an unacceptable impact upon neighbouring amenity.

Parking and highway safety

- 7.11 As discussed earlier within this report, it is the case that there would be a maximum of three staff at any one time on this site, although the norm is likely to be one to two members of staff. The occupiers of the property would be children between the ages of 8 and 18 and as such are unlikely to have vehicles themselves, and family visitors are not allowed at the property. It is, therefore, likely that the level of car use associated with this property would be similar to a two parent household.
- 7.12 The application site is not provided with any parking, however on-street parking is not restricted. The site is also within reasonable walking distance of bus stops and the town centre.
- 7.13 NCC Highways have been consulted on this application and no comments have been received and therefore it must be presumed that there is no objection to the scheme.
- 7.14 With no objection having been received from NCC Highways, and the site being within walking distance of shops and bus routes, it is considered that the proposal would not have an unacceptable impact upon the highway network.
- 7.15 With regards to bicycle storage, the application site has a secure rear garden within which bicycles could be stored.

- 7.16 With regards to bin storage, there is room for the bins to be stored within the rear garden and this is considered acceptable for the proposed use.

8 CONCLUSION

- 8.1 To conclude it is considered that the proposed change of use to a C2 children's home would not have an unacceptable impact upon neighbouring amenity and the highway network. As such the proposed change of use is considered acceptable and it is recommended that planning permission is granted subject to conditions.

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, A101-A PROPOSED FLOOR PLANS.

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

3. The number of occupants in care within this property shall not exceed 2 persons at any one time and the age of the occupants in care within this property shall be between the ages of 8 years and 18 years only.

Reason: In the interests of the amenity of the area and neighbouring residents, and highway safety in accordance with Policies H1 and H5 of the West Northamptonshire Joint Core Strategy.

4. There shall not be more than 3 members of staff on site at any one time.

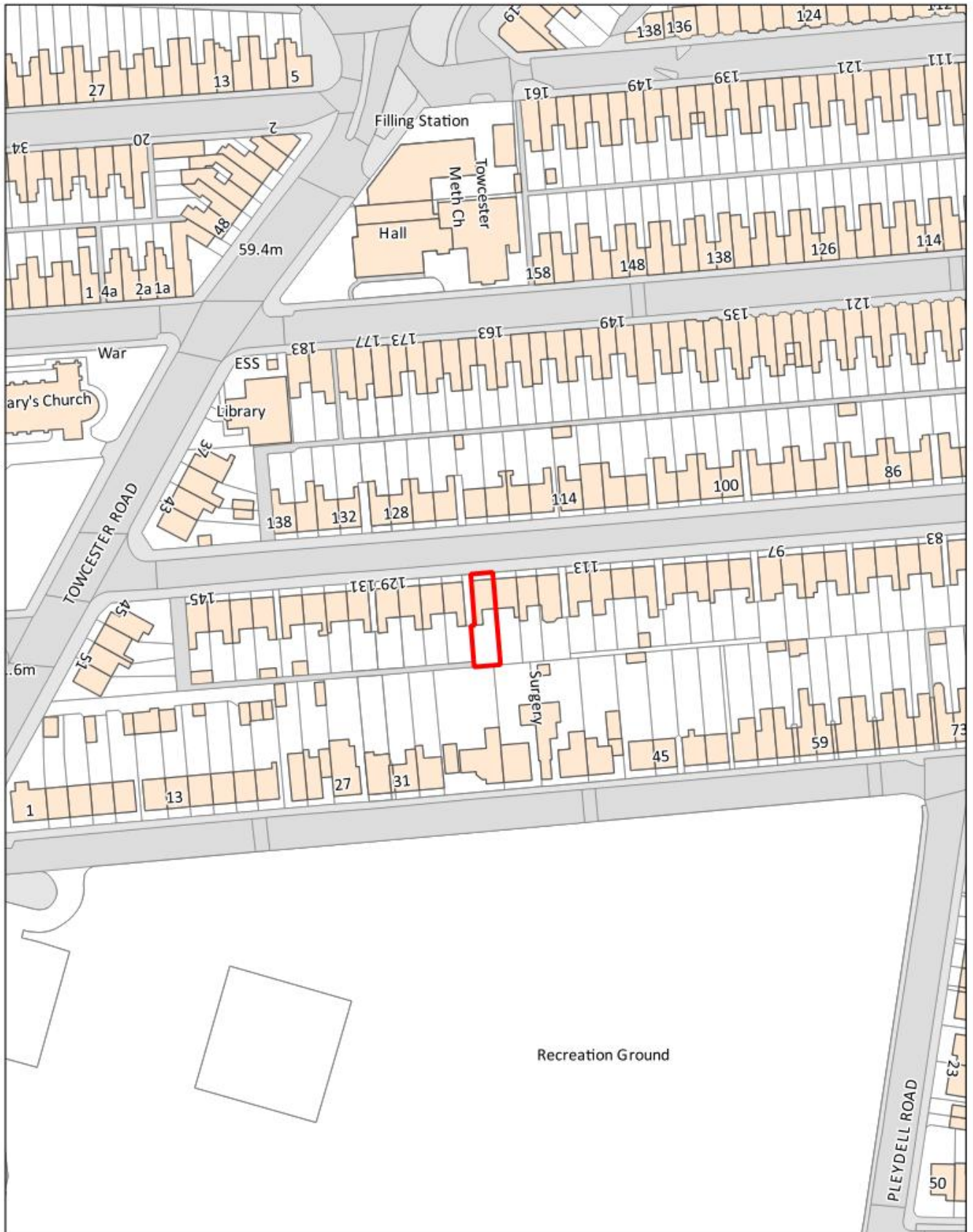
Reason: In the interests of the amenity of the area and neighbouring residents, and highway safety in accordance with Policies H1 and H5 of the West Northamptonshire Joint Core Strategy.

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.



Title: **121 Penrhyn Road**

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Date: 17-09-2020

Scale: 1:1,250

Drawn by: -----



PLANNING COMMITTEE: 29th September 2020
DEPARTMENT: Planning Service
DIRECTOR OF PLANNING: Peter Baguley

APPLICATION REF: N/2020/0973

LOCATION: 62 Penrhyn Road

DESCRIPTION: Change of Use from Dwellinghouse (Use Class C3) to Children's Home (Use Class C2) to accommodate a maximum of 2no children aged 8 to 18 years old

WARD: Delapre & Briar Ward

APPLICANT: GAC Family Services Ltd
AGENT: Land and General Planning Services

REFERRED BY: Councillor J Davenport
REASON: Concerns about parking and anti-social behaviour

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1 RECOMMENDATION

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

The proposal would have no significant undue impact upon the character and appearance of the area, neighbour amenity and parking and highway safety. The proposal is therefore in conformity with the National Planning Policy Framework, Policies H1, H5 and S10 of the West Northamptonshire Joint Core Strategy, and Policies E20 and H29 of the Northampton Local Plan.

2 THE PROPOSAL

- 2.1 The application proposes the change of use of the existing dwellinghouse to a children's home for a maximum of two children aged 8 to 18 years old.
- 2.2 There will be no staff living permanently at the property, however there would always be a member of staff on site. One of the existing bedrooms would be used by the carers.
- 2.3 There are no external alterations proposed to the property.

3 SITE DESCRIPTION

- 3.1 The application site comprises an end of terrace two storey dwelling located on the northern side of Penrhyn Road. Parking is provided on-street.

4 PLANNING HISTORY

- 4.1 None.

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 the Northampton Local Plan (1997) saved policies.

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:

Paragraphs 7-12 - Presumption in favour of sustainable development.

Paragraph 60 - Housing needed for different groups in the community.

Paragraph 127 - Create places with a high standard of amenity for existing and future users.

Section 8 - Promoting healthy and safe communities.

Section 9 - Promoting sustainable transport

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 S10 - Sustainable Development Principles.

Policy H1- Housing.

Policy H5 - Managing the Existing Housing Stock.

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 policy is material to this application:

Policy E20 - New Development (Design)

Policy H29 - Residential Institutions

5.5 Supplementary Planning Documents

Northampton Parking SPD (2019)

Planning out Crime in Northamptonshire SPG 2004

6 CONSULTATIONS/ REPRESENTATIONS

Comments received are summarised as follows:

- 6.1 **NBC Public Protection** – No objection. Recommend condition restricting number of children.

- 6.2 **Private Sector Housing** – The property is not considered a HIMO as it will only be occupied by two occupiers. No involvement unless a complaint of disrepair is received.
- 6.3 **Northamptonshire Police** – No objection as the children’s home will be regulated by the CQC and Ofsted.
- 6.4 **Ward Councillor Davenport** – Concern with impact on parking and anti-social behaviour from children with behavioural problems exacerbating issues already seen with HIMOs and students, further affecting the character of the area.
- 6.5 3 neighbour letters have been received objecting to the application. The concerns raised can be summarised as follows:
- Parking on Penrhyn Road is difficult as existing.
 - Concern will result in increased anti-social behaviour.
 - Existing crime issues on street – proposed children will have total disregard for law and order.
 - Not in keeping with area.

7 APPRAISAL

Principle of development

- 7.1 The application proposes the conversion of an existing dwellinghouse to a children’s home for a maximum of two children. A shared lounge, kitchen, dining room, and bathroom are provided, alongside two bedrooms and a carer’s room.
- 7.2 The proposal is intended to be operated similarly to a ‘family’ with a maximum of two children being looked after by carers 24/7. With regards to staffing levels, there will be no staff living permanently at the property, however there would always be a member of staff on site. During the day there would be 2 carers on duty and an Ofsted registered manager who will only be on site during the morning. When children are at school, only one support staff will be on duty during the day. At night, there will be one member of staff on duty. Shift patterns are 8am-2pm, 2pm-8pm, and 8pm-8am.
- 7.3 Visitors to the site are expected to be professionals such as social workers who must visit monthly. Other appointments, such as with GPs, are offsite. Family members do not visit the children at home, with these being by prior arrangement at a contact centre.
- 7.4 The planning statement outlines that ‘the children who will be looked after at this property are children who are finding it hard to be placed with a foster parent(s) and reasons for this are varied and one of them could be because there is no availability of places with foster parents and the local authority would have decided that the child cannot live with their parent. The purpose of this is to provide the children with a family home where there are responsible individuals 24/7 (carers who will be on a rota) who will look after the children and support them live a normal family life. A maximum of 3 staff will be on duty at the property at any one time.’
- 7.5 The use of a dwellinghouse as a care home for up to 2 children is not considered to be a significant change in terms of the principle as compared with a dwelling, subject to there being an acceptable impact with regards to the impact upon the street scene, amenities of adjoining occupiers, and highway safety. It is not considered that the proposed change would have an unacceptable impact upon the character of the area, with any use being similar in style and scale to the existing use as a dwellinghouse where any occupier could easily have two or more children.

Design

- 7.6 The proposal does not include any changes to the exterior to the existing building. As such it is not considered that there would be any impact upon the character and appearance of the host property or street scene as a result of this proposal.

Amenity

- 7.7 As part of the assessment of this application, the Council's Public Protection team have been consulted on the proposal. No concerns were raised by this team as to the impact upon neighbouring amenity due to the small level of the use. Public Protection requested a condition limiting the number of children to 2, which would assist in protecting general residential amenity.
- 7.8 It is the case that the use of a house for the care of up to two children is broadly similar to a family dwellinghouse. As a dwellinghouse, each room could have occupiers looking through windows, playing within the garden, and making noise associated with a large family dwellinghouse. As a Care Home for young persons, occupiers would be looking through existing windows, at existing views over neighbouring properties, and would reasonably make the same level of noise disturbance as expected from a family within this building.
- 7.9 It has also been advised that there are infrequent visitors to the site, restricted to professional visits such as the Social Services. Any family visitors are required through Ofsted to meet the children at a contact centre under supervision and on neutral ground. The only likely frequent visitors, other than staff, would be social workers once monthly.
- 7.10 With no objection having been received from Public Protection, and with the disturbance from this property likely to be at a similar level as a two children family and how the property could already be used, it is not considered that the proposed change of use would result in an unacceptable impact upon neighbouring amenity.

Parking and highway safety

- 7.11 As discussed earlier within this report, it is the case that there would be a maximum of three staff at any one time on this site, although the norm is likely to be one to two members of staff. The occupiers of the property would be children between the ages of 8 and 18 and as such are unlikely to have vehicles themselves, and family visitors are not allowed at the property. It is, therefore, likely that the level of car use associated with this property would be similar to a two parent household.
- 7.12 The application site is not provided with any parking, however on-street parking is not restricted. The site is also within reasonable walking distance of bus stops, local facilities and the town centre.
- 7.13 NCC Highways have been consulted on this application and no comments have been received and therefore it must be presumed that there is no objection to the scheme.
- 7.14 With no objection having been received from NCC Highways, and the site being within walking distance of shops and bus routes, it is considered that the proposal would not have an unacceptable impact upon the highway network.
- 7.15 With regards to bicycle storage, the application site has a secure rear garden within which bicycles could be stored.
- 7.16 With regards to bin storage, there is room for the bins to be stored within the rear garden and this is considered acceptable for the proposed use.

8 CONCLUSION

- 8.1 To conclude, it is considered that the proposed change of use to a C2 children's home would not have an unacceptable impact upon neighbouring amenity and the highway network. As such the

proposed change of use is considered acceptable and it is recommended that planning permission is granted subject to conditions.

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, A101-B PROPOSED FLOOR PLANS.

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

3. The number of occupants in care within this property shall not exceed 2 persons at any one time and the age of the occupants in care within this property shall be between the ages of 8 years and 18 years only.

Reason: In the interests of the amenity of the area and neighbouring residents, and highway safety in accordance with Policies H1 and H5 of the West Northamptonshire Joint Core Strategy.

4. There shall not be more than 3 members of staff on site at any one time.

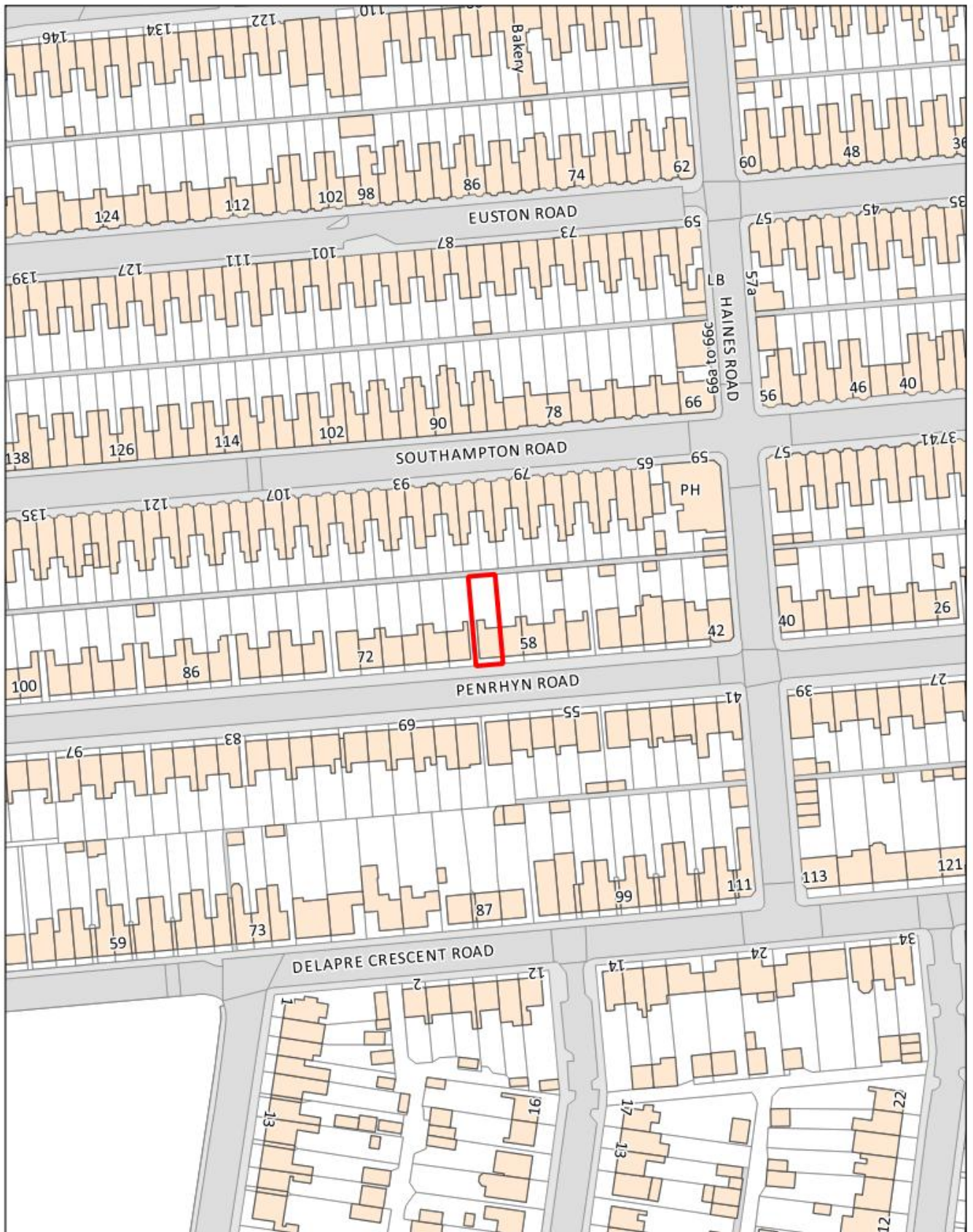
Reason: In the interests of the amenity of the area and neighbouring residents, and highway safety in accordance with Policies H1 and H5 of the West Northamptonshire Joint Core Strategy.

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.



Title: **62 Penrhyn Road**

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Date: 17-09-2020

Scale: 1:1,250

Drawn by: -----



PLANNING COMMITTEE: 29th September 2020
DEPARTMENT: Planning Service
DIRECTOR OF PLANNING: Peter Baguley

APPLICATION REF: N/2020/0684

LOCATION: Development land at Toms Close

DESCRIPTION: Removal of Condition 7 of Planning Permission N/2017/1029 (Demolition of Nos. 1-6 and 14-17 Toms Close and development of 21no new build affordable dwellings and associated landscaping) as bus shelter is no longer required

WARD: Nene Valley Ward

APPLICANT: Northampton Partnership Homes
AGENT: N/A

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 removal of Condition 7 as proposed is considered acceptable. The proposed development would provide an acceptable living environment for future residents subject to the proposed conditions. The proposal would have no detrimental impact on the wider highway network or the amenities of neighbouring and nearby occupiers and would not be out of keeping with the character and appearance of the area. The proposed development would therefore comply with Policies S1, S3, S10, H1 and H2 of the West Northamptonshire Joint Core Strategy, Policies H17, H32, E20 of the Northampton Local Plan and the National Planning Policy Framework.

2 THE PROPOSAL

2.1 The application seeks to remove Condition 7 of planning permission N/2017/1029 relating the demolition of the existing dwellings and erection of 21 affordable dwellings at Toms Close. Condition 7 required the provision of a southbound bus shelter on Watering Lane. The Highway Authority has advised that the bus shelter is no longer required.

3 SITE DESCRIPTION

- 3.1 The application site comprises the redevelopment of a site previously occupied by 10 semi-detached dwellings located on Toms Close, a residential cul-de-sac located within Collingtree village but outside of Collingtree Conservation Area.
- 3.2 The residential re-development of the site as approved by Committee in November 2017 under planning permission N/2017/1029 has been substantially completed with the aim that the development is at practical completion stage by early October 2020.

4 PLANNING HISTORY

- 4.1 N/2017/1029 – Demolition of Nos. 1-6 and 14-17 Toms Close and development of 21no. new build affordable dwellings and associated landscaping. Approved 22/11/17.

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 the Northampton Local Plan (1997) saved policies.

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:

Paragraphs 7-12 Presumption in favour of sustainable development
Paragraph 60 – Housing needed for different groups in the community
Paragraph 127 – Create places with a high standard of amenity for existing and future users
Section 8 – Promoting healthy and safe communities
Section 9 – Promoting sustainable transport
Section 12 – Achieving well-designed places
Section 14 – Climate change and flooding

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 S1 – The Distribution of Development
Policy S3 – Scale and Distribution of Housing Development.
Policy S10 – Sustainable Development Principles
Policy H1 – Housing
Policy H2 – Affordable Housing.
Policy BN9 – Planning for Pollution Control

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 policy is material to this application:

Policy E20 – New Development (Design)

5.5 **Supplementary Planning Documents**

Planning out Crime in Northamptonshire SPG 2004
Northamptonshire County Parking Standards 2016
Northampton Parking Standards 2019

6 **CONSULTATIONS/ REPRESENTATIONS**

6.1 **NCC Highways** – After reviewing the comments from the Bus and Rail Team, the LHA would recommend the removal of Condition 7 as the bus stop is no longer needed due to the reduction in service.

6.2 **Collingtree Parish Council** – no comment received.

7 **APPRAISAL**

7.1 Comments received from the Highway Authority in respect of the original application requested the provision of a southbound bus shelter on Watering Lane, approximately 70m southeast of Toms Close, to pair with an existing bus stop on the opposing side of Watering Lane. The future maintenance for the shelter was to be secured via a Section 278 Highway Agreement.

7.2 Accordingly, Condition 7 of planning permission N/2017/1029 required the following:

“Unless otherwise agreed in writing, no development other than demolition shall take place until full engineering, and constructional details of highway improvement works to install a southbound bus shelter on Watering Lane have been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until the works outlined above including the bus shelter have been constructed and made available for use.

Reason: In order to mitigate the impact of the development on the highway network, in accordance with the National Planning Policy Framework.”

7.3 Details have been submitted to discharge the requirements of Condition 7. However, subsequent discussions between the applicant and the Highway Authority regarding the provision of the bus stop has led to the Highway Authority advising that the bus stop is no longer required. The relevant service has been reduced to one journey a week and it is considered that the bus stop is no longer justified.

7.4 Whilst planning policy encourages the promotion of sustainable development and transport measures, Paragraph 55 of the NPPF advises that planning conditions should only be imposed subject to meeting a number of tests including a requirement that the condition is necessary and reasonable in all other respects.

7.5 In view that advice from the Highway Authority is that the bus stop is no longer required due to current public transport service level provision and that no objections have been received from the Parish Council or local residents for the removal of the bus stop provision, it is no longer considered necessary or reasonable to impose the condition.

8 **CONCLUSION**

8.1 In view of the above considerations, the removal of Condition 7 as proposed is considered in accordance with the requirements of the National Planning Policy Framework and is considered acceptable.

9 **CONDITIONS**

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 17137 1, SP01 J, SP02 Sheet 1, SP02 Sheet 2, SP03 Sheet 1, SP03 Sheet 2, SP04, SP-00, 16-108-01, P10, P12, P14.

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

2. The development shall be carried out in accordance with the material details as indicated the material details schedule 'Colours (Planning Condition 3) dated 23/05/2019.

Reason: In the interests of visual amenity and to ensure that the development will harmonise with its surroundings in accordance with Policy E20 of the Northampton Local Plan.

3. Full details of the method of the treatment of the external boundaries of the site together with individual plot boundaries shall be submitted to and approved in writing by the Local Planning Authority, implemented prior to the first occupation of the buildings hereby permitted and retained thereafter.

Reason: To ensure that the boundaries of the site are properly treated so as to secure a satisfactory standard of development 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 additional windows shall be installed in the south-western elevation of the proposed dwelling on plot 17 or the north-eastern elevation of the proposed dwelling on plot 12 of the development.

Reason: To safeguard the privacy of adjoining properties in accordance with Policy E20 of the Northampton Local Plan.

5. The development shall be carried out in accordance with the submitted Foul and Surface Water Drainage Technical Note ref WIE15304-100-2-1-1-DRA rev AO2 prepared by Waterman Infrastructure and Environment Ltd Dated 3rd April 2019 prior to occupation of any dwelling.

Reason: To prevent environmental and amenity problems arising from flooding in accordance with the National Planning Policy Framework.

6. The development shall be carried out in accordance with the Land Contamination Technical Note by Waterman dated January 2019 – Document Reference WIE15304-100-1-1-1-Geo.

Reason: To ensure the effective investigation and remediation of contaminated land sites and in the interests of health and safety and the quality of the environment in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.

7. The development shall be carried out in accordance with the noise mitigation measures as set out in the Technical Note by Waterman dated 13/02/19 Reference WIE15304-100-TN-2.1.3.

Reason: In the interests of residential amenity and to secure a satisfactory standard of development in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.

8. The development shall be carried out in accordance with the submitted Foul and Surface Water Drainage Technical Note ref WIE15304-100-2-1-1-DRA rev AO2 prepared by Waterman Infrastructure and Environment Ltd Dated 3rd April 2019.

Reason: To prevent the increased risk of flooding, both on and off site. In accordance with the National Planning Policy Framework

9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and which shall be maintained for a period of five years; such maintenance to include the replacement in the current or nearest planting season whichever is the sooner or shrubs that may die are removed or become seriously damaged or diseased with others of similar size and species.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy E20 of the Northampton Local Plan.

10. The development shall be carried out in accordance with the Construction and Environmental Management Plan by Jeakins Weir dated 22nd February 2019.

Reason: In the interests of securing a satisfactory impact upon the highways system and neighbour amenity in accordance with the requirements of the National Planning Policy Framework and Policy BN9 of the West Northamptonshire Joint Core Strategy. This condition is required pre-commencement to ensure that such details are agreed in a timely manner.

10 BACKGROUND PAPERS

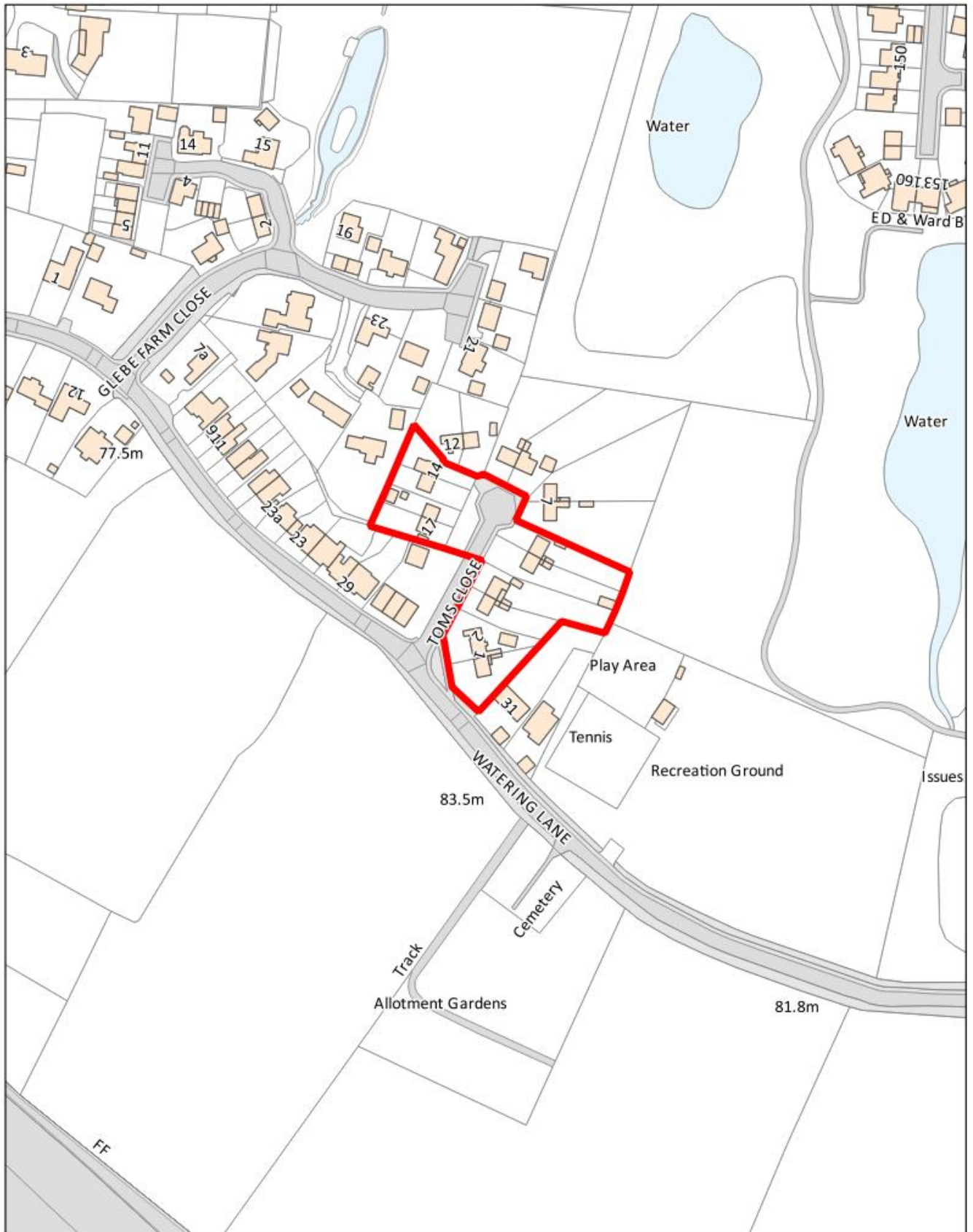
- 10.1 N/2020/1079.

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: **Toms Close**

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Date: 17-08-2020

Scale: 1:2,000

Drawn by: -----



PLANNING COMMITTEE: 29th September 2020
DEPARTMENT: Planning Service
DIRECTOR OF PLANNING: Peter Baguley

APPLICATION REF: N/2020/0796

LOCATION: 20 Hardy Drive

DESCRIPTION: Single storey rear and side 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 side and 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. A condition has been recommended to withdraw the permitted development rights to add any further extensions or outbuildings without requiring permission to prevent overdevelopment of the site.
- 8.3 The proposed single storey side extension would be set back from the principal elevation so would appear as a subordinate addition to the bungalow. It is considered to be in keeping with the character of the local area, which is defined by attached garages, set back from the main elevations. Whilst, the proposed side extension would be partly visible from the street, owing to the scale of the development, it is not considered the proposal would have any adverse impact on the streetscene.
- 8.4 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. It is considered that the proposed development would accord with the advice given within the National Planning Policy Framework and saved policies in the Northampton Local Plan.

Residential Amenity

- 8.5 The proposed single storey side extension would be attached to the north-western (side) elevation, which sits adjoining to the blank elevation associated to the neighbouring property, no.22. It is considered that the proposed extension would not result in any adverse impact on the residential amenity of this property.
- 8.6 The proposed single storey rear extension would be 4m deep; however, this extension would be set in from the common boundary between the application site and neighbouring property, no.18. 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 adverse impact on no.18. 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.
- 8.7 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

- 8.8 The application property is a 2-bed bungalow and the proposed extension would result in one additional bedroom. As per the Northamptonshire Parking Standards, the parking requirements for a 2-bed house and a 3-bed house are same. So, the proposal would not generate in any additional parking requirements.
- 8.9 The local area has no parking restrictions on the streets. Therefore, it is considered that the proposed development would not have adverse impact on the highway safety.

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: SK13 -04, SK13 -02A, SK13 -01.

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

3. 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 south east side elevation of the proposed extension.

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

4. The external walls of the extension shall be constructed with materials of the same type, texture and colour as the external walls 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.

5. 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 further extensions, roof alterations or outbuildings shall be erected to the dwelling.

Reason: To prevent overdevelopment of the site in accordance with Policy E20 of the Northampton Local Plan.

11 BACKGROUND PAPERS

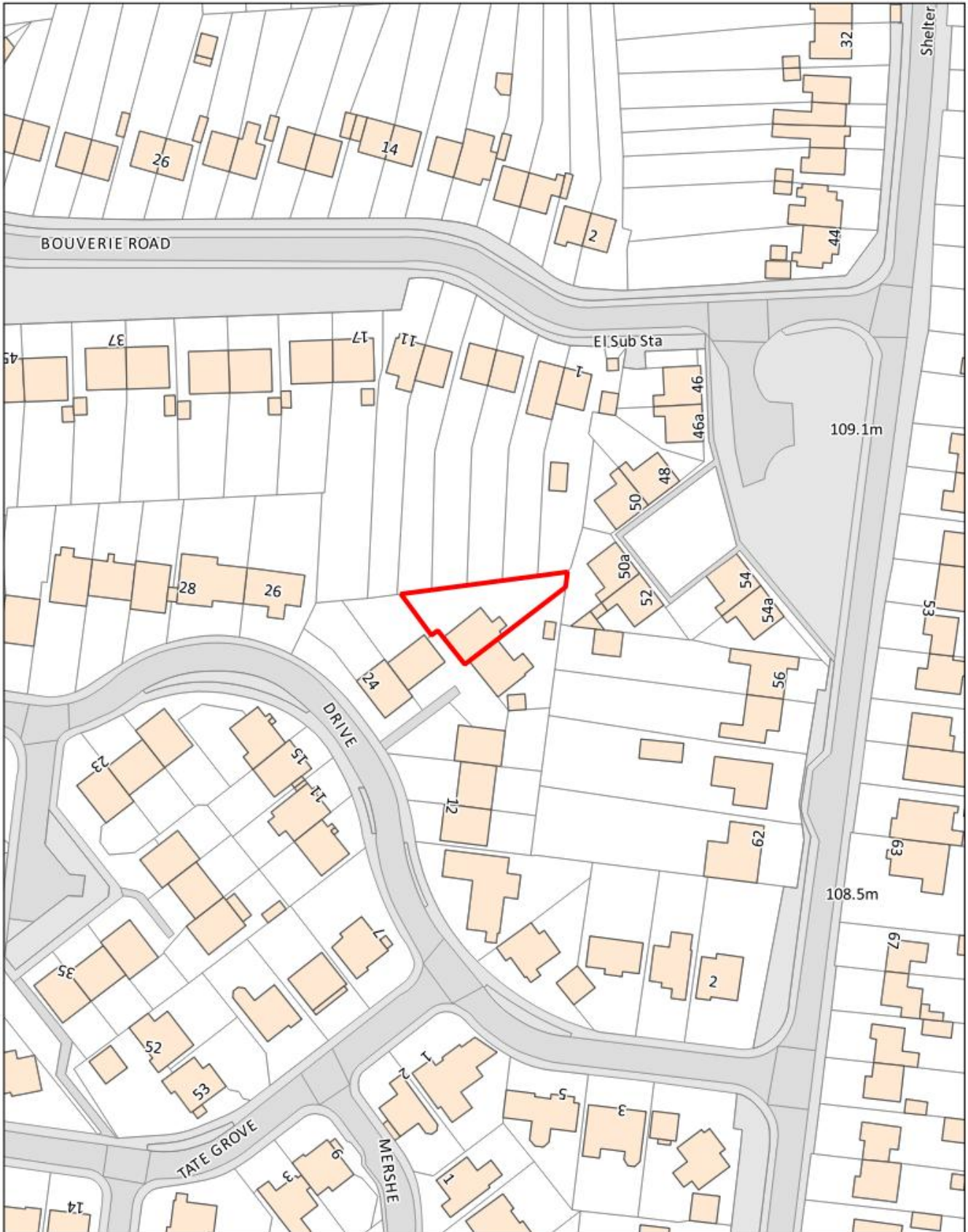
- 11.1 N/2020/0796.

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.



Title: **20 Hardy Drive**

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Date: 17-09-2020

Scale: 1:1,000

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