



Planning Committee Report

Application Number: WNN/2023/0102

Location: 97 - 99 St Leonards Road
Northampton
Northamptonshire
NN4 8DN

Development: Change of Use of Ground Floors of 97 and 99 St Leonards Road from Dwellinghouses (Use Class C3) to Cafe/Restaurant (Use Class E) with installation of new shop front and conversion of Upper Floors to 2no Residential Units (Use Class C3) (2no one bedroom), including single storey rear and single storey front extension, installation of extraction flue system and internal and external alterations

Applicant: Mr R Amin

Agent: Anva

Case Officer: Andy White

Ward: Delapre and Rushmere Unitary Ward

Reason for Referral: Called in by Councillor J Davenport - Parking, fly-tipping and Councillor E Roberts - Impact on neighbouring and local amenity, parking

Committee Date: 3 August 2023

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS as set out below with delegated authority to the Assistant Director for Planning and Development to approve any amendments to conditions as deemed necessary.

Proposal

Change of Use of Ground Floors of 97 and 99 St Leonards Road from Dwellinghouses (Use Class C3) to Cafe/Restaurant (Use Class E) with installation of new shop front and conversion of Upper Floors to 2no Residential Units (Use Class C3) (2no one bedroom), including single storey rear and single storey front extension, installation of extraction flue system and internal and external alterations

Consultations

The following consultees have raised **objections** to the application:
Cllr Davenport, Cllr Roberts, Far Cotton and Delapre Community Council

The following consultees have raised **no objections** to the application:

- WNC Environmental Health, Environment Agency, WNC Highways Authority

1 letter of objection has been received

Conclusion

The application has been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance as listed in detail at Section 5 of the report.

The key issues arising from the application details are:

- Principle of Development
- Impact on the appearance and character of the area
- Parking and Highways
- Residential amenity of future occupiers and amenity of neighbouring occupiers/uses (including noise from plant and cooking odour)

The report looks into the key planning issues in detail, and Officers conclude that the proposal is acceptable subject to conditions.

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1 APPLICATION SITE AND LOCALITY

- 1.1 The application site is located on St Leonards Road which is classified road linking London Road and Towcester Road with commercial and residential uses on both sides. The northern side comprises a large number of takeaways already intermixed with shops and other retail uses. The site is not in a conservation area or near any listed buildings. The location currently experiences a high volume of through traffic throughout the day. The site is in a high risk flood zone as defined by the Environment Agency Flood Maps.

2 CONSTRAINTS

- 2.1 The application site is within Flood Zone 3 meaning it is at high risk of flooding.

3 DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1 The development is a change of use of the ground floors of 97 and 99 St Leonards Road from dwellinghouses (Use Class C3) to Cafe/Restaurant (Use Class E) with installation of new shop front and conversion of Upper Floors to 2no One Bed Residential Units (Use Class C3), including single storey rear extension, single storey front extension, installation of extraction flue system and internal and external alterations. The application is effectively a re-submission of an earlier proposal (see section 4) where the current development proposal has been made to overcome the two reasons for refusal that applied to that application. The main difference with the current proposal is that the proposal does not include a hot-food takeaway facility (Sui Generis).

4 RELEVANT PLANNING HISTORY

4.1 The following planning history is considered relevant to the current proposal:

Application Ref.	Proposal	Decision
WNN/2022/0647	Change of Use of Ground Floors of 97 and 99 St Leonards Road from Dwellinghouses (Use Class C3) to Cafe/Restaurant and Takeaway (Sui Generis) with installation of new shop front and conversion of Upper Floors to 2no One Bed Residential Units (Use Class C3), including single storey rear extension, single storey front extension, installation of extraction flue system and internal and external alterations	Refused
WNN/2021/1124	Change of Use of Ground Floors of 97 and 99 St Leonards Road from Dwellinghouses (Use Class C3) to Cafe/Restaurant and Takeaway (Sui Generis) with installation of new shop front and conversion of Upper Floors to 2no Residential Units (Use Class C3), including two storey and single storey rear extension, single storey first floor rear extension and single storey front extension	Refused

4.2 The application WNN/2022/0647 was refused planning permission for the following reasons:

1. *The design, siting and significant projection of the single storey rear extension in addition to its associated site coverage would result in an over-development of the plot and an incongruous addition to the host building which would be highly visible from neighbouring dwellings and from the rear from St Leonards Court. This is considered contrary to Policies S10 and H1 of the West Northamptonshire Joint Core Strategy, Saved Policy E20 of the Northampton Local Plan and advice contained within the National Planning Framework.*

2. *The proposed change of use would result in an excessively high proportion and over-concentration of takeaway uses in this part of Far Cotton to the detriment of the retail character and function of local centre. The proposal is therefore contrary to Policy R9 of the Northampton Local Plan*

4.3 WNN/2021/1124 was refused planning permission for the following reasons:

1. *The design, siting, scale and massing of the large rear extensions in addition to site coverage would result in an incongruous and discordant addition to the host building which would be highly visible from neighbouring dwellings and St Leonards Court. This is considered contrary to Policy S10 and H1 of the West Northamptonshire Joint Core Strategy, Saved Policy E20 of the Northampton Local Plan and advice contained within the National Planning Framework.*

2. *The proposed development would due to its siting, scale, and rear projection result in a significant overbearing and intrusive effect upon the neighbouring windows of nearby 93 St Leonards Road and also overlooking to 30 St Leonards Court to the*

rear. As such, the proposal would have a detrimental impact on the residential amenity of these neighbouring properties contrary Policies S10 and H1 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

3. The applicant has failed to demonstrate that there would be adequate control for dispersal of cooking fumes from the proposed commercial use. This would impact on residential amenity and be contrary to Policy BN9 of the West Northamptonshire Joint Core Strategy and the aims of the National Planning Policy Framework

5 RELEVANT PLANNING POLICY AND GUIDANCE

Statutory Duty

5.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

5.2 Development Plan

- West Northamptonshire Joint Core Strategy (Local Plan Part 1): Policies S10, BN7, BN9, H1, H5
- Northampton Local Plan Part 2 (2011-2029): Policies SD1, Q1 Q2, MO2 and MO4

5.3 Material Considerations

- National Planning Policy Framework (NPPF)
- Residential Extensions and Alterations Design Guide SPD
- Northampton Parking Standards Supplementary Planning Document
- Northamptonshire Parking Standards
- Guidance on Waste and Recycling Collection Requirements for Planning New Developments

6 RESPONSE TO CONSULTATION

Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website.

Consultee Name	Position	Comment
Cllr J Davenport	Object	Requested that the application be determined at Committee. Parking is already horrendous in the area with the proliferation of HMOs and the 40 flats (1 & 2 bed) being built on this road without sufficient parking. Environmental issues: it is already a

		<p>struggle to keep the area clean due to fly-tipping and litter.</p> <p>The loss of family homes in the area due to HMOs and flats.</p> <p>The abundance of restaurants and takeaways in the area that causes double parking every evening</p>
Cllr E Roberts	Object	<p>Requested that the application be determined at Committee.</p> <p>Cannot see from the papers how the applicant has dealt with any of the original reasons for refusal and any slight amendments to plans do not take away the fact that the development will still be overbearing and intrusive on neighbouring properties and therefore provide unnecessary impact on the local amenity.</p> <p>The parking issues remain in this area and continuing to allow development in this street without a full plan for infrastructure would be contrary to the purpose of local plans. In an evening and at weekends vehicles are regularly double parked and hazardous.</p> <p>It is apparent from the concerns raised by the environmental health consultee that the application has still not demonstrated adequate control for dispersal of cooking fumes and therefore refusal should take place as before. "The applicant has failed to demonstrate that there would be adequate control for dispersal of cooking fumes from the proposed commercial use. This would impact on residential amenity and be contrary to Policy BN9 of the West Northamptonshire Joint Core Strategy and the aims of the National Planning Policy Framework"</p>
Far Cotton and Delapre Community Council	Object	<p>Concerns regarding parking at the development.</p> <p>There is little parking space for residents of the flats above the cafe/restaurant.</p> <p>There is an existing issue with visitors to neighbouring takeaways double parking while collecting food and this will be exacerbated by the new development.</p> <p>This raises a serious safety concern especially late in the evening, or winter</p>

		months. The proposal also sees the loss of a much needed residential property.
Local Highways Authority	No comments	No comments to make.
Environment Agency	No objection	No objection. The proposal is classified as a minor development. Refer to advice on flood risk mitigation for minor development.
Environmental Health	No objection	No objection - recommend conditions for noise and odour and party walls, hours of use, construction, bins

7 RESPONSE TO PUBLICITY

Below is a summary of the third party and neighbour responses received at the time of writing this report.

- 7.1 There has been 1 objection raising the following issues:
- Enough retail units (several empty) without creating more
 - Loss of much needed family home
 - Litter and night-time noise issues with these establishments
 - Too many restaurants/takeaways in area which exacerbates parking problems
 - road is becoming less and less a residential area and more like a retail area, much to the detriment of long-standing residents who seem totally disregarded these days.

8 APPRAISAL

Main Planning Issues

- 8.1 Any planning application would be assessed against the policies of the Northampton Local Plan Part 2 and the West Northamptonshire Joint Core Strategy (the development plan), national policy in the National Planning Policy Framework and other material considerations. The main issues are considered to be the visual impact of the extraction flue, parking, neighbour impact, flood risk, and the effect of the change of use of the ground floor front elevation on the character of the street scene. In addition, the changes to the previous scheme, (WNN/2022/0647), that seek to address the reasons for refusal, are considered to be material to the determination of this application.

Principle of Development

- 8.2 In respect of the principle of the proposed development the application site is close to the central area of Northampton in an area where there is a prevalence of both commercial and residential uses. The proposal includes ground floor commercial uses and even though the proposal would lead to loss of residential use at ground floor, there would be 2 flats above and the proposal is considered acceptable subject to the consideration of other detailed issues.

Impact on the appearance and character of the area

- 8.3 The relevant policies are Q1 of the Northampton Local Plan Part 2, Policies H1 and S10 of the JCS which require regard to be given to the character of the area and design and advice contained within the National Planning Policy Framework.

- 8.4 Properties in this street are traditional terraced properties with modest two-storey outriggers. Many still retain single storey garages to the rear and others have single storey rear extensions. It is noted that there is a mix of rear additions in the immediate locality, and that the depth of the ground floor rear extension has been reduced from 10 metres in WNN/2022/0624 to 7.6 metres in the current application. As a consequence of the reduced depth, the site coverage is reduced and the amount of retained land to the rear of the proposed ground floor extension and making up the remainder of the application site respects the size of the curtilage. It is considered that the resultant design has been improved and is considered to be of an appropriate appearance and character to the host building. The general flat roof design was considered acceptable in principle in the assessment of the previous scheme and consequently no objection is raised in this regard. The shop front design is modern and largely unchanged from the earlier proposal where it was considered to be in keeping with the host building and the fronts of neighbouring businesses.
- 8.5 The siting of the domestic bins in the original drawings at the front of the building adjoining the footpath was not considered to be acceptable in terms of the impact on the character of the street scene. The applicant amended the plans and has incorporated an externally accessible refuse store within the front elevation of the building. This is considered to be acceptable in the street scene. The siting of the secure bike store within the externally accessible storage area is an amendment from the original proposal which sought to provide the store to the front of the building.
- 8.6 The original and amended plans show that the flue is located to the rear of the building on the chimney stack of the rear outrigger. At its highest point it is below the highest part of the chimney stack, below the ridge level of the main roof and consequently is not considered to be harmful to the character of the street scene.

Parking and Highways

- 8.7 The site is within walking distance of a large number of residential properties in Far Cotton. St. Leonards Road has car parking provided on both sides of the road in bays parallel to the highway which are unrestricted after 6 p.m. until 8 a.m. There are 3 existing bus stops on St. Leonards Road within walking distance of the site. The two flats have a dedicated cycle store.
- 8.8 As residential dwellings, the two buildings would already be considered to contribute to parking within the area at a requirement of 3 spaces per dwelling (including visitor space). The restaurant/cafe use would generate a parking requirement of 5 spaces in accordance with the Northamptonshire Parking Standards of 1 space per 14 sq.m of floorspace. The flats would generate a requirement of 4 parking spaces (including visitor spaces). In theory there would be a parking increase of 3 spaces as a result of the change of use.
- 8.9 The responses to the publicity for the application have indicated that parking in the area is problematic, particularly overnight. However, the proposal in terms of the uses is largely unchanged from the previous application (except for the removal of the takeaway element). As such the parking requirement is not affected by the change in description of the change of use to the ground floor.
- 8.10 The representations that have raised concerns regarding double parking by customers whilst collecting food are noted. The double parking may be indicative that there is a parking issue but it is also indicative that some customers do not park lawfully in order to minimise their walk to a takeaway to collect food. It is unlawful to

double park and such behaviour is subject to enforcement outside the planning system. However, this application does not propose a takeaway element and the existing unlawful parking that is referred to is therefore not associated with the current proposal.

- 8.11 The Highway Authority has not raised objection to the proposal. Insufficient parking was not a reason for refusal cited in the previous decision (WNN/2022/0647). In addition, the proposal is sustainably located within walking, cycling and electric scooting distance of shops and other facilities and there is access to public transport in close proximity to the site. Consequently, it is considered that a reason for refusal related to parking could not be sustained nor justified on the basis of the above.

Residential amenity of future occupiers and amenity of neighbouring occupiers/uses (including noise from plant and cooking odour)

- 8.12 The proposed flat sizes must provide acceptable levels of residential amenity. Measurement of the proposed bedroom sizes indicate that they meet the space standards from the Nationally Described Space Standards and, with each flat being over 37 square metres, both flats are above the minimum suggested size for a one-bedroom flat. This is indicative that each flat provides adequate internal residential amenity for the future occupants. All habitable rooms are considered to have acceptable outlook and natural light. The flats do not have their own external amenity space, however, they are within walking, cycling and electric scooting distance of Far Cotton Recreation Ground to the south-west, Delapre Park to the south-east, the shops and services on St. Leonards Road and the shopping and leisure facilities within the town centre.
- 8.13 Both flats must have accessible external bin storage with bin storage for residential and commercial located in separate areas. Cycle parking would be provided in accordance with Northamptonshire Parking Standards 2016 and Northampton Parking SPD 2019.
- 8.14 The applicant was required to amend the plans to show that separate bin storage and secure cycle parking to serve the two flats are provided and accessible at all times via the ground floor of the property. The domestic bin store is within an externally accessible locked store that has passive ventilation. The Environmental Health Officer (EHO) is satisfied that the domestic refuse/waste storage arrangement is appropriate. The cycle parking is within a secure storage area and considered to meet the requirements.
- 8.15 The response from the EHO indicates that the siting of the flats above the restaurant café could be problematic if adequate noise insulation is not provided within the roof of the ground floor of the building prior to the first occupation of the flats. A condition is proposed requiring details of the proposed construction methodology to ensure that the internal noise level meets British Standard 8233:2014.
- 8.16 The EHO has suggested opening hours (8 am to 10.30pm) that are consistent with other restaurants and cafes in the area in order to protect the local population from disturbance after 11p.m and before 7a.m. The applicant has agreed that this condition is acceptable and reasonable.
- 8.17 If the ventilation system and flue are not adequate this could also impact upon the future residents of the flats as well as other neighbouring uses. Consequently, additional details were requested from the applicant about the proposed ground floor use. However, this is not a personal permission and the flue and ventilation system

must be robust enough to accommodate other Class E operators (café/restaurants). The responses to the application state that the EHO has concerns with regard to odour from cooking fumes. In fact, the EHO considers that an appropriately designed ventilation system will prevent unacceptable odours emanating from the restaurant/café. Consequently, a condition is proposed to mitigate system noise from the refrigeration and cooling units and to ensure that the ventilation and flue can prevent unacceptable cooking odours. It is noted that all plant is to the rear of the properties. The siting of the plant and the potential for noise or odour pollution was not a reason for refusal on the previous application WNN/2022/0647. Consequently, given that the EHO considers that these issues can be satisfactorily addressed by condition and the cooking at the café/restaurant would be little changed from the previous proposal, it is considered that a reason for refusal based on noise or odour pollution could not be sustained in this instance. As such with the imposition of suitably worded conditions the proposal would comply with Policy BN9 of the JCS which states that: "Development that is likely to cause pollution, either individually or cumulatively, will only be permitted if measures can be implemented to minimise pollution to a level which provides a high standard of protection for health and environmental quality".

- 8.18 The commercial waste storage is to the rear of the building and the EHO required the applicant to provide details of the means of collection by a licensed commercial waste operator. A condition in respect of waste management is considered appropriate.
- 8.19 In relation to the amenity of neighbours, both neighbouring ground floor uses are commercial uses and in the refused application WNN/2022/0647 the greater depth extension was assessed to be acceptable - "the rear extension the single storey is large and would have some effect though the effect is not too adverse". Consequently with a reduction in depth there are no concerns with regard to harm to neighbour amenity.
- 8.20 In overall terms, the occupiers of the flats would enjoy adequate internal amenity and have access to amenities close by and the occupiers of neighbouring dwellings and premises would not suffer unacceptable harm to amenity as a consequence of the proposal.

Development and Flood Risk

- 8.21 The site is in a high risk flood zone. The applicant provided a Flood Risk Assessment with the application. The Environment Agency has raised no objection in terms of flood risk. The proposal is considered to comply with BN7 of the JCS and Q5 of the NLPP2.

9 FINANCIAL CONSIDERATIONS

- 9.1 CIL is not CIL liable as there is no net increase in dwellings and the Class E floor area is within an existing local shopping centre.

10 PLANNING BALANCE AND CONCLUSION

- 10.1 The proposal has been considered against the planning policies that seek to promote sustainable development, produce a suitable living environment within dwellings, protect the amenity of neighbouring uses and to ensure that highway safety is not compromised. The proposal is considered to accord with the relevant policies and other material considerations identified in Section 5. The proposal is considered to

have addressed the reasons for refusal of the previous planning application WNN/2022/0647 and consequently the application is recommended for approval.

11 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 053/22/06 Revision F - Ground Floor Plan & Site Plan, 053/22/06A refuse and cycle store, 053/22/07 Revision B - First Floor Plan, 053/22/08 Revision B - Roof Plan, 053/22/09 Revision F - Proposed Front and East Side Elevations, 053/22/10 Revision F - Proposed Side and Rear Elevations

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 that accord with the details of the approved plans and set out on the application form.

Reason: In the interests of visual amenity to ensure that the extension harmonises with the existing building in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy.

4. The provision for the storage of refuse and materials for recycling shall accord with the details shown on the approved plans.

With regard to commercial waste before the development hereby permitted commences, details of the provision for the storage and collection of refuse and materials for recycling shall be submitted to the Local Planning Authority for approval. The scheme shall be implemented prior to the development coming into use and shall be retained thereafter.

The approved details shall be implemented prior to the first occupation or bringing into use of the building(s) 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.

5. The secure and covered parking of bicycles shown on the approved plans shall be provided in accordance with the approved details and fully implemented prior to the residential units being first occupied and retained thereafter.

Reason: To ensure the provision of adequate facilities in accordance with Policy MO4 of the Northampton Local Plan Part 2.

6. The ground floor Class E premises shall be open only between the hours of 0800 and 2230 on any day.

Reason: In the interests of the amenities of the occupiers of nearby properties in accordance with Policy Q2 of the Northampton Local Plan Part 2.

7. Prior to the commencement of development a scheme for achieving the noise levels

contained within BS8233:2014 (or any standard revoking and replacing that standard with or without modification) with regards to the residential units hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to first occupation of the residential units and a post installation report shall be submitted to and approved in writing by the Local Planning Authority and thereafter maintained in the approved state.

No alterations shall be made to the approved structure including roof, doors, windows and external facades, layout of the units or noise barriers without prior written approval from the Local Planning Authority.

Reason: In the interest of safeguarding residential amenity and reducing pollution in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy and Policy Q2 of the Northampton Local Plan Part 2.

8. No above ground conversion works shall commence until a scheme of noise insulation of party construction between the permitted non-residential use and the residential unit has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the first occupation of the residential unit(s) to which it relates and retained thereafter.

Reason: In the interest of safeguarding residential amenity and reducing pollution in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy and Policy Q2 of the Northampton Local Plan Part 2.

9. Prior to occupation of any non-residential unit hereby permitted with a commercial kitchen, details of any ventilation system for the removal and treatment of cooking odours from any commercial catering, including its appearance and measures to mitigate system noise, shall be submitted to and approved in writing by the Local Planning Authority. The measures shall have regard to and be commensurate with guidance and recommendations in:
 - The current edition of publication "Specification for Kitchen Ventilation Systems", DW/172, Heating and Ventilating Contractors Association, or other relevant and authoritative guidance; and
 - Publication, "Control of Odour and Noise from Commercial Kitchen Exhaust Systems – Update to the 2004 report prepared by NETCEN for the Department for Environment, Food and Rural Affairs", Ricardo.com, 2018.

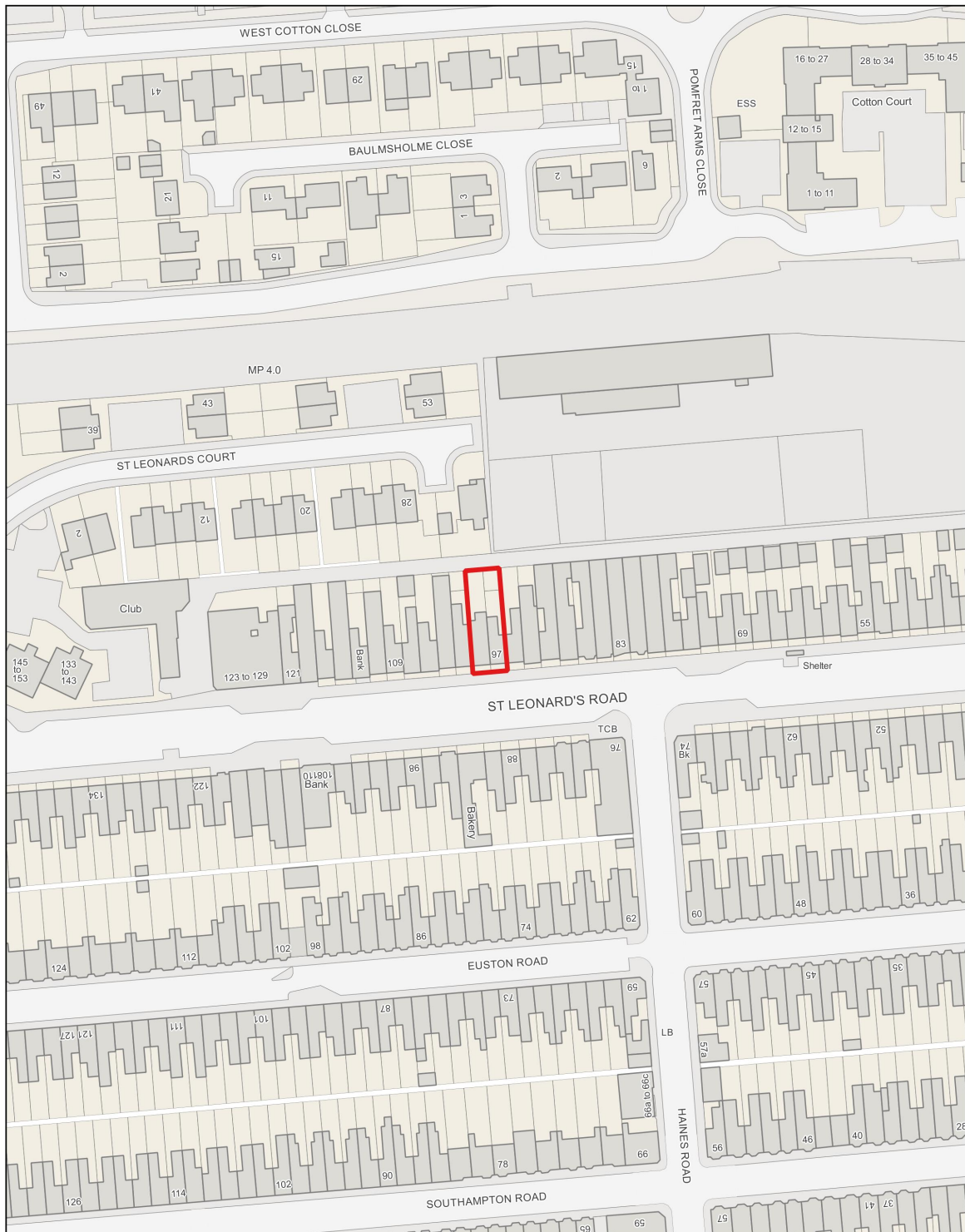
The approved details shall be fully implemented before the first use of the relevant non-residential unit and shall thereafter be permanently retained in an efficient manner.

Reason: In the interest of safeguarding residential amenity and reducing pollution in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy and Policy Q2 of the Northampton Local Plan Part 2.

10. Prior to use a noise assessment that outlines the likely impact on any noise sensitive property, and the measures necessary to ensure that the noise does not affect the local amenity of neighbouring residents shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall be determined by measurement or prediction in accordance with the guidance and methodology set out in BS4142: 2014+A2019. Once any necessary measures are approved, the use hereby permitted shall be operated in accordance with the approved details and thereafter maintained in this approved state at all times.

Reason: In the interest of safeguarding residential amenity and reducing pollution in

accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy and Policy Q2 of the Northampton Local Plan Part 2.



**West
Northamptonshire
Council**

Title: 97 & 99 St Leonards Rd. Northampton

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