



# Planning Committee Report

**Application Number:** WNN/2023/0393

**Location:** 134-138 Kingsley Park Terrace  
Northampton  
Northamptonshire  
NN2 7HJ

**Development:** Re-development of land and buildings to create a mixed-use development comprising Retail, Community, Commercial Space and 15no one bed Apartments within a specialist supported living use (Use Class C3b)

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**Applicant:** Hockley Developments Ltd

**Agent:** Peter Philip Developments Ltd

**Case Officer:** Samantha Taylor

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**Ward:** St. George Unitary Ward

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**Reason for Referral:** Major application

**Committee Date:** 5 October 2023

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## **EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION**

**RECOMMENDATION:** THAT THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT BE GIVEN DELEGATED POWERS TO GRANT PERMISSION FOR THE DEVELOPMENT SUBJECT TO CONDITIONS AND SUBJECT TO A S106 LEGAL AGREEMENT

### **Proposal**

Re-development of land and buildings to create a mixed-use development comprising Retail, Community, Commercial Space and 15no one bed Apartments within a specialist supported living use (Use Class C3b)

### **Consultations**

The following consultees have raised **no objections** to the application:  
Northamptonshire CCG (NHS) and Northamptonshire Crime Prevention Design Adviser

Two letters of objection have 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 8 of the report.

The key issues arising from the application details are:

- Principle of Development
- Design and Impact on the Character and Appearance of the Area
- Highway Safety
- Flood Risk and Drainage

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 occupies a prominent corner location in the Kingsley Local Centre, on the junction of Kingsley Park Terrace and Chaucer Street. It comprises three terraced properties on Kingsley Park Terrace, which are two storey in scale with rear outriggers and step down in land levels to the north east, and a large single storey rear projection with a flat roof running along the frontage with Chaucer Street and filling the remainder of the plot. The buildings have been amalgamated to form a car workshop/garage.
- 1.2 The property fronts onto Kingsley Park Terrace which contains a mix of shop units, with residential accommodation on the upper floors. Immediately to the rear of the site on Chaucer Street, there are modest two storey terraced houses. Properties in the locality predominantly do not benefit from on plot parking, as such, there is a high demand for on-street parking.

### **2 DESCRIPTION OF PROPOSED DEVELOPMENT**

- 2.1 The application seeks full planning permission for the demolition of the existing rear single storey workshop and part of the existing units and the provision of a new two storey, mansard roof developing containing specialist supporting living accommodation. Across the site, a total of 15no. C3b single occupancy supporting living units will be provided along with the retention of the existing ground floor retail, fronting Kingsley Park Terrace.

### **3 RELEVANT PLANNING HISTORY**

- 3.1 The following planning history is considered relevant to the current proposal:  
WNNPA/2022/0080 – Pre-application advice was sought for the creation of a mixed-use development comprising retail/community/commercial space and 15no. 1 bedroom apartments use class C3.

N/2010/0056 – Conversion of first floor above 134-138 Kingsley Park Terrace into 1-bedroom apartment including ground floor access and stairway - Approved

## 4 RELEVANT PLANNING POLICY AND GUIDANCE

### Statutory Duty

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

### 4.2 Development Plan

West Northamptonshire Joint Core Strategy (Local Plan Part 1) – Policies  
SA – Presumption in Favour of Sustainable Development  
H1 – Housing Density and Mix and Type of Dwellings  
BN7 – Flood Risk  
BN9 – Planning for Pollution Control

Northampton Local Plan Part 2  
SD1 – Presumption in Favour of Sustainable Development  
Q1 – Place-making and Design  
Q2 – Amenity and Layout  
Q4 – Health and Well-being  
Q5 – Flood Risk and Water Management  
EC1 – Safeguarding Existing Employment Sites  
MO2 – Highway Network and Safety  
MO4 – Parking Standards

### 4.3 Material Considerations

National Planning Policy Framework (NPPF)

Residential Extensions and Alterations Design Guide SPD

Northampton Parking Standards Supplementary Planning Document

Northamptonshire Parking Standards

## 5 RESPONSE TO CONSULTATION

5.1 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
Northamptonshire CCG (NHS)	No objections	Subject to a contribution towards primary healthcare improvements, of £28,066.50 based on the development providing 36.45 residents, using standard occupancy rates
Crime Prevention Design Adviser	No objections	Subject to details being secured regarding secured by design measures.

## 6 RESPONSE TO PUBLICITY

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

6.1 Two letters of objections have been received raising the following comments:

Material Considerations, which can be considered in the determination of this application

- Impact on parking provision
- Impact of further retail would be unacceptable
- Waste collection concerns

Non-material considerations, which cannot be considered in the determination of this application

- Behaviour of future occupants
- Existing anti-social behaviour
- Impact on property prices

## 7 APPRAISAL

### Principle of Development

7.1 The application site is located within the settlement boundary of Northampton within the Kingsley Local Centre as defined within the Northampton Part 2 Local Plan. Therefore, the vitality and viability of the local centre should be maintained and enhanced, commensurate with its role and function, in accordance with Policy S2 of the Joint Core Strategy.

7.2 In addition, the site has a lawful employment use for car repairs and Policy E1 of the Joint Core Strategy and Policy EC1 of the Northampton Local Plan Part 2 similarly, seeks to safeguard employment generating uses. As such, the retention of employment uses on the ground floor of the existing property, at Kingsley Park Terrace is consistent with Policy E1 of the Joint Core Strategy and Policy EC1 of the Northampton Local Plan Part 2.

7.3 The application seeks to provide 15no. C3(b) specialist supported living accommodation units, which is a form of residential accommodation. The use Class Order (2020) as amended, sets out that the occupation of C3(B) is restricted to accommodation where some care is provided to residents (to be permitted development such a property cannot be occupied by more than 6 occupants). In this case, each apartment would be self-contained, so as to allow the occupants privacy and help facilitate independent living. The proposal does include the provision of a staff room and two communal residents lounges. For this reason, the proposal is considered not to fall within the C3(a) single dwellinghouse Use Class. In addition, given that individuals would live independently of each other, each unit being self-contained with a bathroom, open plan kitchen and living space and separate bedroom, the proposal is not consistent with the definition of a C2 use, such as a care home. Officers therefore consider that the applicants proposal falls within Use Class C3(b) specialist supported living.

7.4 The applicants have provided evidence in the form of a letter from the Adult Social Care Team at West Northamptonshire Council which confirms that there is a need for

this type of residential accommodation, in a sustainable, local centre such as that along Kingsley Park Terrace.

- 7.5 Overall, the application site is located within a largely residential area behind the Kingsley Park Terrace Local Centre, with the retention of the ground floor for employment purposes considered consistent with Policy E1 of the Joint Core Strategy and EC1 of the Northampton Local Plan Part 2. Officers also note that this type of residential accommodation, whilst not standard C3 residential, is needed within sustainable locations with easy access to a range of local facilities, such as those within the Kingsley Local Centre. As such, Officers consider the proposal would accord with Policies S1 and E1 of the Joint Core Strategy and SD1 and EC1 of the Northampton Local Plan Part 2. Therefore, the principle of providing a mixed use, C3(b) specialist supported living and retail scheme is acceptable in principle.

#### Design and Impact on Character of Area

- 7.6 Policy Q1 of the Northampton Local Plan Part 2 requires development proposals to contribute to place-making through the use of good-quality design that reflects local character.
- 7.7 The existing property at Kingsley Park Terrace would largely remain in situ, albeit there would be demolition of the rear outriggers and single storey projection. The ground floor retail would remain, and the painted brick finish to the property.
- 7.8 The first floor of the existing building would be repurposed to provide 2no. apartments. Each of these apartments would have a separate access from Kingsley Park Terrace.
- 7.9 Any advertisements that may be proposed for the ground floor retail space would require advertisement consent, which is an independent application and not part of the consideration of this application.
- 7.10 Along Chaucer Street, a new two apartment building, is proposed comprising of 13no. apartments. The ground floor would provide 3no apartments, cycle store, bin store, 3 under-croft parking spaces, and one communal living space with a bathroom. There is a small area of paved amenity space at the rear of properties no. 1 and 2. Pedestrian access would be taken from Chaucer Street, between the cycle store and bin store, both of which benefit from internal access and external access on to Chaucer Street.
- 7.11 The first floor of the apartment building contains 5no. units, with a further communal room and separate staff room. The second floor contains a further 5no. units with a communal storage room.
- 7.12 The external appearance of the property references the adjacent properties, with a regular window pattern facing Chaucer Street and white header detail. The proposed front facing dormer windows are not a characteristic feature in the local area, however, there are examples of front projecting gables to bay windows. There are also some examples of box dormer windows to the front of Kingsley Park Terrace, close to the junction of Moore Street. Whilst not a feature of the local area, the proposed dormer windows to the second floor, would not as such be wholly out-of-

keeping with the local area and are not considered to harm the character or appearance of the streetscene.

- 7.13 Subject to conditions securing appropriate materials, Officers consider the proposed development would be in-keeping with the local area and would have an acceptable design and appearance. Therefore, the proposal is considered to accord with Policy Q1 of the Northampton Local Plan.

#### Highway Safety

- 7.14 Policy C2 of the West Northamptonshire Joint Core Strategy requires development proposals to mitigate its effects on the highway network. Paragraph 111 of the NPOF States that development should only be refused on highway safety grounds if 'there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe'.

#### *Parking*

- 7.15 Officer note the objections raised by third-party representatives, raising concerns that there would be harm through additional parking pressure.
- 7.16 The application site is within an area of known high-parking pressure, as most properties do not have to on-plot parking and are instead reliant upon the availability of on-street parking.
- 7.17 Although there is parking pressure the application site is located on the A5123 and this road is well served by bus stops, in fact there are two bus stops within approximately 200m of the application site. The parking pressure must therefore be considered in the context of the site being at a location that has good public transport links.
- 7.18 Officers consider that the demand for parking would likely be reduced below that for standard residential accommodation. Given the site is within a sustainable location, with access to a range of services along Kingsley Park Terrace, the provision of three on-plot parking spaces to serve the development is considered acceptable. Given that staff would be present on site, it is considered reasonable and necessary to impose a condition securing details of a Parking Management Plan which sets out how the spaces will be used and allocated to future users.

#### *Associated Highways Movements*

- 7.19 The existing site is accessed via larger vehicles and customer/staff vehicles in association with the lawful car workshop/garage use of the site. It is considered that there would not be a substantial change in associated vehicle movements, above the existing use. Therefore, Officers have assess that there would not be severe harm caused by the proposed development to highway safety.
- 7.20 Overall, Officers consider that the site is within a sustainable location with access to a range of services, with strong pedestrian and public transport links, the proposed use is likely not to generate a significant demand for on-site parking as a result of the specialise supported living use and that there would not be a significant change in the volume of traffic accessing the site. The proposed development would accord with Policy C2 of the Joint Core Strategy and the NPPF.

### Impact on Residential Amenity

- 7.21 Policy Q2 of the Northampton Local Plan Part 2 requires new development proposals to provide an acceptable standard of amenity and layout for future and existing residents. It is relevant to consider the Nationally Described Space Standards as a starting point for assessing whether the proposal would provide sufficient internal space for future residents.
- 7.22 Officers acknowledged that there are properties located at first floor level above the ground floor retail, along Kingsley Park Terrace. To reduce the potential for overlooking, within the new build apartment building, positioned perpendicular to the rear elevation of Kingsley Park Terrace are the shared communal spaces including hallways. The windows serving these spaces have been placed such that they do not directly overlook the rear of first floor properties. There are some windows further along this elevation however, there is a step back from the shared boundary, such that these are separated from the rear elevation of Kingsley Park Terrace, and reduce the potential for overlooking.
- 7.23 In regards to the potential loss of light to properties along Chaucer Street, care has been taken to ensure that the built form does not extend significantly beyond that of the existing terraced properties, or be of significantly greater height. Officers have assessed the impacts on access to light and consider that there would not be unacceptable harm as a result of the proposed new build apartment block.
- 7.24 The Nationally Described Space Standards require for single person occupancy, each apartment is a minimum of 39sqm. Each apartment is between 47sqm and 63sqm, which is above the minimum standard. In addition, each apartment would benefit from external windows to each habitable space (bedroom and living area), which provide an acceptable access to light.
- 7.25 Overall, Officers consider that the proposed development would not cause unacceptable harm to the reasonable amenity existing and future residents would expect to enjoy. Therefore, the proposal would accord with Q2 of the Northampton Local Plan and the Nationally Described Space Standards.

### Flood Risk and Drainage

- 7.26 The site lies within Flood Zone 1, the lowest risk of flooding. As the development would result in the creation of new residential development, it is reasonable and necessary to impose conditions requiring the submission of details for acceptable foul and surface water drainage.

### Environmental Amenity

- 7.27 Policy Q4 of the Northampton Local Plan Part 2 requires development proposals to provide a satisfactory impact and provide any mitigation necessary to ensure that harm does not arise from unacceptable environmental pollution.

### *Noise and Plant*

- 7.28 It is not clear from the proposals whether any changes to the property will be required or plant and mitigation required for the operation of the ground floor retail units. Without appropriate mitigation plant can cause harm to the amenity of residential

users through noise or other pollution. As details have not been provided as part of the submission, it is considered reasonable and necessary in the interests of the amenity of adjacent residents to impose a condition requiring the submission of details of any new or existing plant, if required.

*Construction Management Plan*

- 7.29 As the site is within a residential area, sensitive to noise and other disruption associated with development, a condition is recommended securing a Construction Management Plan. A condition securing this is set out within the recommendation.

*Electrical Vehicle Charging Points*

- 7.30 At least one of the proposed under-croft parking spaces is required to provide an electric vehicle charging point. A condition securing these details is recommended, and considered reasonable and necessary.

*Waste Storage*

- 7.31 The application includes the provision of a bin store with internal and external access, at the ground floor onto Chaucer Street. This is considered sufficient to provide for the needs of new residents within the apartment building. The two flats above the retail space and the retail space on Kingsley Park Terrace have sufficient floor space to accommodate their own waste storage. Officers consider the proposal would be sufficient and would form part of the approved plans, therefore, further conditions are not required.

*Overall*

- 7.32 Officers consider that subject to the conditions as recommended above, the development would provide an acceptable environmental amenity and accord with Policy Q4 of the Northampton Local Plan Part 2.

Planning Obligations

- 7.33 The Planning Obligations SOD sets out the requirements for new developments to provide financial contributions or secure obligations to offset their impact on the local area. This outlines that where developments result in the creation of 15no. or more residential units, planning obligations will be sought.
- 7.34 For most standard residential schemes of 15no. residential units or more, the Authority will seek the provision of on-site affordable housing. However, as the proposal would result in the creation of 15no. C3(b) apartments and whilst this is a form of residential accommodation, due to its specialise nature, paragraph 65 of the NPPF, point (b) exempts this type of C3 accommodation from being secured. As such, affordable housing, either on-site or through a contribution to off-site provision cannot be sought for this type of development.
- 7.35 The proposal would also meet the threshold for other contributions such as education. However, as this is a specialist residential accommodation and given the single person occupancy nature, it is consider that the proposal would not result in the generation of additional impacts on these matters, such as education and therefore, this contribution would not meet the tests for requiring planning obligations. This is considered to be the same for contributions towards open space and leisure.
- 7.36 In respect of the request from the Northamptonshire Clinical Commission Group (NHS) towards improvements to primary healthcare facilities, Officers consider this



request is reasonable and related to the development proposed. However, the financial contribution of £28,066.50 is based on the average household size of 2.43 occupants, and a total of 36.45 future residents. However, as set out by the applicant, each apartment would have a single occupancy due to the nature of the C3(b) use proposed, and therefore the proposal would not result in the suggested population increase. Instead, this would be for an increase of 15no patients. Therefore, using the calculation provided by the CCG, a contribution based on the impacts of the development, a reasonable contributions towards primary healthcare improvements would be £11,500.

- 7.37 As such, the Officers recommendation includes the requirement to complete a s106 agreement to secure a contribution of £11,500 towards improvements to primary healthcare provision.

## **8 FINANCIAL CONSIDERATIONS**

- 8.1 The development is CIL Liable.

## **9 PLANNING BALANCE AND CONCLUSION**

- 9.1 The proposed development represents an acceptable land use and would not have a significant adverse impact upon highway safety, the character and appearance of the area or residential amenity. The proposal is therefore, in conformity with the requirements of the NPPF, Policies Q1, Q2, Q4 and Q5 of the Northampton Local Plan Part 2 and the West Northamptonshire Joint Core Strategy.

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**RECOMMENDATION:** THAT THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT BE GIVEN DELEGATED POWERS TO GRANT PERMISSION FOR THE DEVELOPMENT SUBJECT TO CONDITIONS AND SUBJECT TO A S106 LEGAL AGREEMENT

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## **10 CONDITIONS**

1. Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted shall be begun either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the later.

Reason : To comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended).

2. The development shall not be carried out otherwise than in complete accordance with the approved plans and details unless a non-material or minor material amendment is approved by the Local Planning Authority under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The approved plans and details are:

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**Final Plan list to be confirmed.**

Reason: To clarify the permission and for the avoidance of doubt.

3. A schedule of materials and finishes to be used in the external walls and roof(s) of the [dwelling(s)/building(s)] shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The development shall thereafter be completed in accordance with the approved details.

Reason: To ensure that the materials are appropriate to the appearance of the locality and to ensure the satisfactory appearance of the completed development in accordance with Policy Q1 of the Northampton Local Plan Part 2 and Government guidance contained within the National Planning Policy Framework.

4. Prior to the occupation of the residential units a scheme for achieving the external and internal noise levels outlined in BS8233:2014 and World Health Organisation Guidelines shall have been submitted and approved in writing by the Local Planning Authority, and the approved scheme implemented. Thereafter it shall be maintained in the approved state at all times with no alterations made to the approved structures including roof, doors, windows and external facades, layout of the units or noise barriers.

Reason: In the interest of safeguarding residential amenity and reducing pollution in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy and Q4 of the Northampton Local Plan Part 2.

5. Prior to the installation of any plant 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 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. Once 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 Q4 of the Northampton Local Plan Part 2.

6. Prior to the commencement of works above slab level, details for the provision of an electric vehicle charging point, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure that sufficient provision is made for electric vehicles, in the interests of sustainable travel, in accordance with Policy MO4 of the Northampton Local Plan Part 2.

8. Before any above ground works commence a scheme for the provision and implementation of foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be constructed and completed in accordance with the approved plans before the first occupation of any of the buildings hereby approved.

