



Planning Committee Report

Application Number: WNN/2022/0765

Location: 123 Wellingborough Road, Northampton, NN1 4DL

Development: Demolition of existing single-storey building and rebuilding of new 3-storey building to comprise ground floor shop and 10no new residential flats (8x1 bed, 2x2 bed), 8no rear side roof windows and 8no front dormers

Applicant: Mr G Sivasambo

Agent: Anva

Case Officer: Jonathan Moore

Ward: Castle Unitary Ward

Reason for Referral: Major application

Committee Date: 9 November 2023

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: THAT THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT BE GIVEN DELEGATED POWERS TO REFUSE PERMISSION.

Proposal

Permission is sought for the demolition of existing single-storey building and rebuilding of new 3-storey building to comprise ground floor shop and 10no new residential flats (8x1 bed, 2x2 bed), 8no rear side roof windows and 8no front dormers. The development would be finished in a mix of brick and render to the wall with a pitched roof form.

Consultations

The following consultees have raised **objections** to the application:

- Lead Local Flood Authority (LLFA)

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

Environmental Health
Conservation
Highways
Trees
Environment Agency
Anglian Water

Northamptonshire Police
Archaeology
Development Management

3 letters of objection have been received from neighbouring occupiers

Conclusion

The application has been assessed against the relevant policies in the NPPF, the Joint Core Strategy, 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 appearance and character of area
- Amenity of future occupiers
- Neighbour amenity
- Parking and Highways
- Security
- Drainage and Flood Risk

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.

The report looks into the key planning issues in detail, and Officers conclude that the proposal is unacceptable for the following two reasons:

(i) Due to the height, scale and proximity to the properties to the immediate rear on Portland Place, the proposal would be unduly harmful in terms of loss of privacy and overbearing, to the detriment of their residential amenity. As such the proposals would be contrary to Policies H1 of the West Northamptonshire Joint Core Strategy, Policy Q2 of the Northampton Local Plan and the aims of the National Planning Policy Framework.

(ii) The applicant has failed to demonstrate that the proposal would have an acceptable impact on surface water drainage and not lead to localised flooding contrary to Policy BN7 of the West Northamptonshire Joint Core Strategy, Policy Q5 of the Northampton Local Plan and aims of the National Planning Policy Framework.

MAIN REPORT

1 APPLICATION SITE AND LOCALITY

The application site is an existing single storey retail unit on the north side of the busy Wellingborough Road close to Abington Square and a short walk from Abington Street, Northampton's main shopping street. The site is bounded by residential flats on two storeys to the north on Portland Place and opposite the front are commercial units on Wellingborough Road, a Local Centre in the development plan. The site has no off road parking and is not within a Conservation Area, though is close to the boundary with the Boot and Shoe Quarter Conservation Area. The site is in a low risk flood zone as defined by Environment Agency Flood Maps.

2 DESCRIPTION OF PROPOSED DEVELOPMENT

The development proposed is for demolition single-storey building and rebuilding 3-storey building comprising ground floor shop and 10 no new residential flats (8x1 bed 2x 2 bed), 8 no rear side roof windows and 8 no front dormer.

3 RELEVANT PLANNING HISTORY

None relevant

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

H1- Housing Design, Density and Mix
S1- Distribution of development
S3 Scale and Distribution of housing development
S10 Sustainable Development Principles
S7 Provision of jobs
BN5 Historic Environment
BN7 Flood Risk
BN9 Planning and Pollution Control

Northampton Local Plan Part 2- adopted March 2023- Policies

SD1 Presumption in favour of sustainable development
Q1 Place making and design
Q2 Amenity and Layout
Q5 Flood risk and water management
RS2 Regeneration in town centre
H01 Residential and other residential led allocation
H02 Type and mix of housing
M02 Highway safety/ network
M04 Parking standards

4.3 Material Considerations

National Planning Policy Framework (NPPF)

Paragraph 110 safe access for all
Paragraph 130 design and amenity

Northampton Parking Standards Supplementary Planning Document
Northamptonshire Parking Standards
Planning out Crime SPG

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	Comment
Environmental Health	Recommend conditions for noise, party walls, noise and odour, plant. Hours of use and construction phase. Suggest conditions for refuse, land quality
Lead Local Flood Team	Insufficient information to allow assessment of drainage of development in line with local standards
Conservation	The proposed development site is on the opposite side of the road to the Boot and Shoe Conservation Area. Given the urban context of the area the proposed development isn't considered to have a negative impact on the character and appearance of the conservation area and therefore there are no objections from a heritage perspective.
Highways	No objection to lack of parking as sustainable location. As the proposed building is within 1m of the highway boundary, the following conditions must apply: <ul style="list-style-type: none"> • Foundations do not encroach or undermine the highway, and the LHA would require full engineering and structural details to that effect. In practice, this will require the cantilever foundations, so they don't affect the highway infrastructure. • Building drainage, pipes, eaves, sills, outward opening windows, fenestrations or anything else attached to the building (e.g. gas meter), must not encroach upon or overhang the highway. The roof overhanging the highway boundary on the roof plan submitted. This is not acceptable
Trees	No objection.
Environment Agency	No comments to make.
Anglian Water	There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary. Anglian Water has assets close to this site or there are assets subject to an adoption agreement. The sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.
Northamptonshire Police	No objection but recommend consideration be given to access controls and post boxes. The lift should be fob controlled. All flat entrance doors, the communal access doors and refuse store doors should meet requirements of a recognised security standard.
Archaeology	No comments to make.
Development Management	Expect financial contribution to Early Years Education and Libraries.
Councillor D Stone	Object on over-development, noise from traffic and pollution.
Private Sector Housing	Room sizes are adequate, consideration to be given to fire protection measures.

Building Control	Consideration to be given to access for emergency vehicles, fire safety, infrastructure of vehicle charging.
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6 RESPONSE TO PUBLICITY

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

- Would be a blot on the landscape
- Impact on light
- Parking concerns
- Concern at impact on privacy and overlooking

7 APPRAISAL

Principle of Development

- 7.1 The proposed development would create an additional 10 no. units of residential accommodation within a sustainable location. The authority is currently unable to demonstrate a five-year housing land supply. The development proposal would make a contribution to addressing this continuing need, which is considered to be of benefit. The proposal also retains a ground floor commercial use which is supported in what is a commercial/ residential location. For these reasons, the proposal is considered acceptable in principle.

Impact on the appearance and character of the area/ nearby conservation area

- 7.2 Any development must be designed to a high standard to accord with the aims of Paragraph 130 of the NPPF, Policy S10 of the JCS and Q1 of the Northampton Local Plan. The NPPF cites that 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 landscaping;
 - 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);
 - establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- 7.3 The Planning Practice Guide cites that development that is not well designed should be refused, especially where it fails to reflect local design policies
- 7.4 The site is located in a highly prominent gateway location passed by a large volume of daily traffic travelling into and out of the Northampton town centre on the busy Wellingborough Road. For this reason, design must be to a particularly high standard. In this instance, the proposed development which would be 3 storeys would be of comparable height and scale to the flats to the immediate east and the proposed materials are considered acceptable which can be conditioned on any grant of planning permission to ensure an acceptable external appearance. Given the urban context of the site there would not be an unacceptable impact on the nearby Conservation Area. The Councils Conservation Officer raises no concerns. The demolition of the existing building raises no concerns visually. The proposals

therefore accord with Policy S10 and BN5 of the JCS and Q1 of the Local Plan Part 2.

Amenity of future occupiers

- 7.5 The NPPF at paragraph 130 advises that good design is a key aspect of sustainable development. Paragraph 130 advises on the need to ensure that new development provides a high standard of amenity for existing and future users. These aims are reiterated in Policy H1, criterion f) of the West Northamptonshire Joint Core Strategy which states that, amongst other considerations, housing development will be expected to have regard to the living conditions provided for future residents.
- 7.6 Each flat should provide adequate space, natural light and outlook for future occupants, such that it would provide an appropriate level of amenity for proposed occupiers.
- 7.7 Turning to space standards, the minimum recommended space for a 1-bedroom dwelling for 1 person is 37 square metres and a 2-bedroom dwelling for up to 3 people is 61 square metres in the NDSS. The government has published the National Design Guide, which states in Paragraph 126 that 'well-designed homes and communal areas within buildings provide a good standard and quality of internal space. This includes room sizes...'. It also states that Local Plans may adopt the Nationally Described Space Standards in order to ensure occupants of proposed dwellings have suitable levels of internal space. It is acknowledged that the Council has not adopted the NDSS however, though they can however be used as a guide to help assess levels of residential amenity.
- 7.8 The flats are considered to be an appropriate size conducive to good levels of amenity. The location of bin storage is indicated on the plans is considered acceptable and can be secured by condition in terms of further details. Environmental Health have no objections in relation to adjacent commercial uses and conditions can be attached in terms of noise, waste, air quality and construction.

Neighbour effects

- 7.9 Policy H1 of the JCS seeks to protect privacy, light and outlook of nearby occupiers and this is also reflected in Policy Q2 of the Local Plan.
- 7.10 The rear elevation of the proposed building would fall within 13 metres of the main elevation of the flats to the rear in Portland Place, furthermore the façade facing the development site does have habitable rooms. The proposed built form would be up to 3 storeys high and extend to a total height of 9 metres above ground level to roof line. Due to the extent of the building height and mass the development would create some overbearing and overshadowing effect on the main windows opposite. In addition, the proposed upper floor windows would directly overlook the existing flats causing loss of privacy being less than 13m away with a principal elevation facing the site. The proposed building has single aspect flats facing the flats to the rear in Portland Place, to the effect that there is no way the overlooking issues can be overcome.
- 7.11 In effect the short distance between the proposed building and the existing flats in Portland Place is considered to result in an unacceptable impact on the amenity of the occupiers of these flats. The applicant has drawn a 45 degree line from windows to try to demonstrate there would still be adequate daylight reaching flats on Portland Place and has reduced the scale of the proposals since the application was first

submitted (the proposals have been reduced from 14 to 10 flats), but officers believe that in addition to the loss of privacy the proposals would be perceived as overbearing by the residents of flats in Portland Place facing the development proposal. Overall it is considered that due to the height, scale and proximity to the properties to the immediate rear less than 13 metres away on Portland Place, the proposal would be unduly harmful in terms of privacy loss detrimental to residential amenity and contrary to Policies H1 of the West Northamptonshire Joint Core Strategy, Policy Q2 of the Northampton Local Plan and aims of the National Planning Policy Framework.

Parking and Highway Matters

- 7.12 Owing to the sustainable location of the development, it is considered that the proposal would not result in any harm to the traffic system and no objections have been received from the Highway Authority in this regard. Whilst no on-site parking provision is proposed, the site is located within a highly sustainable location, surrounded by main town centre facilities and a variety of public transport options within walking distance. Furthermore, the proposal would offer onsite cycle storage provision for resident's use which offers a further, sustainable transport option which is supported. Such provision can be secured by planning condition. On this basis, it is considered that the proposal is acceptable addition in this regard.

Security and Crime prevention

- 7.13 Northamptonshire Police have been consulted on the proposal and raise no objection subject to the provision of further details related to site security, specifically access door security, external mailboxes and details for the refuse store/cycle store area. It is considered reasonable and necessary to secure such details to ensure an appropriate standard of residential amenity for future occupiers and the imposition of a planning condition is considered appropriate in this case.

Drainage and flooding

- 7.14 Although the site is in a low risk flood zone it is a major development proposal, where Officer's would expect an appropriate standard of drainage strategy to be submitted. The LLFA have nonetheless commented and objected to there being insufficient information to make a decision on surface water drainage. The LLFA has advised that the applicant's drainage report has failed to demonstrate how the proposals would meet LLFA standards. It is considered that the applicant has failed to demonstrate that the proposal would have an acceptable impact on surface water drainage and not lead to localised flooding contrary to Policy BN7 of the West Northamptonshire Joint Core Strategy, Policy Q5 of the Northampton Local Plan and the aims of the National Planning Policy Framework.

Other issues

- 7.15 In terms of archaeology, there are no issues of concern. There are also no trees on the site that can be impacted upon by the proposal.

8 FINANCIAL CONSIDERATIONS

- 8.1 CIL is payable. The scale of development proposed would require financial contributions to Early Years Education and Libraries.

9 PLANNING BALANCE AND CONCLUSION

- 9.1 Whilst the principle of residential development is considered to be acceptable, the siting raises fundamental concerns in terms of proximity to other buildings and drainage. The proposal therefore does not accord with local and national planning policy and is recommended for refusal.

10 RECOMMENDATIONS AND CONDITIONS

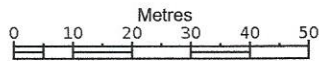
- 10.1 RECOMMENDATION: THAT THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT BE GIVEN DELEGATED POWERS TO REFUSE PERMISSION FOR THE FOLLOWING REASONS:

- 1. Due to the height, scale and proximity to the properties to the immediate rear on Portland Place, the proposal would be unduly harmful in terms of loss of privacy and overbearing, to the detriment of their residential amenity. As such the proposals would be contrary to Policies H1 of the West Northamptonshire Joint Core Strategy, Policy Q2 of the Northampton Local Plan and the aims of the National Planning Policy Framework.**
 - 2. The applicant has failed to demonstrate that the proposal would have an acceptable impact on surface water drainage and not lead to localised flooding contrary to Policy BN7 of the West Northamptonshire Joint Core Strategy, Policy Q5 of the Northampton Local Plan and the aims of the National Planning Policy Framework.**
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Produced 11 Mar 2019 from the Ordnance Survey MasterMap (Topography) Database and incorporating surveyed revision available at this date.

The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.



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