



Planning Committee Report

Application Number: WNN/2023/0681

Location: 2 Clare Street
Northampton
Northamptonshire
NN1 3JF

Development: Conversion and change of use of dance/art/ and photographic studio into 14no Flats with alterations to basement windows

Applicant: Stamford Cannon Investments LLP

Agent: LMR Designs

Case Officer: Jonathan Moore

Ward: Castle Unitary Ward

Reason for Referral: Major application

Committee Date: 11 January 2024

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: THAT THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT BE GIVEN DELEGATED POWERS TO GRANT PERMISSION IN PRINCIPLE FOR THE DEVELOPMENT SUBJECT TO CONDITIONS and COMPLETION OF A SECTION 106 LEGAL AGREEMENT COMPRISING A FINANCIAL CONTRIBUTION TOWARDS LIBRARIES/MONITORING FEE.

A legal agreement securing a financial contribution of £1660 towards Local Libraries.

Proposal

Permission is sought for the conversion and change of use of a commercial building used as a dance, art and photographic studio into 14no Flats (12 one bed and 2 two bed units) with alterations to basement windows. The proposed cycle and bin stores would be located in the basement. There is car parking for 6 cars provided to the rear of the site accessed from Great Russell Street.

Consultations

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

Conservation
Police
Highways

Environmental Health
Development Management
Anglian Water
Construction Futures
Northampton Town Council
Lead Local Flood Authority (LLFA)
Planning Policy

Northampton Town Council **support** the application.
No letters of objection or support have been received from any neighbouring occupiers.

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
- Housing Mix
- Impact on appearance/character of the conservation area
- Residential amenity of future residents
- Neighbour effects
- Parking and Highway safety
- Flood Risk
- Security

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 an existing brick built building occupying a prominent position at the junction of Earl Street and Clare Street in the Boot and Shoe Quarter conservation area. The area is defined by a mix of residential and commercial uses in close proximity. The building is 4 storeys high and is unlisted, it is opposite the listed Drill Hall on Clare Street, there is a car park to the rear for 6 cars adjacent to the Albany House flats.
- 1.2 The dance and photographic studio have already vacated the basement and ground floor and the current occupants of the upper floors are in the process of doing so.

2 DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1 The development is for the conversion of a commercial building used as a dance/art and photographic studio into 14 residential flats and infilling of windows to basement.

Bins and cycles would be provided in the basement. Car parking for 6 cars is provided to the rear accessed from Great Russell Street.

3 RELEVANT PLANNING HISTORY

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

N/2004/0333 – An application for a change of use of the property to a refugee community centre including a café, crèche, telephone centre, office, IT training facilities and retail units was refused as it was considered that the proposal would result in an intensive use of the site likely to result in noise disturbance and vehicular movements. The LPA also determined that the range of uses proposed may result in anti-social behaviour.

N/2004/1275 – The LPA refused planning permission for the change of use of part of the ground floor of this property from office space to a café and telephone centre. The 5 reasons for refusal related to the loss of a business premises, noise disturbances and the Applicant's failure to provide suitable access to and movement within the building for people with disabilities.

N/2007/0882 – Planning permission for a change of use to the basement and ground floor level at 2 Clare Street to create a dance studio and training room was refused.

N/2008/0721 – Approval was granted by the LPA for the change of use to part of the ground floor and basement level associated with the property to a Dance Studio (Use Class D2) and ancillary uses

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.

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

4.3 Development Plan

West Northamptonshire Joint Core Strategy (Local Plan Part 1) – Policies

S10 Sustainable Development Principles
BN5 Heritage
BN7 Flood Risk
BN9 Pollution Control
H1 Housing Mix and design
H5 Managing Housing Stock
RC2 Community uses

Northampton Local Plan Part 2 2023

Q1 Place making and design

Q2 Amenity and layout
 ENV6 Heritage
 M02 Parking and Highways
 SD1 Sustainable Development
 H01 Residential allocations
 H02 Type and mix of housing
 CRC5 Community uses

4.4 Material Considerations

National Planning Policy Framework (NPPF)

- Paragraph 110 safe access for all
- Paragraph 130 design and amenity
- Paragraph 197 heritage

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.

It should be noted that although no direct comments have been received on the application an earlier report was withdrawn from a Committee agenda; this was following indirect queries from local Councillors regarding whether correct consultations/processes had been followed. The application was reviewed and further consultation undertaken on the application. No comments were received to the extra consultation.

Consultee Name	Comment
Conservation	<p>The proposal is for the conversion of the existing building into 14 apartments. The building is a former boot and shoe factory which lies within the Boot and Shoe Conservation Area, but is not listed. The building is in close proximity to the grade II Drill Hall, it is off set from the building, but impacts on its wider setting.</p> <p>There are no objections in principle to the proposed change of use and it is noted from the Planning Statement that there are limited proposed alterations to the exterior of the building. The opening up of the basement windows is welcomed, but the design of these windows should be conditioned. If it is decided to make any changes to the upper floor windows or any of the doors these should also be subject to condition.</p>
Police	Comment on need for secure windows, front entrance, cycle parking and access, support the application in principle
Highways	<p>No objection, comments provided.</p> <p>The local highway authority (LHA) has the following observations, comments and recommendations: - Parking: The development will include 6 parking spaces accessed from Great</p>

	<p>Russel Street. Furthermore, the property in question is within Permit Zone E and therefore residents will be eligible for permits. Therefore, all parking in the immediate vicinity is controlled. The LHA holds the right to restrict the number of permits administered to any property as it sees fit. This may result in the number of permits being limited and there is no guarantee that every resident within the revised property will be issued with a permit. The parking enforcement team has been consulted and although there are general complaints about not being able to park close enough to one's own property, they are not aware of any direct complaints regarding being unable to park within the zone at this point. This would not be highway consideration as it will not lead to highway safety concerns, but you may wish to consider the residential amenity of the existing residents. Consideration has been given to the possibility that if residents cannot find a space within the permit zone, it could impact the local area. To the south-east of the application site is permit zone D, which will not be impacted due to it being a controlled permit zone. The nearest area of unrestricted parking would be Hunter Street, which is approximately 150m, from the entrance to the property. In addition to the above, the location is considered highly sustainable, with a supermarket approximately 250m away and it is relatively close to the town centre and bus station. Taking all of the above into consideration, the LHA does not believe the proposed development is likely to have an undue impact on highway.</p> <p>Cycle Storage: Due to the limited parking provided and that this is an opportunity for a highly sustainable development, it is essential that every dwelling has access to cycle storage. The cycle storage needs to be secure, lockable and shielded from the elements.</p>
Environmental Health	Comment on need for noise conditions, refuse and CEMP, no objection raised to proposal
Development Management	No contribution required to education, request contribution to Libraries
Anglian Water	No objections
Town Council	Support the application
Construction Futures	No need to comment, no objections
Lead Local Flood Authority	No objection.
Planning Policy	The application site forms part of Northampton Part 2 Plan allocation LAA0335. LAA0335 is identified in the Part 2 Plan, under Policy HO1, as a residential/residential led allocation with the principle of housing on the site having previously been assessed and considered acceptable. The Policy Team therefore have no in principle objections to the proposed development.
Economic Development	Concerned at loss of non-residential floor space.

6 RESPONSE TO PUBLICITY

- 6.1 There have been no neighbour comments received

7 APPRAISAL

Main issues

- 7.1 The main issues to consider are the principle of development, impact on the appearance and character of the Boot and Shoe Quarter conservation area, parking, residential amenity and drainage/ flood risk.

Principle of residential conversion/ loss of community facility

- 7.2 The application site is in a residential/commercial area within the urban area of Northampton and therefore development of the site for residential purposes is acceptable in principle under the Joint Core Strategy and Northampton Local Plan Part 2 where the site is allocated for residential use. The development of the site for housing would contribute towards the Council's housing supply with associated social and economic benefits as referred to in this report. This therefore weighs in favour of the proposal in principle.
- 7.3 Part of the building has been used on a temporary basis as an existing art and photographic studio. If permitted the proposal would result in a loss of a small scale community facility/existing business however it is on balance considered that the benefit of providing 14 flats would outweigh any concern in what is a sustainable location. Although the proposal would result in loss of a community use, the benefits of new housing would outweigh this. This accords with Policy RC2 of the JCS and CRC5 of the Local Plan Part 2 which seeks to resist loss of community facilities unless the benefits of the scheme outweigh the loss, which would apply in this case. The location of the premises, is such that there are similar community buildings within a short distance from the application site. It is also noted that the building is significantly under-utilised and that if approved the development would ensure the future viability of the site is secured.

Housing Mix

- 7.4.1 The proposed development is comprised of 14.No properties comprising a mix of one- and two-bedroom flats. The flats will be located on all floors across the building to make most effective use of the vacant and underutilised spaces within the property situated in a sustainable urban location. The residential properties which surround the site predominantly comprise of tightly packed terraced housing, with several flats and apartments also located within the vicinity of Clare Street. .

Impact on appearance and character of the Boot and Shoe Quarter Conservation Area

- 7.5 The site is located in the Boot and Shoe Quarter Conservation Area with limited external alterations proposed to the building. The Council's Conservation Officer has been consulted and has no objections, the design of the basement windows would be secured via a planning condition, to allow further assessment of their precise appearance prior to installation. This would accord with Policy BN5 and S10 of the Joint Core Strategy and ENV6 of the Local Plan Part 2. On balance, it is considered that the proposal would preserve the appearance and character of the heritage asset.

Amenity of future occupiers

- 7.6 In assessing the living conditions of future occupiers, the proposal needs to be considered against Policy H1 of the Joint Core Strategy which can be afforded weight in decision making given that it is an up to date development plan policy; criteria (f) relates specifically to the amenity of future occupiers.
- 7.7 It is acknowledged that the Council has not yet adopted the NDSS however, local policy is a material consideration that can be given some weight. In addition, adopted Policy H1 of the JCS and the NPPF require a good standard of amenity for proposed occupiers and the NDSS is considered an appropriate standard by which to assess what is an appropriate level of amenity. The proposed flat sizes are all over 37 square metre and therefore considered to provide an acceptable level of amenity in respect of size of units exceeding the National Space Standards. In addition, habitable rooms are served by sufficient windows to provide adequate light and outlook. There are also bins and cycle stores to the basement which can be conditioned on any approval. This accords with Policy H1 of the Joint Core Strategy (JCS). There is no evidence to suggest that the intended use would increase litter or fly-tipping.

Neighbour effects

- 7.8 Due to the intensity of the proposed use it is noted that there would be an impact on neighbouring amenity in terms of comings and goings and disturbance. Notwithstanding this, a comparison must be made with the existing commercial use which would generate noise, comings and goings from employees, deliveries and waste collections in its own right. The use is considered acceptable in this regard as it would not be significantly worse than the existing situation and accords with Policy Q2 of the Local Plan Part 2 and paragraph 130 of the NPPF. The argument that there are too many flats in the area and over-development is not considered a reason to resist the application on amenity or policy terms.

Parking and Access

- 7.9 The proposal provides only 6 off road parking spaces accessed off Great Russell Street to serve a total of 14 flats. Whilst this is an under-provision of parking, the site is considered to be within 10-15 minute walking distance of Northampton town centre and close to public transport. The proposal would also provide cycle storage in the basement for 14 cycles to be secured by condition. The site is also in a controlled parking zone. The existing commercial use would in its own right generate need for off road parking and it is considered that whilst the proposed use is more intensive a comparison needs to be drawn. As the spaces would be unallocated there is no need for electric charging points.

7.10 Development and Flood Risk

The site lies in a low risk flood zone as defined by the Environment Agency Flood Maps. For this reason the proposal is unlikely to result in flooding in accordance with Policy BN7 of the JCS. The LLFA and Anglian Water raise no concerns.

7.11 Other issues

There is no requirement from Construction Futures or Development Management to enter into a legal agreement to construction training or education.

8 FINANCIAL CONSIDERATIONS

8.1 CIL is not payable as this is conversion only with no additional floorspace being added.

8.2 A financial contribution to Libraries has been requested and in accordance with the Local Plan Part 2, this would be secured via legal agreement or unilateral undertaking.

9 PLANNING BALANCE AND CONCLUSION

9.1 Given the site is in sustainable location, being close to an established residential area and would contribute to the Council's Housing Supply the principle is considered acceptable. The impact on the appearance and character of the conservation area, highway safety, flood risk, crime and amenity is considered acceptable subject to the conditions. There are no significant concerns over the loss of a community facility.

9.2 Officers are satisfied that the scheme accords with the relevant national and local policies and guidance and should be approved subject to conditions and an appropriate S106 agreement. The S106 agreement would need to secure financial contributions towards local libraries.

10. RECOMMENDATION AND CONDITIONS

10.1 To grant permission subject to conditions as set out below with delegated authority to the Assistant Director for Planning to approve any amendments to those conditions as deemed necessary and finalise a suitable S106 agreement.

10.2 A full list of conditions is provided below:

Time Limit

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

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Approved plans

- 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 022/066/001, 002, 003, 004, 005, 006A, SK001

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

CEMP

- 3) Prior to the commencement of development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction

Reason: In the interests of safeguarding highway safety, safeguarding residential amenity and reducing pollution in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy

Parking

4) The area shown for parking on the approved block plan shall be permanently set aside and reserved for that purpose in relation to the 14 flats permitted.

Reason: In the interests of highway safety, to ensure the provision of adequate off-street car parking and Government guidance in Section 12 of the National Planning Policy Framework.

Cycle parking

5) Prior to the first use or occupation of the development hereby permitted, covered cycle parking facilities shall be provided on the site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The covered cycle parking facilities so provided shall thereafter be permanently retained and maintained for the parking of cycles in connection with the development.

Reason: In the interests of promoting sustainable transport modes in accordance with Government advice in the National Planning Policy Framework.

Windows

6) Details of the construction, including cross sections, cill, lintel, reveal and colour / finish of the proposed basement windows to a scale of not less than 1:20 shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of that work. The development shall be carried out in accordance with the approved details.

Reason: To preserve the character and appearance of the conservation area in accordance with Policies BN5 and S10 of the West Northamptonshire Joint Core Strategy.

Security

7) Prior to first occupation, a detailed security strategy showing access any boundary treatment, entrance doors and lighting to the car park shall be submitted for approval and agreed in writing and implemented concurrently with the approved development and retained thereafter.

Reason: In the interests of security to comply with Policy S10 of the West Northamptonshire Joint Core Strategy.

Noise

8) Prior to occupation 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. Once approved the 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.

Basement windows opening

9) The basement windows shall open inwards only away from the public highway and be retained as such in perpetuity.

Reason: In the interests of highway safety to comply with condition M02 of the Northampton Local Plan Part 2.
