

Planning Committee Report

Committee Date:	5 th July 2022
Application Number:	WNN/2022/0448
Location:	135 Stimpson Avenue, Northampton, NN1 4JN
Development:	Change of Use of existing Retail Unit and associated Offices and Storage Areas (Use Class E) to 5no Apartments (Use Class C3), to include part demolition of existing buildings and internal alterations and modifications to existing external openings together with new external openings
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Applicant:	Hanumana Limited
Agent:	Architectural Solutions (Midlands) Ltd
Case Officer:	Adam Walker
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Ward:	Abington and Phippsville Unitary Ward
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Referred By:	Councillor Purser and Councillor Smith
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Reason for Referral:	On the grounds that it represents overdevelopment of this site and that the room sizes seem far too small.

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

Proposal

The proposal is for the change of use and alterations to convert the existing building, which was previously used for retail with ancillary storage and distribution, into 5no. one bedroom apartments.

Consultations

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

- Northampton Town Council
- Councillor Smith and Councillor Purser

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

- Environmental Health

The following consultees have made comments/observations on the application:

- Local Highway Authority
- Northamptonshire Fire & Rescue Service

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One 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 8 of the report.

The key issues arising from the application details are:

- Principle of Development
- Impact of the external alterations on the surrounding area
- Living conditions of the future occupiers of the development
- Amenity of neighbouring properties
- Parking and highway safety

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 was formerly used for retail with ancillary offices and storage space. The premises were occupied by a decorating supplies business, which vacated the site in January 2022.
- 1.2 The property comprises of a combination of single, two and three storey adjoining buildings spread across the site in a reverse 'L' shape. The three storey building also includes a basement level. The buildings are predominantly faced in render with some red brick elements.
- 1.3 The retail frontage is to Stimpson Avenue and the property also has a frontage onto the junction with Derby Road. The site extends to the rear of 133 Stimpson Avenue and several residential properties on Derby Road and Turner Street.
- 1.4 The surrounding area is predominantly residential, with traditional terraced housing existing towards the west and a mixture of more modern residential development lying to the east. The site is within walking distance of the facilities and amenities within allocated Neighbourhood Centres on Kettering Road and Abington Avenue.

2 CONSTRAINTS

- 2.1 None

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3 DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1 The development is for the change of use of the property to five apartments (Use Class C3).
- 3.2 All of the apartments would have one bedroom. Two of the units are on a single floor and the remainder are split over two and three floors.
- 3.3 A series of external alterations are proposed to facilitate the change of use. These include:
- Partial demolition of a single storey flat roofed building to enable a ground floor frontage and access to be formed for apartment 2 and a communal bin store
 - Replace existing corrugated roof to retail unit with tiled roof, extend pitched roof across part of existing single storey flat roofed building and erect new gable end wall (apartment 1)
 - Timber fence panel and gate formed to Stimpson Avenue where part of single storey flat roofed building is to be demolished
 - Replace existing retail frontage on Stimpson Avenue with three windows and a door (apartment 1)
 - Replace two doors to Stimpson Avenue with windows (apartment 3)
 - Form two new ground floor windows and an entrance door to Stimpson Avenue (apartment 3)
 - New first floor window and rooflights added to a two storey building within the site (apartment 2)
 - New ground floor window to Derby Road elevation (apartment 5)

4 RELEVANT PLANNING HISTORY

- 4.1 There is no planning history directly relevant to the proposal.

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.

Development Plan

- 5.2 The Development Plan comprises the West Northamptonshire Joint Core Strategy Local Plan (Part 1) which was formally adopted by the Joint Strategic Planning Committee on 15th December 2014 and which provides the strategic planning policy framework for the District to 2029 and the adopted Northampton Local Plan. The relevant planning policies of the statutory Development Plan are set out below:

West Northamptonshire Joint Core Strategy - Local Plan (Part 1) (LLP1)

- 5.3 The relevant saved policies of the LLP1 are:
- Policy H1 – Housing Density & Mix & Type of Dwellings
 - Policy S1 – Distribution of Development
 - Policy S3 – Scale and Distribution of Housing Development
 - Policy S4 – Northampton Related Development Area
 - Policy S10 – Sustainable Development Principles

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- Policy BN7 – Flood Risk
- Policy BN9 – Pollution Control

Northampton Local Plan 1997 (Saved Policies)

5.4 The relevant saved policies are:

- Policy E20 – Design
- Policy H24 – Flats wholly or partly in basement areas

Material Considerations

5.5 Below is a list of the relevant Material Planning Considerations

National Planning Policy Framework (NPPF)

The NPPF sets out the current aims and objectives for the planning system and how these should be applied. In delivering sustainable development, decisions should have regard to the mutually dependent social, economic and environmental roles of the planning system. The NPPF should be read as one complete document. However, the following sections are of particular relevance to this application:

Paragraphs 72 (c) - ensure that a variety of homes to meet the needs of different groups in the community will be provided

Paragraph 127 (f) - seeks to create safe and healthy places with a high standard of amenity for existing and future users.

Northampton Local Plan Part 2 (2011-2029) (Emerging)

Following the decision at the Full Council on 18 January 2021, the former Northampton Borough Council submitted the Northampton Local Plan Part 2 (2011 – 2029) and supporting documents to the Secretary of State for Housing, Communities and Local Government (now Secretary of State for Levelling Up, Housing and Communities) on 4 February 2021 for examination. This is in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).

In line with Paragraph 48 of the National Planning Policy Framework, the policies contained with the emerging Northampton Local Plan Part 2 are therefore a material consideration in the determination of planning applications. The weight afforded to the policies relevant to this application are set out below:

- Policy 1 – Presumption in favour of sustainable development (Significant weight)
- Policy 2 – Placemaking (Moderate weight)
- Policy 3 – Design (Moderate weight)
- Policy 4 – Amenity and layout (Moderate weight)
- Policy 5 – Carbon reduction, sustainable design etc (Moderate weight)
- Policy 6 – Health and wellbeing (Significant weight)
- Policy 14 – Type and Mix of Housing (Moderate weight)
- Policy 33 – Highway network and safety (Significant weight)
- Policy 35 – Parking standards (Significant weight)

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Northamptonshire County Parking Standards (November 2016)

Northampton Parking Standards Supplementary Planning Document (November 2019)

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
Local Highway Authority	Observation	The local area is known to be heavily parked, with little to no residual parking capacity available on street. The proposed development is likely to increase the parking demand when compared to the existing use in the evening, when parking demand is at its highest. This can lead to increases in double parking, parking on double yellow lines and other unsafe parking practices. The LPA should consider the above in respect of safety and safe practice along with the residential amenity of the local residents, which will inevitably suffer if further vehicles are brought into the area.
Environmental Health	No objection	Recommend conditions requiring a construction management plan, a scheme for noise mitigation for the future occupiers and contaminated land conditions if ground works are involved. Comment that the nature of Stimpson Avenue is such that it does not promote pedestrian and cycle travel, which is likely to encourage reliance on cars.
Northampton Town Council	Object	Object on highway grounds as the site is near to a busy junction between two main roads and there is a lack of parking for the proposed apartments.
Northamptonshire Fire & Rescue Service	Comment (Comments provided on the plans as originally submitted and not the revised plans)	Apartment 2 is unlikely to meet Building Regulations due to the bedroom on the second floor being an inner room. All bedrooms in all flats (other than the flat containing the basement area) are classed as inner rooms and must be provided with escape windows.
Northamptonshire	-	No comments received

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Police		
West Northamptonshire Refuse (Veolia)	-	No comments received
Councillor Bob Purser	Object	The proposal represents overdevelopment of this site and the room sizes seem far too small.
Councillor Zoe Smith	Object	The proposal represents overdevelopment of this site and the room sizes seem far too small.

7 RESPONSE TO PUBLICITY

7.1 There has been one representation received at the time of writing this report. The representation raises concerns with the proposal and a summary of the comments is provided below.

- Proposal will exacerbate existing parking problems
- There are already more than enough flats in this area
- Against the development, especially when it is so close to the objector's property

8 APPRAISAL

Main issues

8.1 The main issues to consider are the principle of development, the visual impact of the proposed external alterations, the living conditions of future occupiers of the development, the impact on the amenity of neighbouring properties, and the impact on parking and highway safety.

Principle of development

8.2 The proposed development would provide additional housing at a time when the Council is unable to demonstrate a five year housing land supply. The proposal represents a very modest housing windfall but it would nevertheless make a positive contribution to the Council's housing delivery targets as set out in Policies S3 and S4 of the West Northamptonshire Joint Core Strategy, and this weighs in favour of the application.

8.3 Policy H1 of the Joint Core Strategy and Policy 14 of the emerging Local Plan Part 2 seek to ensure the provision of a range of house types. The proposal would provide self-contained one bedroom units which would add to the mixture of property types in this location.

8.4 The proposed development would support the re-use of a vacant building and the proposal therefore represents an efficient use of land and resources, which the NPPF promotes.

8.5 The surrounding area is predominantly residential and therefore the proposal is compatible with the nature of the area. Furthermore, the loss of the established retail use would not conflict with any planning policies or guidance because retail uses are classified as a main town centre use and the site is within an out-of-centre location.

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- 8.6 Having regard to all of the above, the principle of the proposed development is considered to be acceptable.

Impact on the character of the surrounding area

- 8.7 The proposal involves a series of external alterations to facilitate the change of use. These include the formation of new window and door openings, replacing existing windows and doors associated with the commercial use with residential type windows and doors, some very limited demolition, and an existing corrugated pitched roof would be replaced with a tiled roof and slightly extended over a part of the property that has currently has a flat roof.
- 8.8 The new and replacement fenestration has been designed to be in keeping with the host building, with the proportions and detailing of the new windows reflecting the existing property.
- 8.9 Part of a single storey flat roof building would be demolished to create a pedestrian access off Stimpson Avenue and enable a frontage to be formed for one of the apartments internal to the site. A section of timber panel fence and a timber access gate are proposed alongside Stimpson Avenue where the building is being demolished. This would not appear out of keeping with the character of the area because there are other sections of timber fencing alongside Stimpson Avenue within the immediate vicinity.
- 8.10 Replacing the existing corrugated roof above the former shop with a concrete tiled roof would enhance the appearance of the building within the streetscene.
- 8.11 A condition is recommended requiring the new materials used for the proposed external alterations to match the existing building. This includes where existing openings are being blocked up, the new gable end wall to apartment 1, the new ground floor frontage for apartment 2 within the site, the proposed tiles for the replacement roof and the new windows and doors.
- 8.12 Subject to the aforementioned condition, the application is considered to comply with Policy E20 of the Northampton Local Plan, Policy 3 of the emerging Local Plan Part 2 and guidance in the NPPF.

Living conditions of future occupiers

- 8.13 Saved Policy E20 of the Northampton Local Plan requires development to provide adequate standards of privacy, daylight and sunlight and Policy H1 of the Joint Core Strategy seeks to ensure new development has regard to the living conditions for future residents. Policy 4 of the emerging Local Plan requires development to create a high standard of amenity for occupiers, including ensuring satisfactory outlook and visual amenity from within buildings, taking account of the relationship with neighbouring buildings and the wider street scene. These policies reflect paragraph 130 of the NPPF which advises of the need to ensure that developments create places with a high standard of amenity for existing and future users.
- 8.14 Officers are satisfied that the proposed apartments would provide an acceptable amount of living space for the future occupiers, having regard to the Government's Nationally Described Space Standards (NDSS). Apartments 1, 2 and 3 either meet or exceed NDSS. It is not possible to directly apply NDSS to apartments 4 and 5 because these units have three floors and the NDSS does not provide a minimum standard for one bedroom units with three storeys. Nevertheless, the available living space within apartments 4 and 5 (i.e. habitable rooms, kitchens and bathrooms) exceed the minimum requirement for a one bedroom single occupancy unit and on this basis it is considered that adequate space would be provided for the occupiers of these apartments.

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- 8.15 All habitable rooms would be served by windows that would generally provide a suitable outlook and natural light. The bedroom for apartment 2 and the kitchen-diner for apartment 5 would however be somewhat constrained in this regard.
- 8.16 The outlook from the bedroom of apartment 2 would essentially be an internal outlook into the access area for the communal bin store and natural light to this window would be impacted by the proximity of nearby buildings and boundary treatments. There is also the potential for the occupier of apartment 2 to be disturbed by other residents accessing the communal bin store.
- 8.17 The kitchen-diner for apartment 5 would be located within the basement and would be reliant on a large bay window at ground floor level providing natural light to this area, with a void being created over the basement staircase to allow light down to the basement.
- 8.18 Notwithstanding the identified constraints on these two apartments, on balance, it is not considered that the impact on the living conditions of the future occupiers of apartments 2 and 5 would be significantly prejudiced, particularly because the main living spaces elsewhere within the units afford a good degree of natural light and suitable outlook.
- 8.19 To ensure that occupiers of the development are not subject to excessive levels of noise, Environmental Health have recommended a condition regarding a noise mitigation scheme. The imposition of such a condition is considered reasonable and necessary.
- 8.20 The development provides suitable refuse arrangements. Bins would be stored within an enclosed area internal to the site and would be accessible to all residents, with bins needing to be moved a short distance onto Stimpson Avenue via shared pedestrian gate ready for collection.
- 8.21 One of the apartments would be provided with a small area of outdoor amenity space (apartment 3) but the remainder of the apartments would not have any external amenity space. However, this is not usual for this type of development and the site is within walking distance of public recreation space. As such, there are not any significant concerns in this regard.
- 8.22 It is considered that the proposed development would provide an acceptably high standard of living conditions for the future occupiers and the application accords with Saved Policy E20 of the Northampton Local Plan, Policy H1 of the Joint Core Strategy, Policy 4 of the emerging Local Plan and guidance in the NPPF.

Impact on neighbour amenity

- 8.23 The previous use of the property was for retail with ancillary storage and office space. The proposed conversion of the property to 5no. one bedroom apartments is unlikely to result in significant additional comings and goings over and above the established use.
- 8.24 Windows within the apartments would not result in any significant overlooking issues. The outlook from all windows would remain towards Stimpson Avenue and Derby Road and window to window relationships between the proposed apartments and neighbouring residential properties would be reflective of the established pattern of development and the character of the surrounding area. No new windows would be introduced that would compromise the privacy of the properties on Turner Road, Derby Road and Stimpson Avenue that share a boundary with the application site.
- 8.25 A condition is recommended requiring a construction management plan to mitigate the impact on neighbouring occupiers during the development phase.

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Parking and highway safety

- 8.26 The site does not benefit from any off-street parking and so the parking needs of the future occupiers would have to be met through on-street parking. Parking is generally unrestricted within the surrounding area and is heavily subscribed.
- 8.27 The established use of the property is for retail and the previous use of the premises would have generated a certain level of parking demand from staff, deliveries and from customers. Whilst it is unlikely that the previous use of the premises as a decorating supply business would have generated any significant demand for parking in the evening, when demand for residential parking is at its highest, the lawful use of the property as a shop could nevertheless generate demand in the evenings if it were used for a different type of retail use, for example as a convenience store.
- 8.28 The site is within a sustainable location, being very close to several bus stops and within easy walking distance of at least two allocated Neighbourhood Centres (Abington Avenue and Kettering Road). The development would also provide secure cycle storage for each apartment. These factors would help to reduce reliance on private vehicles and would help to mitigate the potential demand for vehicle parking from the future occupiers.
- 8.29 Given that the established use of the property would generate its own, not inconsiderable, parking demand and considering the sustainable location of the site, officers consider that the parking needs of the future occupiers could be accommodated on the local highway network without resulting in any significant adverse impact on highway safety. The application is therefore considered to be in accordance with Policy 33 of the emerging Local Plan and guidance in the NPPF.

Other matters

- 8.30 One letter of objection has been received. The concerns raised in relation to the impact on parking have been addressed earlier within this appraisal. With regards to the objector's comment that there are already more than enough flats in this area, this is not a material planning consideration as such. There is a need to deliver new housing in Northampton, as set out in the Joint Core Strategy and emerging Local Plan Part 2, and planning policies and guidance require a mixture of house types to be provided. The proposal would therefore support these aims.
- 8.31 The development would involve conversion of basement area into a kitchen-diner. The site is at low risk of flooding and as such there are not any significant concerns with flooding of the basement accommodation.
- 8.32 Environmental Health have recommended that conditions are imposed in relation to contaminated land if ground works are proposed. The extent of ground works would be very limited and would largely amount to the erection of a single storey gable end wall for apartment 1 and new walling to form the ground floor frontage of apartment 2. Given the limited scope of ground works, a condition requiring the reporting of any unexpected contamination is considered reasonable in this instance.
- 8.33 With regards to fire safety, this would be addressed separately as part of the Building Regulations regime.

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9 FINANCIAL CONSIDERATIONS

- 9.1 CIL is not chargeable on this application and the scale of development does not meet the threshold for affordable housing or public open space provision/contributions.

10 PLANNING BALANCE AND CONCLUSION

- 10.1 The proposal would bring a vacant building back into use and would deliver new housing that would add to the range of dwelling types in the area and make a positive contribution towards the Council's housing delivery targets.
- 10.2 The proposed external alterations are in keeping with the host building and would harmonise with the character of the surrounding area. The proposed apartments would provide acceptable living conditions for the future occupiers and the development would not unduly prejudice the amenity of neighbouring occupiers.
- 10.3 Given the established use of the property for retail and the sustainable location of the site, it is not considered that the parking demand generated by the proposed development would result in any significant and demonstrable harm to highway safety.
- 10.4 The application is in accordance with Policies SA, S3, S4, H1 and S10 of the Joint Core Strategy, Policy E20 of the Northampton Local Plan, Policies 1, 2, 3, 4, 6, 14 and 33 of the emerging Local Plan Part 2 and guidance in the National Planning Policy Framework. The application is therefore recommended for approval.

11 RECOMMENDATION / CONDITIONS AND REASONS

- 11.1 The proposed development is recommended for approval subject to the following conditions.

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 Section 91 of the Town and Country Planning Act 1990.

Approved plans

2. The development hereby permitted shall be carried out in accordance with the following approved plans: ASM-22-H12-005, ASM-22-H12-004b and ASM-22-H12-003d.

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

Materials

3. The materials used for the external alterations, including works to block up existing openings, new walling, the roof to apartment 1 and all new and replacement windows and doors, shall be constructed with materials of the same type, texture and colour as those used in the construction of the existing property.

Reason: In the interests of visual amenity and to accord with Policy E20 of the Northampton Local Plan, Policy 3 of the emerging Local Plan Part 2 and guidance in the NPPF.

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Noise mitigation scheme

4. Prior to the occupation of the residential units hereby permitted, a scheme for achieving the external and internal noise levels outlined in BS8233:2014 and World Health Organisation Guidelines for the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme before the apartments are first occupied and shall thereafter be retained as such.

Reason: In the interest of safeguarding residential amenity and reducing pollution in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.

Construction management plan

5. 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 Construction Management Plan 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 and Policy 6 of the emerging Local Plan Part 2.

Unexpected contamination

6. In the event that contamination is found at any time when carrying out the approved development, development operations shall cease and it shall be reported in writing to the Local Planning Authority within 2 working days. An investigation and risk assessment of the contamination shall be undertaken and the findings submitted to the Local Planning Authority. Where the assessment indicates that remediation is necessary, a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority before any further development works take place. Following completion of the measures identified in the approved remediation scheme, a verification report shall be submitted to and approved in writing by the Local Planning Authority before any of the apartments are first occupied.

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

Basement Use

7. The approved kitchen-diner within the basement of the property (apartment 5) shall not be converted and occupied as a bedroom.

Reason: To ensure acceptable living conditions for the occupiers of this unit and to accord with Policy E20 of the Northampton Local Plan, Policy H1 of the Joint Core Strategy, Policy 4 of the emerging Local Plan Part 2 and guidance in the National Planning Policy Framework.

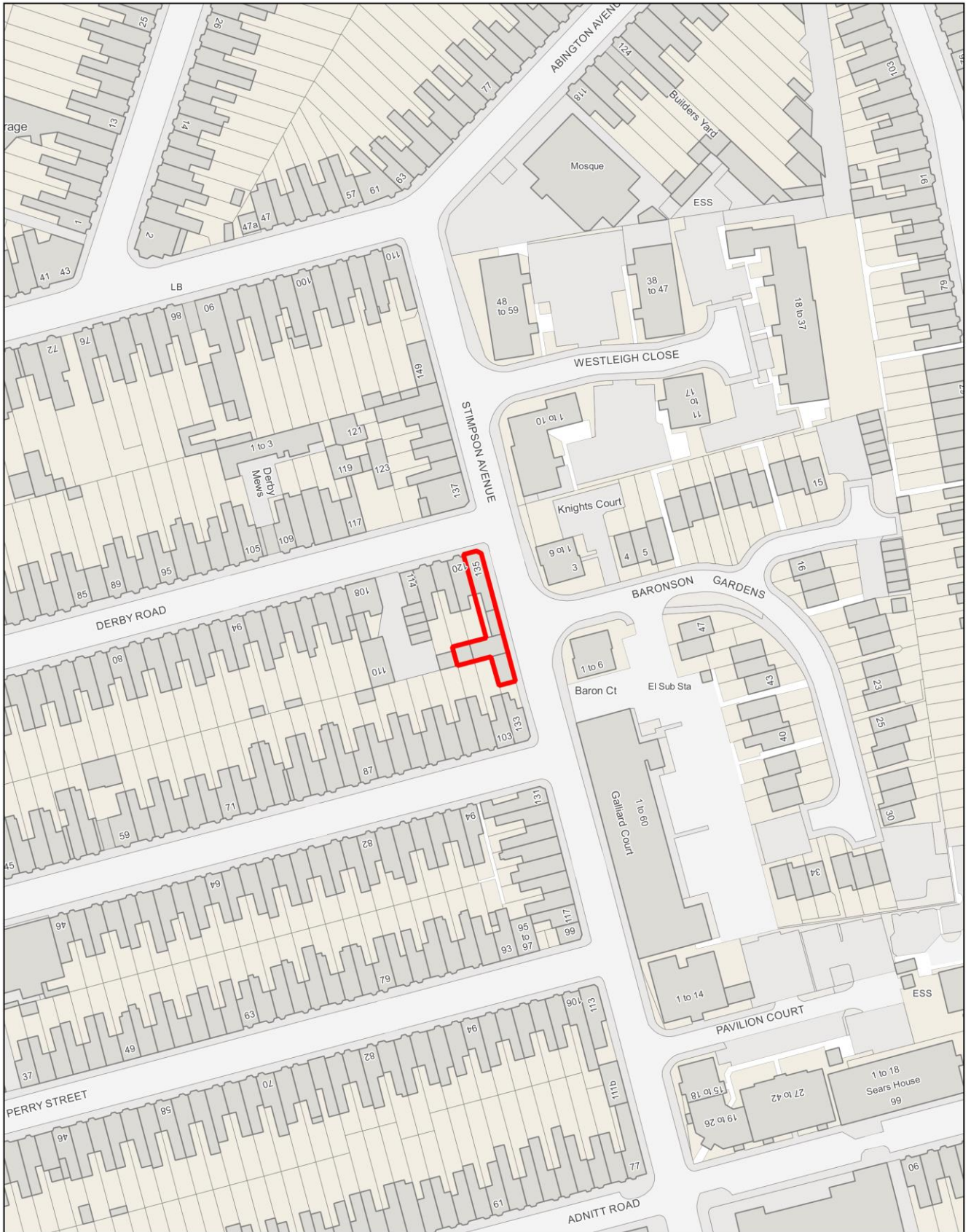


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Bin and cycle storage

8. The bin and cycle storage as shown on approved drawing number ASM-22-H12-003d shall be provided before the apartment to which the bin and cycle storage relates is first occupied and shall thereafter be retained as such.

Reason: In the interests of residential amenity and highway safety and to promote sustainable modes of transport. This is to accord with Policy E20 of the Northampton Local Plan, Policy S10 of the Joint Core Strategy, Policies 4 and 33 of the emerging Local Plan Part 2 and guidance in the National Planning Policy Framework.



**West
Northamptonshire
Council**

Title: **135 Stimpson Avenue**

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Date: 24-06-2022

Scale: 1:1,250 @A4

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