

# Planning Committee Report

**Committee Date:** 6<sup>th</sup> September 2022

**Application Number:** WNN/2022/0180

**Location:** 26 Clare Street, Northampton

**Development:** Change of Use from Commercial Property (Sui Generis) to 5 Flats (Use Class C3)

---

**Applicant:** Acca Land Group

**Agent:** Architectural Services

**Case Officer:** Jonathan Moore

---

**Ward:** Castle Unitary Ward

---

**Referred By:** Councillor D Stone

**Reason for Referral:** Overdevelopment, Size of Units and Lack of any Outside Area

---

## EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

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

### **Proposal**

Permission is sought for the Change of Use from Commercial Property (Sui Generis) to 4 one bedroom and one two bedroom Flat (Use Class C3) No external extensions are proposed to the building. There would be provisions of bin and cycle stores to the rear.

### **Consultations**

The following consultee has raised an **objection** to the application:

- Town Centre Conservation Area Advisory Committee ( TCCAAC)

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

- Environmental Health
- Police
- Highways
- Conservation

No neighbour letters of objection have been received.

## **Conclusion**

The application has been assessed against the relevant policies in the NPPF, the West Northamptonshire Joint Core Strategy, adopted Local Plan, Emerging 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 on appearance and character of the conservation area
- Residential amenity
- Effect on neighbouring amenity
- Parking and Highway safety
- Security
- Flood Risk
- Other issues

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 site consists of a 2-storey terraced commercial unit including a first floor element over a vehicular access fronting Clare Street and a 2-storey building within the rear yard adjacent to the side and rear boundary with an open outbuilding along the rear boundary. The surrounding area predominantly comprises tightly packed terraces with a mix of residential interspersed with some commercial uses. The site is also located in the Boot and Shoe Quarter Conservation Area. The building is not listed and is currently vacant. The building has been vacant for at least 7 years. The rear of the site is very overgrown with vegetation.

### **2 CONSTRAINTS**

- 2.1 The application site is within the Boot and Shoe Quarter Conservation Area.

### **3 DESCRIPTION OF PROPOSED DEVELOPMENT**

- 3.1 The development is for a Change of Use from Commercial Property (Sui Generis) to 5no Flats (Use Class C3), the proposal also includes associated bin and cycle stores

to the rear yard. The extension to the building that formed part of the previous application has been omitted from the scheme.

- 3.2 The proposal is for conversion to one and two bedroom flats only with two flats being provided in the main building fronting Clare Street and one in the single storey rear building and two in the existing two storey rear outbuilding.

#### 4 RELEVANT PLANNING HISTORY

- 4.1 The following Planning History is considered relevant to the current proposal:

Application Ref.	Proposal	Decision
WNN/2021/0639	Conversion of Commercial Unit to 7no One Bedroom Flats, including new building work to Ground First and Second Floor	Refused under delegated powers

The application was refused for the following reasons:

- The application site comprises a building that is in a prominent location and makes a positive contribution to the street scene and the Boot and Shoe Quarter Conservation Area. The proposed additional storey fronting Clare Street by virtue of its lack of visual sub-ordination, height and mass in relation to adjacent buildings would create an incongruous and visually discordant addition that fails to preserve or enhance the character and appearance of the conservation area. In addition, the resultant position of the upper floor windows on the front elevation of the extension would create a visually asymmetrical and incongruous form of development in relation to the lower floor openings detrimental to the appearance of the existing building and character and appearance of the conservation area. This would be contrary to the aims of the National Planning Policy Framework, Policies S10 and BN5 of the West Northamptonshire Joint Core Strategy and Policies E20 and E26 of the Northampton Local Plan.*
- The development would result in inadequate light and outlook for habitable rooms to Flats 4, 6 and 7 and, due to the open nature of the development, inadequate privacy for proposed occupiers of ground floor habitable rooms for the development as a whole, with particular loss of privacy to Flats 4 and 6 in respect of overlooking between proposed habitable room windows due to their proximity. This is contrary to the requirements of Policy H1 of the West Northamptonshire Joint Core Strategy and Policy E20 of the Northampton Local Plan.*
- The site comprises a backland development where there is a lack of natural surveillance from Clare Street. The applicant has failed to demonstrate that the proposal is able to provide satisfactory arrangements for designing out crime in terms of landscaping, space for private amenity areas for each unit and measures to provide a secure environment for proposed occupiers. This is contrary to the requirements of Policy S10 of the West Northamptonshire Joint Core Strategy and Planning out Crime Supplementary Planning Guide.*
- Due to its height, scale and proximity to the rear of numbers 24 Clare Street and 2 and 4 Overstone Road, the proposed flat 7 would have a visually overbearing and overshadowing effect on these neighbouring properties to the*

*detriment of the amenity of these neighbouring occupiers and contrary to the aims of the National Planning Policy Framework, Policy H1 of the West Northamptonshire Joint Core Strategy and Policy E20 of the Northampton Local Plan.*

The current proposal is an amended scheme reducing the total number of flats from 7 to 5 in an attempt to address previous refusal reasons. The extension to the main building has now been omitted.

## **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.

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.

### **5.2 Development Plan**

- West Northamptonshire Joint Core Strategy (Local Plan Part 1) – Policies S10, BN5, BN7, BN9, H1, H5
- Northampton Local Plan (1997)– Saved Policies H23, E20, and E26

### **5.3 Material Considerations**

National Planning Policy Framework (NPPF)

- Paragraph 104 Transport
- Paragraph 130 Design and residential amenity
- Paragraph 197 Conservation

197. In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

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

- 5.4 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).

- 5.5 In line with Paragraph 48 of the National Planning Policy Framework, the policies contained within 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 Sustainable Development- significant weight

Policy 2 Place Making and design- moderate weight

Policy 4 Amenity- moderate weight

Policy 31 Heritage- significant weight

Northampton Parking Standards Supplementary Planning Document

Northamptonshire Parking Standards

Local Highways Standing Advice

## 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.

<b>Highways</b>	The property in question is within a Permit Zone and therefore all parking in the 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.
<b>Northants Police</b>	Consideration to be given to security of doors and windows and cycle sheds.
<b>Town Centre Conservation Area Advisory Committee</b>	Object to original proposal for loss of traditional timbers windows to upvc, considered needs to be given to providing variety of house types.
<b>Environmental Health</b>	No objection subject to consideration given to contamination, noise, refuse
<b>Conservation</b>	<p>The application is a revised proposal in which a previously proposed second floor addition to the former house has been deleted.</p> <p>It is obviously positive that they are now proposing to retain the historic timber doors to the frontage. If this is the case there would be unlikely to be an objection to the proposed development from impact on conservation area perspective, but it is agreed that it does feel like over-development. There would be additional concerns in relation to parking, bin storage etc (which have an indirect impact on conservation area), but probably the proposal is not sufficient to warrant a reason for refusal on heritage grounds.</p>
<b>Cllr Danielle Stone</b>	Object on grounds of severe over-development that will add pressure to area, not acceptable to provide such small units with no outside sitting area.

## 7 RESPONSE TO PUBLICITY

No neighbour comments received

## **8 APPRAISAL**

### **Main issues**

- 8.1 The main issues to consider are the principle of residential development, design and effect on the appearance and character of the Boot and Shoe Quarter conservation area, amenity, parking, security and flood risk.

### **Principle of residential conversion**

- 8.2 The site is located in a predominantly residential area interspersed with commercial uses. The principle of providing residential development is, therefore, accepted on this site and would contribute to the Council's 5 Year Housing Supply. In addition, if permitted the proposal would bring a vacant site back into active use which according to the applicant has been vacant for over 7 years.

### **Design and impact on appearance and character of the Boot and Shoe Quarter Conservation area**

- 8.3 The site lies in the heart of the Boot and Shoe Quarter Conservation Area. The application relates to an end-of-terrace house with what would have been workshops to the rear; the adjacent property at the corner of Clare Street and Overstone Road is a more substantial three-storey house/factory typical of street corner locations and reflects the pattern of development within the area. The Boot and Shoe Quarter Appraisal and Management Plan describes the Conservation Area as follows:
- Houses and industrial buildings in close and harmonious proximity in tightly-knit urban streets together illustrating the nature and history of development of the industry and its modest functionality.
  - Factories, specialist industrial buildings, workshops and terraced houses of the workers share common building dates, palate of building materials, and the closest possible proximity to one another.
- 8.4 Paragraph 197 of the National Planning Policy Framework (NPPF) states that: In determining applications, local planning authorities should take account of:
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
  - c) the desirability of new development making a positive contribution to local character and distinctiveness.
- 8.5 The Council's Conservation Officers objected to the original proposal and comments that on the amended scheme that proposed timber windows are considered acceptable and the removal of the upward extension would be a significant improvement on the conservation area. In terms of the overall scheme concerns remain that it may be overdevelopment however on balance the impact would not be sufficient to justify refusal. The proposal is a significant improvement to the original submission and is a reduced scheme that assists in addressing previous heritage concerns. Refusal reason one on the last application is addressed.

### **Residential amenity of future occupiers**

- 8.6 In assessing the living conditions of future occupiers, the proposal needs to be considered against Saved Policies H23 the Northampton Local Plan and Policy H1 of the Joint Core Strategy.
- 8.7 Policy H23 specifies that planning permission will not be granted for the conversion to flats with a combined ground and first floor area of 100 square metres or less and with a frontage of less than 4.7 metres. Policy H1 of the Joint Core Strategy can be afforded more weight in decision making given that it is a more up to date development plan policy; criteria (f) relates specifically to the living conditions provided for future occupiers.
- 8.8 In respect of the provision of adequate outlook and light for proposed occupiers, the proposal would not provide sub-standard accommodation with all habitable rooms being served by windows of reasonable proportions and outlook. Although the outlook from the two storey building at the rear is not ideal being positioned against the flank wall of the adjacent property, there would still be adequate residential amenity and a refusal is not justified that could be sustained at appeal.
- 8.9 Notwithstanding this, the Government published National Space Standards in 2015 for new build development, setting out minimum floor space that is required depending on the number of bedrooms and occupants. Some Local Authorities have adopted the Government's National Space Standards as part of their local plan policies, which assist in assessing residential planning applications. As these have not been adopted by this authority, they can only be used as a "guide" in assessing whether any accommodation has a satisfactory level of amenity. The National Space Standards advises that one bedroom properties require 39 square metres floor space for one person or 50 square metres minimum for two. The application proposal is considered compliant.
- 8.10 Whilst it is acknowledged that the National Space Standards have not been adopted by the Council, Policy H1 of the Joint Core Strategy is of relevance requiring regard to be given to the living conditions of future occupants. Concern has been raised on over-development however considering that the scheme is an improvement from before then this is not a reason for refusal with all rooms have sufficient internal accommodation/ space.

### **Effect on living conditions of adjoining neighbours**

- 8.11 The lawful use as a commercial building would have generated significant comings and goings in its own right. The proposed conversion is likely to generate activity throughout the day to the front and rear of the site as well. In terms of outlook, privacy and light, due to the separation to surrounding occupiers the proposal is considered to be acceptable with adequate relationships being retained. Officers have some concern that the two storey building at the rear would impact on residential living conditions of adjacent single storey unit and the existing adjacent neighbours on either side however as this is an existing building it is considered that the effect would be no worse than is at present. The proposal accords with Policy H1 of the JCS and E20 of the Adopted Local Plan.

### **Parking and Highways**

- 8.12 Parking is provided on street in permits controlled by the Local Highway Authority . The site is also close to the central area of Northampton and within 10 minutes walk of Abington Street and close to bus stops near the town centre. For this reason it is considered that the site is in a sustainable location and even in the absence of off road parking it would be unreasonable to object to. The proposal complies with the aims of the NPPF. Highways raise no objection,

### **Security and Crime Prevention**

- 8.13 The Council's SPG on Planning out Crime sets down principles for designing out crime which is also reflected in Policy S10 of the JCS and the aims of the NPPF. Police have commented on need to consider security of door and windows and cycle sheds which can all be agreed by condition for further details to be agreed prior to occupation of development. Refusal reason 3 on the previous application has been adequately addressed.

### **Development and Flood Risk**

- 8.14 The site lies in a low risk flood zone as defined by the Environment Agency Flood Maps. For this reason it is considered that there is a low probability for the potential for flooding associated with the development. Drainage is normally also considered under Part H of the Building Regulations. The proposal complies with Policy BN7 of the JCS.

### **8.15 Other matters**

Environmental Health comment on need for refuse storage which is to be secured by condition.

Conditions for contamination are considered unnecessary given that the proposal is for conversion work only. In terms of noise, the site is surrounded mainly by residential uses and road traffic noise in the area is reasonably limited therefore no requirement for such restrictions.

## **9 FINANCIAL CONSIDERATIONS**

- 9.1 CIL is not payable as the proposal would not lead to creation of new additional residential floor space.

## **10 PLANNING BALANCE AND CONCLUSION**

- 10.1 The proposal is weighed against local and national policy and it is considered that the proposal would have an acceptable impact on the conservation area, visual and residential amenity, security, flood risk and highway safety and is recommended for approval with the conditions as below.

## **11 RECOMMENDATION / CONDITIONS AND REASONS**

- 11.1 Detailed recommendation here and full list of conditions and reasons here

### 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: 21/2538/233, 03B, 04C, 06B, 07B, 200C.

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

#### Refuse storage

- 3) Full details of the provision for the storage of refuse and materials for recycling shall be first submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the first occupation or bringing into use of the building(s) hereby permitted and thereafter retained.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy H1 of the West Northamptonshire Joint Core Strategy.

#### Cycle storage

- 4) Full details of facilities for the secure and covered parking of bicycles shall be first submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and fully implemented prior to the development being first brought into use and retained thereafter.

Reason: To ensure the provision of adequate facilities in accordance with Policy H1 of the West Northamptonshire Joint Core Strategy.

#### Security

- 5) Prior to the occupation of the first flat, full details of security measures including external lighting, doors and window design shall be submitted to and agreed in writing by the Local Planning Authority and shall be implemented in accordance with the agreed details and retained thereafter.

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

#### Limit number flats

- 6) The development hereby approved shall be used as a maximum of 5 flats only with the number of bedrooms as per the approved plans.

Reason; In the interests of residential amenity to comply with Policy H1 of the West Northamptonshire Joint Core Strategy.

#### Landscaping

- 7) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a detailed scheme of hard and soft landscaping for the site. The scheme shall include, where present, the location

and species of any existing trees and hedgerows on the land and details of any to be retained.

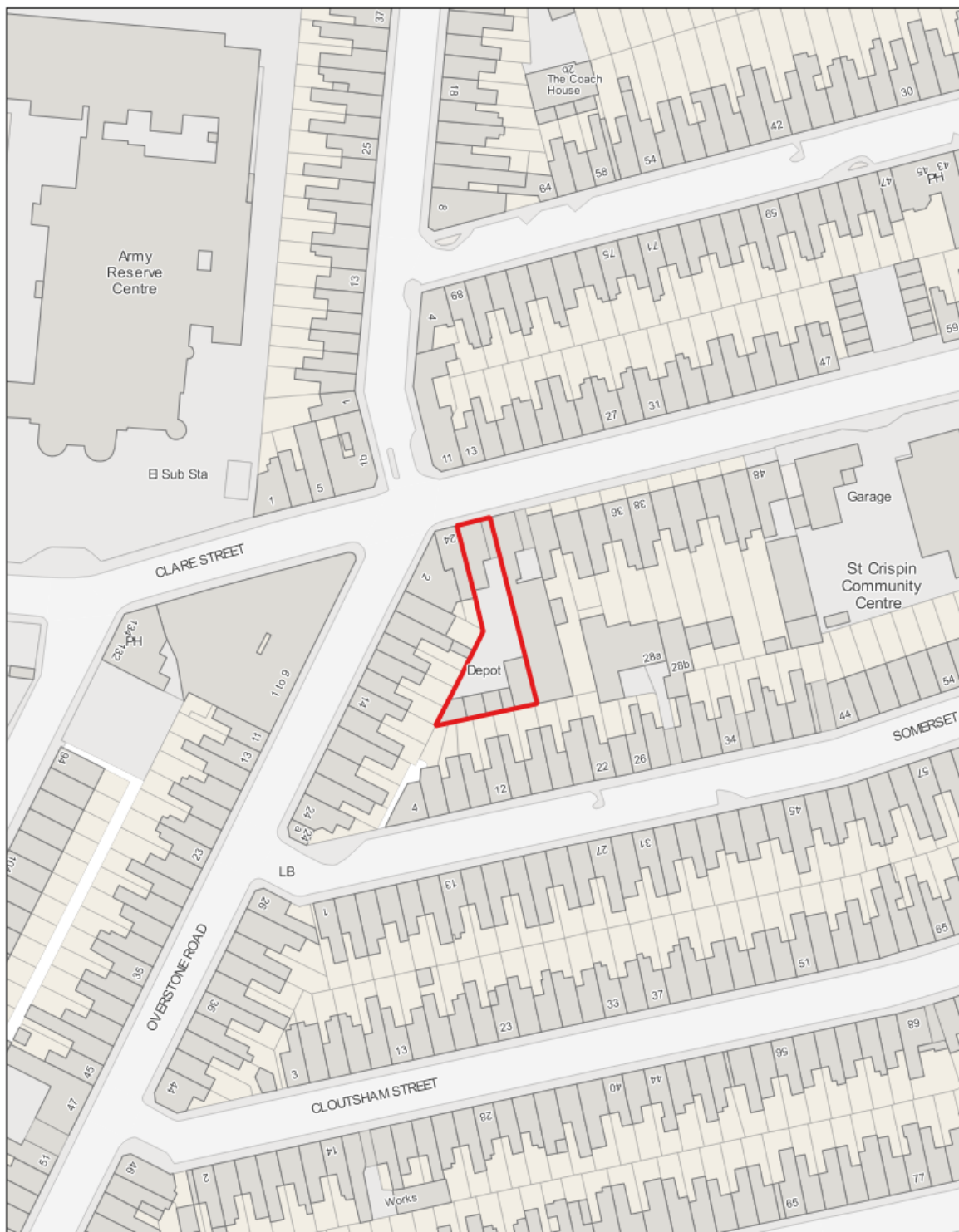
Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy E20 of the Northampton Local Plan. This is a pre-commencement condition to ensure timely submission of details.

#### Landscaping

- 8) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner, and which shall be maintained for a period of five years; such maintenance to include the replacement in the current or nearest planting season whichever is the sooner or shrubs that may die are removed or become seriously damaged or diseased with others of similar size and species.

Reason; In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy E20 of the Northampton Local Plan

---



**West  
Northamptonshire  
Council**

Title: **26 Clare Street**

© Crown copyright and database rights 2022 Ordnance Survey licence no. 100063706

Date: 24-08-2022

Scale: 1:1,000 @A4

Drawn: M Johnson