

Planning Committee Report

Committee Date:	6 th September 2022
Application Number:	WNN/2022/0650
Location:	Land Rear Of 84 to 86, Lower Thrift Street, Northampton
Development:	Construction of a pair of semi-detached offices (Use Class E) and associated parking area
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Applicant:	Mr S Partridge
Agent:	Hammond Town Planning Ltd
Case Officer:	Christopher Wentworth
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Ward:	Abington and Phippsville Unitary Ward
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Referred By:	Councillor B Purser
Reason for Referral:	The use is not compatible in a residential 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

The development seeks planning consent for the construction of a pair of semi-detached offices (Use Class E) with an associated parking area to the rear of 84-86 Lower Thrift Street, facing onto Elizabeth Street. The proposed office building would be single storey in nature with a pitched roof, two doors and two windows to the front elevation and two rooflights to the Elizabeth Street elevation. The building would measure 8.6m wide, 7m deep and 2.4m high to the eaves and 6m high to the ridge. 3 no. parking spaces are proposed to the front of the building accessed from Elizabeth Street.

Consultations

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

- Highways
- Cllr Robert Purser

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

- Tree Officer
- Conservation
- Ecology
- Environmental Health
- Police

1 no. letter of objection have been received and zero letters of support have been received.

Conclusion

The application has been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance as listed in detail at Section 8 of the report.

The key issues arising from the application details are:

- Principle of Development
- Highway Safety
- Residential Amenity
- Visual Impact

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 comprises three single storey garages accessed from Elizabeth Street that are used for the storage of building and building maintenance equipment. It is neighboured by single storey garages to both sides and is located to the rear of terraced dwellings at Nos. 84 and 86 Lower Thrift Street. Elizabeth Street includes a number of single storey garages and outbuildings to the east side, with a primary school and community centre to the west.

2 CONSTRAINTS

- 2.1 None relevant.

3 DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1 The development seeks planning consent for the construction of a pair of semi-detached offices (Use Class E) with an associated parking area to the rear of 84-86 Lower Thrift Street, facing onto Elizabeth Street. The proposed office building would be single storey in nature with a pitched roof, two doors and two windows to the front elevation and two rooflights to the Elizabeth Street elevation. The building would measure 8.6m wide, 7m deep and 2.4m high to the eaves and 6m high to the ridge. 3 no. parking spaces are proposed to the front of the building accessed from Elizabeth Street.

4 RELEVANT PLANNING HISTORY

- 4.1 There is no planning history directly relevant to the proposal on site although it is noted that there is relevant planning history on a nearby site which is outlined below.
- 4.2 Site to rear of 74-76 Lower Thrift Street – N/2020/1285 for demolition of existing garages (storage) and erection of a new single storey office building – Refused by LPA and appeal allowed by Planning Inspectorate.

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.

5.2 Development Plan

- West Northamptonshire Joint Core Strategy (Local Plan Part 1) – Policies
 - Policy S1: The Distribution of Development
 - Policy S10: Sustainable Development Principles
 - Policy BN2: Biodiversity
 - Policy BN7: Flooding
 - Policy BN9: Planning for Pollution Control
- Northampton Local Plan (1997) – Saved Policies
 - E20 – Design of New Development.

5.3 Material Considerations

- National Planning Policy Framework (NPPF)
- 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).

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 - Presumption in favour of sustainable development.
- Policy 2 – Design and Placemaking.
- Northampton Parking Standards Supplementary Planning Document

- Northamptonshire Parking Standards

Material Considerations

6 RESPONSE TO CONSULTATION

- 6.1 Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website.

Consultee Name	Position	Comment
Highways	Objection	Following standards have not and cannot be met. - Vehicle to Vehicle Visibility. - Vehicle to Pedestrian (and Vice Versa) Visibility.
Environmental Health	No objection, subject to conditions.	- Ground Contamination. - CEMP. - Noise – Plant and Machinery. - Construction Hours.
Police	No objection.	Recommended that all doors and windows meet the requirements of a recognised security standard such as PAS24:2016 and are 3rd party accredited products. The offices should benefit from a fit for purpose intruder alarm.
Arboricultural Officer	No objection.	
Conservation	No objection.	
Ecology	Comments.	Given the nature of the site and surrounding land use it is unlikely to be of significant ecological value
Cllr Purser	Objection	Call in request – Not compatible with the residential use of this area. Previous applications for building offices in this area have previously been rejected.

7 RESPONSE TO PUBLICITY

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

There have been two objections received raising the following comments (summarised):

- Gravestones are present on this site.
- The site fronts an increasingly rare survival of old cobbled road on Elizabeth Street.
- Elizabeth Street is being used regularly in term time as one of the main entrances to/from Vernon Terrace School. It is therefore subject to more than a

'very low intensity of use' identified in the application's Planning Statement and highways related correspondence. As such the advice received regarding highway safety issues should be reviewed.

- Office use would be new but not unwelcome in principle subject to being of appropriate design and with the imposition of appropriate conditions.
- Some concern has been expressed that offices might in due course be converted to residential use. Please therefore attach a condition in the event consent is granted, preventing such use.
- The height and quality of the design should also be greatly improved in order to benefit local amenity, appearance and character.
- A condition defining appropriate operational hours of use of the offices would also be appropriate.

8 APPRAISAL

Principle of Development

- 8.1 The application site is located in a residential area, albeit with a number of public facing community uses located directly opposite site, e.g., School and Health Centre. Saved Local Plan Policy B22 does allow for small businesses uses outside of identified business areas providing there is no conflict with neighbouring land uses. In this respect, the definition of a B1 use (and subsequently Class E (g) (i) details that the use can be carried out in a residential area without detriment to the amenity of that area. As such, no objections are raised to the principle of the proposed development subject to an assessment of other material considerations as outlined elsewhere in this report.
- 8.2 Whilst the application does not benefit from planning history associated with a similar use, it is noted that an adjacent site to the rear of 74-76 Lower Thrift Street for demolition of existing garages (storage) and erection of a new single storey office building has been previously been dealt with by the LPA. In this case, the authority refused planning consent on the basis that the proposed single storey office building would represent an isolated and visually prominent and incongruous feature in the streetscene that would be detrimental of the character and appearance of the area. The applicant subsequently appealed the refusal of planning consent and the appeal was allowed.
- 8.3 The inspector concluded that there is a mix of uses and types of property in the vicinity of the site and that previous appeal decisions refer to the site and its surroundings as having a back-land character without an active built-up frontage and that it does not follow that the site is inherently unsuitable for development. Furthermore, they commented that the proposal's potential to create a more active frontage would be a positive contribution to the quality of Elizabeth Street. It is considered that this is a material consideration in the assessment of the current application.

Character of Area

- 8.4 Saved Policy E20 of the Local Plan seeks the design of new development to reflect the character of its surroundings and is in conformity with the NPPF which advises that planning should always seek to secure high quality design and ensure that developments add to the overall design quality of the area.

- 8.5 The application site is located to the eastern side of Elizabeth Street which has a backland character without an active built up frontage, and includes secondary residential structures such as garages, outbuildings, and rear boundary treatments that are set to the rear of gardens serving the terraced houses that front Lower Thrift Street, as noted in the appeal decision for the 2021 planning application for a site at 74-76 for similar development proposal.
- 8.6 The proposal would replace an existing domestic style garage block and introduce a single storey office building that would have two windows and a recessed entrance fronting the street and two roof lights to the front elevation within the pitched roof. Whilst the proposal would be untypical with adjacent garage buildings, the development would be small, low and of simple form and in this regard similar to a row of garages. As such, the proposal is considered acceptable in this regard.

Amenity

- 8.7 Saved Policy E20 of the Local Plan and the guidance in the NPPF seek to secure a good standard of amenity for all existing and future occupants of land and buildings. The proposed building would back onto the rear garden of 84-86 Lower Thrift Street and would have a single storey scale with a similar height to the existing garage block it would replace, albeit with a pitched roof more akin to the main dwelling houses on Lower Thrift Street. The offices would each have a rear yard area. Whilst two ground floor windows are proposed to the rear elevation (no rooflights are proposed), it is considered that the proposal would not have an overbearing or overshadowing impact on the gardens of 84-86 Lower Thrift Street or result in a loss of privacy to those dwellings. There are no residential properties directly opposite the front of the site.
- 8.8 Turning to the proposed use of the new building, as set out above, the definition of an office use (previously B1 use and now Class E(g)(i)) details that it can be carried out in a residential area without detriment to the amenity of that area. Environmental Health has been consulted on the proposal and has raised no objection in this regard subject to securing conditions to control noise/disturbance associated with the construction works and maximum noise levels associated with any plant and machinery on site (e.g. air conditioning, refrigeration units, etc.). Given that the proposal directly abuts the gardens of residential properties, it is considered that such conditions would be reasonable should planning permission be forthcoming.

Highway Impacts

- 8.9 The Parking Standards seek 1 parking space per 30sqm floor area for offices which would equate to 2 parking spaces for the proposed offices. However, the existing storage unit would also generate a parking requirement under the Standards and the site occupies sustainable location close to the Wellingborough Road Local Centre and Northampton Town Centre.
- 8.10 The local highway authority has been consulted on the proposal and have objected on the basis that the proposal is not able to provide Vehicle to Vehicle Visibility and Vehicle to Pedestrian (and Vice Versa) Visibility based upon pre-set standards for a 30mph road. Whilst the provision of pedestrian splays are technically possible, this would result in the number of parking spaces being reduced to two rather than three, with both spaces being 2.5 metres wide rather than the modern 3m wide which is not considered to be appropriate in this case. Furthermore, the vehicle to vehicle spays of 4.3m by 2.4m are not possible by reason of the presence of the flanking buildings.

- 8.11 However, this part of the road in Elizabeth Street has an informal cobbled surface giving the appearance of a shared surface area. The cobbled section serves three existing lock-up garages and an occasional rear service access to the school grounds. The cobbled section, assuming the lock ups are visited daily, therefore has a very low intensity of use and the two office units would not materially increase that very low use.
- 8.12 Furthermore, the cobbled section is a dead end, and often experiences parked vehicles associated with the school, although the main entrance to the school is off Vernon Terrace. The dead end/cul-de-sac nature of the road, its narrow width, informal surfacing and parked vehicles means that vehicle speeds are very low and necessarily decelerating on the approach to the 90-degree bend in Elizabeth Street and the terminus of the street adjacent to the school which lies just 17m from the site. On this basis, it is considered that there is no justification for applying the normal intervisibility splays applicable for a 30mph road in this case.
- 8.13 Moreover, the application site is located on the eastern side of the road with no footpath present. On the basis that pedestrians are likely to share the same cobbled space with slow moving vehicles, and given again, the dead end/cul-de-sac circumstances, it is not considered necessary to secure normal pedestrian splays in this case. As such, it is considered that objections cannot be sustained to the proposed development on parking or highway safety grounds.

Other Matters

- 8.14 The submission includes the provision of a tree survey report from RGS Arboricultural Consultants dated July 2022 which has assessed the application site. The authorities arboricultural officer has also been consulted on the proposal who has assessed the tree survey and raises no objection and comments that the report provides a good analysis of the single tree on site, and recommends its removal regardless of any development activity, a conclusion that they then endorse.
- 8.15 It is noted that comments have been received during the consultation process which state that a number of Tombstones are located on site, with photographs of some provided. The site has no previous planning history for use as a graveyard and as such this query was relayed to the applicant. They have confirmed that the site has previously been occupied by a stonemason (albeit a long time ago given the overgrown nature of the site) who undertook work on the site and that the gravestones are remnants of that activity rather than associated with the burial of human remains.
- 8.16 Environmental Health whilst raising no objection have requested the imposition of planning conditions associated with ground contamination investigations which is considered appropriate given the commercial type activities undertaken previously on site.
- 8.17 The proposed office building would fall under the general use Class E (previously B1) which allows a variety of uses including retail, restaurants, day nursery, etc. without the need for a change of use planning application. In this case it is considered appropriate to restrict the use of the proposed building to that of offices only, specifically Class E(g)(i), this would then allow the authority to assess the suitability of the building for other uses that may impact upon residential amenity (such as noise, odour), highway safety and general servicing arrangements (refuse) of the building given the constrained nature of the site and close proximity to residential dwellings.

9 FINANCIAL CONSIDERATIONS

- 9.1 The development proposal is not CIL liable.

10 PLANNING BALANCE AND CONCLUSION

- 10.1 To conclude, whilst it is considered that objections cannot be sustained to the principle of the proposed development or in respects of the residential amenity or parking implications of the proposal, the introduction of a single storey office building into an area with a residential area would not result in an unacceptable impact to the character and appearance of the area and is therefore considered appropriate in this regard.

11 RECOMMENDATION / CONDITIONS AND REASONS

- 11.1 Approve, subject to conditions.

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.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: SE/1437/1 and SE/1437/2.

Reason: For the avoidance of doubt and to accord with the terms of the planning application/listed building consent application.

3. Prior to the first occupation of the development, full details of the proposed surface treatment of all roads, access and parking areas, footpaths and private drives including their gradients shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To secure a satisfactory standard of development in accordance with saved policy E20 of the Northampton Local Plan.

4. The parking and turning, loading and unloading space shown on the submitted plan shall be laid and marked out prior to the development being first brought into use and retained thereafter.

Reason: To ensure that the proposed development does not prejudice the free flow of traffic or conditions of highway safety in accordance with Policy 2 of the West Northamptonshire Local Plan (Part 2).

5. Prior to the commencement of the development hereby permitted, an investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The

written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - ground waters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option (s).

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. This is a pre-commencement condition to ensure timely submission of details.

6. Prior to the commencement of the development hereby permitted, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings, and other property and the natural and historical environment must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures.

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. This is a pre-commencement condition to ensure timely submission of details.

7. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

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.

8. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Condition 5, and where remediation is necessary a remediation scheme must be prepared in accordance with

the requirements of Condition 6, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Condition (Q4c above – to be substituted with the correct condition number).

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.

9. A scheme shall be first submitted to and approved in writing by the Local Planning Authority which specifies the sources of noise on the site whether from fixed plant or equipment or noise generated within the building and the provisions to be made for its control and the approved scheme shall be implemented prior to the commencement of the use hereby permitted and retained thereafter.

Reason: To protect the amenities of nearby occupants from noise and vibration amenity in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.

10. Prior to the commencement of development a Construction Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall address the following matters:

- the parking and turning of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- the erection and maintenance of security hoarding;
- details of measures to prevent mud and other such material migrating onto the highway from construction vehicles including wheel wash facilities if required;
- measures to control the emission of dust and dirt during demolition and construction;
- a scheme for waste minimisation and recycling/disposing of waste resulting from the demolition and construction works, which must not include burning on site;
- hours of demolition and construction work;
- control of noise and/or vibration.

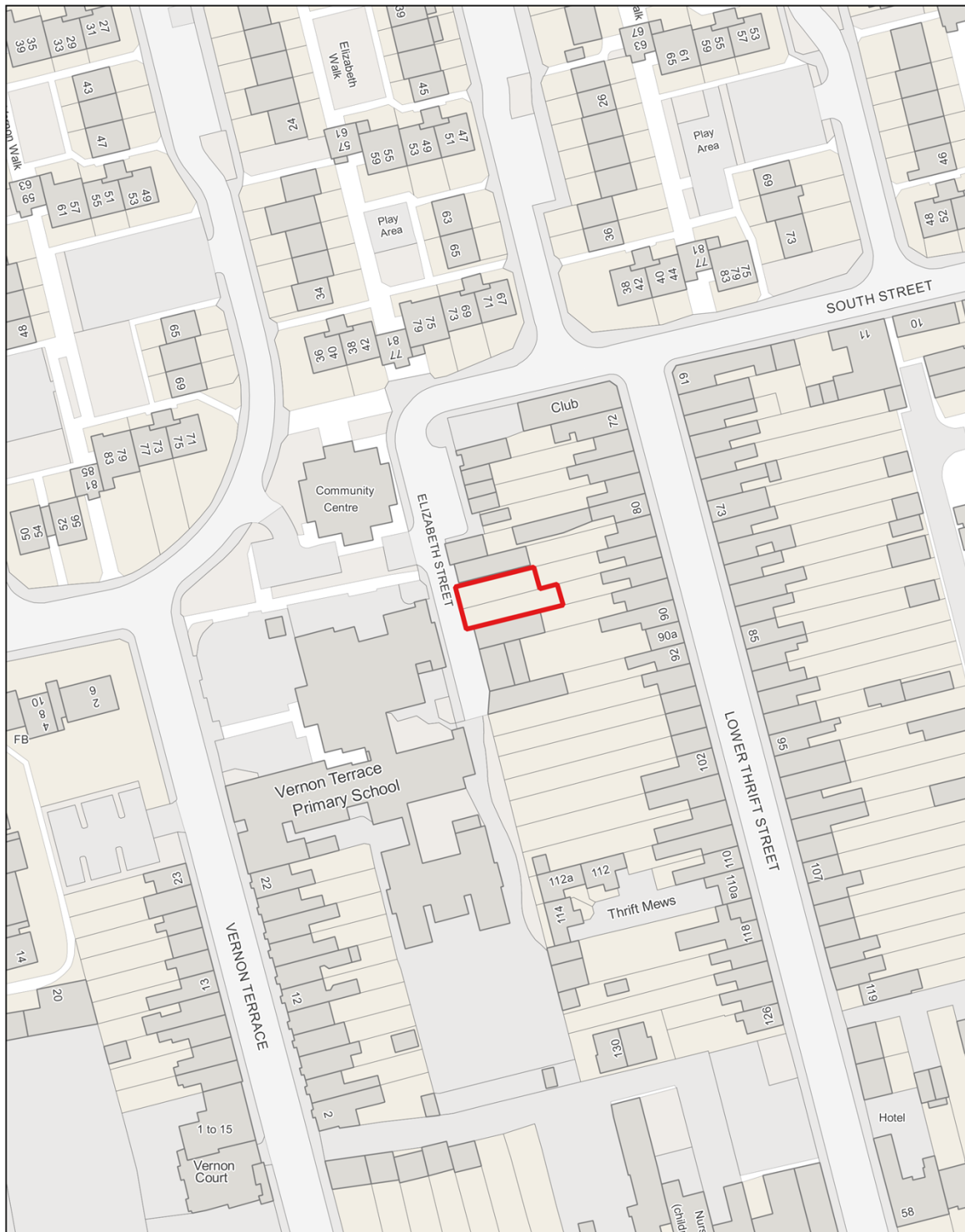
The approved CEMP shall be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction

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.

11. The premises shall be used for offices and for no other purpose (including any other purpose in Class E(g)(i) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: In the interests of amenity and to ensure that effective planning control is retained by the Local Planning Authority in accordance with Saved Policy E20 of the

Northampton Local Plan and Policy S10 and BN9 of the West Northamptonshire Joint Core Strategy



**West
Northamptonshire
Council**

Title: **Land rear of 84 to 86 Lower Thrift St**

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Date: 24-08-2022

Scale: 1:1,000 @A4

Drawn: M Johnson