



**NORTHAMPTON**  
**BOROUGH COUNCIL**  
Planning Committee

**PLANNING COMMITTEE:** 25<sup>th</sup> October 2016  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**DIRECTOR:** Steven Boyes

**APPLICATION REF:** N/2016/1123

**LOCATION:** 1 Marjoram Close

**DESCRIPTION:** Change of use of dwelling (Use Class C3) to dwelling and chiropractic studio and erect single-storey side extension

**WARD:** East Hunsbury Ward

**APPLICANT:** Mr David Ballentine  
**AGENT:** Collins & Coward

**REFERRED BY:** Councillor P Larratt  
**REASON:** Adequate parking in the area

**DEPARTURE:** No

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**APPLICATION FOR DETERMINATION:**

**1. RECOMMENDATION:**

**1.1 REFUSAL** for the following reason:

Due to the potential number of customers and nature of the business, the proposed development would likely result in a significant and unacceptable increase in general activities, noise disturbance and traffic in a quiet residential area detrimental to the residential amenity of the locality, contrary to Policy B20 of the Northampton Local Plan and aims of the National Planning Policy Framework.

**2. THE PROPOSAL**

**2.1** Permission is sought for erection of a single storey side extension and change of use of the dwelling to include a Chiropractic studio (Use Class D1).

**2.2** The proposed extension would be sited on the elevation facing Saffron Close and be constructed in brick work and render to match the existing house. The applicant and his partner would be the only staff working within the business, one being full time and the other part time. The proposed hours of operation would be from approximately 9am to 6pm Mondays to Fridays, and occasional Saturdays from 9am to 12pm. There would be no Sunday working. A general chiropractic session lasts for twenty minutes with a ten minute crossover for one client leaving and another arriving.

### **3. SITE DESCRIPTION**

- 3.1 The application site consists of a detached dwelling in quiet residential area at the intersection of Marjoram Close and Saffron Close. There are private rear and side gardens, and parking for two cars on an existing driveway to front. There is an existing integral garage providing a third off road space. The area is characterised mainly by detached dwellings with off road parking and is relatively quiet in terms of through traffic. The site is not in a conservation area.

### **4. PLANNING HISTORY**

- 4.1 Planning permission was refused in July 2016 for the same proposal (N/2016/0608) for the following reason:

“Due to the potential number of customers and nature of the business, the proposed development would likely result in a significant and unacceptable increase in comings and goings, noise disturbance and traffic in a quiet residential area detrimental to the residential amenity of the locality and contrary to Policy B20 of the Northampton Local Plan and aims of the National Planning Policy Framework.”

Rather than appeal against the decision, the applicant has re-submitted the current application and provided some additional information and clarification in respect of the proposal. The applicant considers that the information submitted with the last application was misleading given that the proposal included two employees when in fact it is only the applicant and his partner who would be working at the site.

### **5. PLANNING POLICY**

#### **5.1 Statutory Duty**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted West Northamptonshire Joint Core Strategy (2014), Northampton Local Plan (1997) saved policies.

#### **5.2 National Policies**

The National Planning Policy Framework (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:

Paragraph 17 Relates to residential amenity and design  
Paragraphs 32 and 35 Promotes safe and suitable access  
Paragraph 123 Noise pollution

#### **5.3 West Northamptonshire Joint Core Strategy (2014)**

The West Northamptonshire Joint Core Strategy (JCS) provides an up to date evidence base and considers the current Government requirements for plan making as it has been prepared in full conformity with the NPPF. Policies of particular relevance are:

S10 Sustainable Development Principles - requires development to satisfy a range of sustainable development principles including through achieving the highest standards of sustainable design;

maximising opportunities for reuse and recycling; and protecting, conserving and enhancing the natural and built environment.

BN9 Pollution Control - development that is likely to cause pollution will only be permitted if measures can be implemented to minimise pollution.

#### 5.4 **Northampton Local Plan 1997 (Saved Policies)**

Due to the age of the plan, the amount of weight that can be attributed to the aims and objectives of this document are diminished, however, the following policies are material to this application:

E20 Design of new development - new development will be granted subject to the design of any new building or extension reflecting the character of its surroundings and being designed, located and used in a manner which ensures adequate standards of privacy, daylight and sunlight.

H18 Residential Extensions - planning permission for extensions to dwellings will be granted subject to the design and appearance of the extension being acceptable, the design being in keeping with appearance and character of the original dwelling and the effect upon neighbouring properties.

B20 Businesses from Home - states that planning permission will be granted for change of use from residential to an employment use to enable home working provided that:

- The Home working is carried out by those who live in the same residential unit
- There is no loss of amenity to neighbours
- The use reverts to residential once the home working ceases

#### **Supplementary Planning Documents**

Northamptonshire County Parking Standards SPG 2016  
Residential Extensions and Alterations Design Guide SPD 2011

### **6. CONSULTATIONS/ REPRESENTATIONS**

Comments received are summarised as follows:

- 6.1 **NBC Environmental Health** - No objection provided hours of use are controlled and no external plant is attached to the extension. (The applicant has confirmed that there would be no external plant).
- 6.2 **NCC Highways** - No objection; there are no known parking issues in the area. Due to layout of the houses and addition of drives to properties in the area, there is an abundance of on street parking. As the business will be closed after 6pm, it is unlikely to impact on residents ability to park in the area, it should also be noted that Saffron Close is a cul-de-sac and therefore has a limited number of vehicle movements.
- 6.3 **East Hunsbury Parish Council** - Highway safety concerns given that property is close to junction of Marjoram Close and Saffron Close. Would result in significant comings and goings in a residential area. There should be a condition that no signs are installed.
- 6.4 **Councillor P Larratt** - There is sufficient off road parking and there are already other businesses in the area run from home that do not cause nuisance. Called in the application for determination by the Planning Committee.

6.5 **5 letters of support** have been received from nos. 7 Dunnock Lane, 7 Wisley Close, 27 Henty Bird Way, 2 Marjoram Close and 5 Saffron Close.

- Site is conveniently located
- Rely on the applicant for health reasons
- There are no parking concerns

## **7. APPRAISAL**

### **Design and Impact on appearance and character of area**

7.1 Although the proposed single storey side extension would be visible from Marjoram Close and Saffron Close, it is considered that the design, roof form and scale is in keeping with the host building and would not detract from the street scene as it would not be too prominent visually. The proposed materials would match the existing house and any approval would be subject to a matching materials condition to ensure that it complements the host building. It should be noted that officers also raised no concerns to this element on the previous application.

### **Impact on living conditions of neighbours**

7.2 The area is a residential street and quiet in nature with low levels of on street parking. The proposed use is considered to be intensive and the number of customers could be up to 4 per hour. Given the expected number of clients it is considered that the proposed use would attract a significant increase in comings and goings to the area, resulting in more traffic movements and general disturbance in this otherwise quiet residential street.

7.3 Although it is acknowledged that the type of operation in itself is not a noisy activity, the associated visitor/customer activities that raise the main concern. The property has three on-site parking spaces, but in view of the number of customers proposed, and taking into account the parking requirement for the existing occupiers, the proposed use is likely to result in cars having to park on Saffron Close, causing inconvenience and nuisance to properties opposite and around the application site. It is considered that the effect would have an unacceptable adverse effect on neighbouring amenity.

7.4 The likely impact would be contrary to the National Planning Policy Framework which states that planning decisions should avoid noise from giving rise to significant adverse impacts and quality of life. Saved Policy B20 of the Northampton Local Plan relates to business from home and states that permission will be granted for home working provided that there is no loss of amenity to neighbouring residents. While it is acknowledged that there is scope to impose conditions relating to hours of operation on any grant of planning permission, the fact remains that the number of potential customers would be difficult to control.

### **Parking and Highways**

7.5 The site currently has three off road parking spaces, one in the existing garage and two on the existing driveway. The Local Highway Authority raised no objections. It is their opinion that as there are no known parking issues in the area, there is capacity to accommodate additional on street parking on surrounding streets without impacting adversely on highway safety.

### **Community Benefits**

7.6 One of the principal benefits of the use is that it would provide a community facility serving the local area. This must be carefully balanced against the other material considerations cited above.

It is considered that the harm to residential amenity in this instance outweighs the benefits of the proposed use.

#### **Other issues**

- 7.7 The Parish Council are concerned that the applicant does not erect any signage advertising their business. This would be controlled under separate Advertisement Regulations.

### **8. CONCLUSION**

- 8.1 The proposed development would result in a significant adverse impact on residential amenity of the area. The application is therefore recommended for refusal as it fails to comply with development plan policy and national guidance.

### **9. BACKGROUND PAPERS**

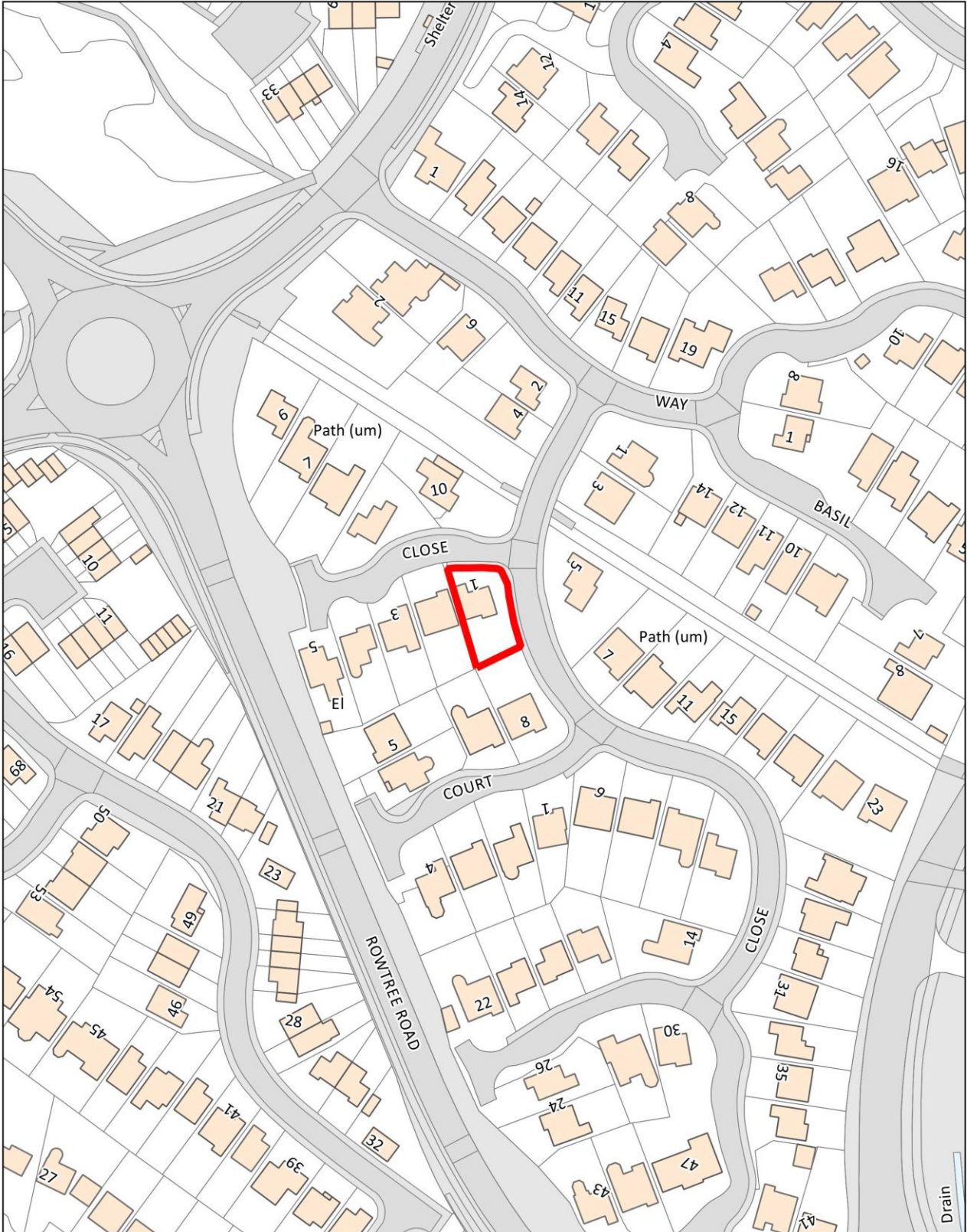
- 9.1 N/2016/1123.

### **10. LEGAL IMPLICATIONS**

- 10.1 The development is not CIL chargeable.

### **11. SUMMARY AND LINKS TO CORPORATE PLAN**

- 11.1 In reaching the attached recommendations regard has been given to securing the objectives, visions and priorities outlined in the Corporate Plan together with those of associated Frameworks and Strategies.



Title: **1 Marjoram Close**

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Date: 13-10-2016

Scale: 1:1,250

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