

<b>PLANNING COMMITTEE:</b>	9 <sup>th</sup> May 2017
<b>DIRECTORATE:</b>	Regeneration, Enterprise and Planning
<b>HEAD OF PLANNING:</b>	Peter Baguley
<b>APPLICATION REF:</b>	N/2017/0254
<b>LOCATION:</b>	Castillian Chambers, 2A Castilian Street
<b>DESCRIPTION:</b>	Prior Notification of Change of Use from Offices (Use Class B1a) to Residential (Use Class C3) for 20 studio flats
<b>WARD:</b>	Castle Ward
<b>APPLICANT:</b>	Derngate Central Limited
<b>AGENT:</b>	N/A
<b>REFERRED BY:</b>	Councillor D Stone
<b>REASON:</b>	Overdevelopment, lack of living space and parking
<b>DEPARTURE:</b>	No

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#### **APPLICATION FOR DETERMINATION:**

#### **1. RECOMMENDATION**

- 1.1 **PRIOR APPROVAL IS GIVEN** subject to the conditions set out below and for the following reason:

The proposal is permitted development in accordance with the provisions of Class O of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and subject to conditions, would have no undue detrimental impact with regards to transport and highway impacts, contamination, flood risk and noise.

#### **2. THE PROPOSAL**

- 2.1 The application is a prior notification for the change of use of the premise from offices (Use Class B1a) to residential (Use Class C3) to provide 20 studio flats. No external alterations are proposed.

#### **3. SITE DESCRIPTION**

- 3.1 No. 2A Castilian Street is a 3-storey mid-terrace situated within the town centre and Derngate Conservation Area. The property was previously in use as a solicitors' office along with No.2 Castilian Street, but has since become vacant. The surrounding area comprises a mix of town centre uses including commercial and residential. Parking within the vicinity of the site is on-street.

#### **4. PLANNING HISTORY**

- 4.1 PN/2015/0045 – Prior notification for a proposed change of use from offices (Use Class B1a) to residential (20 apartments) (Use Class C3). Approved 24/09/15.
- 4.2 PN/2014/0085 – Prior notification for the change of use from office (Use Class B1) to residential (Use Class C3) – Withdrawn.

#### **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) and the Northampton Central Area Action Plan (2013).

##### **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 14 – presumption in favour of sustainable development.

Paragraph 32 – Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Paragraph 34 – developments that generate significant movement should be located where the need to travel is minimised and the use of sustainable transport modes can be maximised.

Paragraph 103 – when determining applications, Local Planning Authorities should ensure flood risk is not increased elsewhere.

Paragraph 120 – to prevent unacceptable risks from pollution and land instability, planning decisions should ensure development is appropriate for its location. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

##### **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:

Policy S10: Sustainable Development Principles – development will minimise pollution from noise, air and run-off.

BN7: Flood Risk – development proposals will need to demonstrate there is no increased risk of flooding to existing properties, and proposed development is (or can be) safe and shall seek to improve flood risk management.

BN9: Planning for Pollution Control – proposals for new development which are likely to result in exposure to sources of pollution will need to demonstrate that they provide opportunities to minimise and where possible reduce pollution issues.

#### 5.4 **Northampton Central Area Action Plan 2013**

The Central Area Action Plan (CAAP) provides specific planning policy and guidance for the town centre and adjoining areas where significant regeneration and investment is proposed in the period up to 2026 and is in conformity with the objectives of the NPPF. Relevant policies include:

Policy 5: Flood Risk and Drainage – development will be expected to ensure that there is no increase in the flow of surface water or foul sewage to the combined network.

Policy 10: Parking – unless there are exceptional reasons that justify additional private off-street parking, within the Town Centre Boundary, no additional private car parking will be permitted.

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

Comments received are summarised as follows:

- 6.1 **NBC Environmental** – the flats may be affected by noise from two nightclubs on Castilian Street, both of which have opening hours extending into the night time period with finishing times varying between 01:00am and 03:45 am. A condition is requested for the submission of a noise assessment and noise mitigation scheme.
- 6.2 **NCC Highways** – no comments to make.
- 6.3 **Environment Agency** – no comment.
- 6.4 **The Town Centre Conservation Committee** – Object. The Committee recognise that the proposal has prior approval under the Government Regulations. The proposals are inappropriate in the Conservation Area and this fine town building. The conversion from offices into town houses would be more preferable. Article 4 Direction would be required to control this type of development. Concern regarding the parking and highway implications and waste management with the overdevelopment.
- 6.5 **Councillor Stone** – calls the application in on the grounds of overdevelopment, lack of living space, lack of car parking and difficulties with waste.
- 6.6 A Site Notice was posted at the site. No comments received.

### 7. **APPRAISAL**

#### **Principle**

- 7.1 Class O of the Town and Country Planning (General Permitted Development) (England) Order 2016 (as amended) allows for the change of use from offices (Use Class B1a) to a dwellinghouse (Use Class C3) subject to the developer applying to the local planning authority for determination as to whether prior approval is required in relation to:
  - (a) transport and highway impacts of the development;
  - (b) contamination risks on the site;
  - (c) flood risks on the site; and
  - (d) impacts of noise from commercial premises on the intended occupiers of the development.

## **Transport and Highway Impacts**

- 7.2 The site is located in a sustainable location within the town centre in close proximity to a range of services and facilities and public transport provision. The car park adjacent to No. 2a Castilian Street, previously used for parking associated with the former solicitors' office, is subject to a separate planning approval for the erection of 7 town houses with associated parking. The CAAP advises there is no requirement for parking provision for residential developments in the town centre and the Highway Authority has raised no objection. The proposal is therefore considered acceptable in relation to transport and highway impacts.

## **Contamination**

- 7.3 No contamination risks have been identified in relation to the site and Environmental Health has raised no objection.

## **Flood Risk**

- 7.4 The site lies within Flood zone 1. The change of use from office to residential represents a 'more vulnerable' use as defined by Planning Practice Guidance but is acceptable within this flood zone classification. The application proposes no external alterations or any increase to the footprint of the existing building and would not lead to any increased impacts on existing surface water conditions or flood risk. The Environment Agency has no comment and the proposal is therefore considered acceptable in this regard.

## **Noise**

- 7.5 The site is located within the town centre with a variety of surrounding uses including residential, commercial and a number of night time activities within close proximity to the site. A condition is recommended for the submission and approval of a noise assessment and mitigation scheme to ensure appropriate mitigation in relation to any potential adverse noise impacts on occupiers of the proposed development.

## **Other Matters**

- 7.6 The issues for consideration are outlined in paragraph 7.1 above. Matters in relation to potential impacts on the conservation area, overdevelopment, proposed living conditions and waste management are not for consideration under the prior notification procedure.

## **8. CONCLUSION**

- 8.1 The proposal would not lead to any undue detrimental impacts with regards to transport and highway impacts, contamination, flood risk and noise and, subject to the conditions below, is considered acceptable under the provisions of Class O of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

## **9. CONDITIONS**

- 1) The development hereby permitted shall be completed before the expiration of three years from the date of this prior approval.

Reason: To comply with the provisions of paragraph O.2 (2) of Class O of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

2) Prior to commencement of the use hereby permitted a noise assessment and noise mitigation scheme shall be submitted for approval in writing by the Local Planning Authority. The scheme shall include the following:

- Where the night time internal noise level in any bedroom exceeds the night time WHO 1999 standard of  $L_{Aeq,8\text{ hour}}$  30 dB, with the window open, the mitigation shall include a noise insulation scheme that protects those rooms, and will require the provision of a ventilation, or heat control system that enables the windows to be kept closed in warm weather.

Reason: In the interest of the amenity of the proposed occupiers in accordance with the requirements of Policy S10 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework. This is a pre-commencement condition to enable timely submission of information.

## **10. BACKGROUND PAPERS**

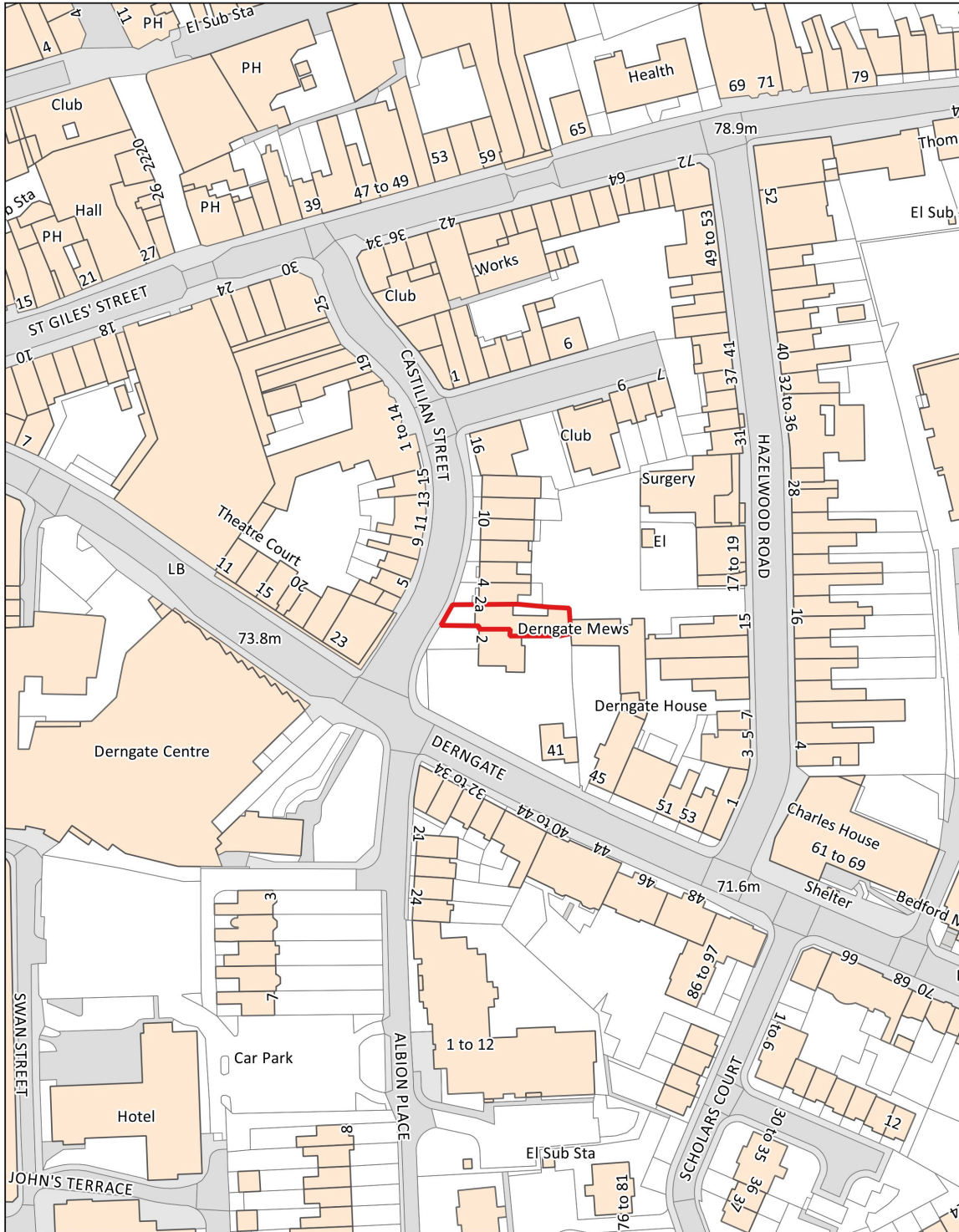
10.1 N/2017/0254

## **11. LEGAL IMPLICATIONS**

11.1 The development is not CIL liable.

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

12.1 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.



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Date: 27-04-2017

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