



NORTHAMPTON
BOROUGH COUNCIL
Planning Committee

PLANNING COMMITTEE: 13th March 2018
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Peter Baguley

APPLICATION REF: N/2018/0003

LOCATION: 20 Southampton Road

DESCRIPTION: Prior Notification for Change of Use from Light Industrial (Use Class B1c) to 8no Dwellings (Use Class C3)

WARD: Delapre & Briar Ward

APPLICANT: Mr M Cox
AGENT: Town Planning Expert

REFERRED BY: Councillor G Walker
REASON: Parking concerns

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

- 1.1 That the Authority's **PRIOR APPROVAL WILL BE REQUIRED AND GIVEN** subject to the conditions as set out below and for the following reason:

The proposal for a change of use from light industrial (Use Class B1c) to 8 dwellings (Use Class C3) complies with the provisions of Class PA 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 loss of industrial use. The proposal is therefore considered to be acceptable and in accordance with Policies S2 and S10 of the West Northamptonshire Joint Core Strategy and saved Policy E20 of the Northampton Local Plan and the National Planning Policy Framework.

2. THE PROPOSAL

- 2.1 The current application is a notification for prior approval for a change of use from light industrial (Use Class B1c) to 8no dwellings (Use Class C3).
- 2.2 The industrial unit will be converted into 8 micro flats with associated communal area on the ground floor and first floor. No substantial external alteration works are proposed apart from the installation of roof lights and new front doors.

3. SITE DESCRIPTION

3.1 The application site consists of a mid-terraced unit. The premises are currently used as an industrial unit. The unit is located in a predominantly residential area with terraced residential properties on either side and opposite side of the street.

3.2 The application site is located within the Flood Zone 3.

4. PLANNING HISTORY

4.1 None relevant.

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 section is of particular relevance to this application:

- Section 7 – Design Principle

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. Policy of particular relevance is:

S10 – Sustainable development principles

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 policy is material to this application:

E20 - New Development

5.5 Supplementary Planning Documents

Northamptonshire Parking Standards (September 2016)

6. CONSULTATIONS/ REPRESENTATIONS

Comments received are summarised as follows:

- 6.1 **NCC Highways Authority** the LHA have received a number of parking beat surveys submitted as part of numerous planning applications. The area is over saturated with parked vehicles and any increase in demand will further exacerbate the problems. The existing parking demand for the current usage would be 5 vehicles, however this would be during the working day, but the parking peak in this area is after 6pm and overnight due to the residential demand, which the proposed use would include. Therefore, the proposed development would increase the demand during the peak residential demand period by 8. In conclusion, the proposed development would increase demand by 8 vehicles during the peak residential parking period. Therefore, in the interest of highway safety Northamptonshire Highways must object to the application for the conversion a light industrial unit to 8 dwellings, as it would further exacerbate the exiting parking problems in the area and compromise highway safety as a result. The LHA must consider any developmental impact that will compromise highway safety as severe.
- 6.2 **NBC Environmental Health** no objections to the proposed development, subject to the recommended planning conditions covering land affected by contamination and construction hours.
- 6.3 **Environment Agency** advised that they have no objection subject to the inclusion of the recommended conditions for implementing the proposed floor plans as per the flood risk assessment.
- 6.4 **Councillor V. Culbard** objected to this application on the basis of no dedicated parking, increase in fly-tipping, refuse. The building will have no soundproofing and would result in increased noise.
- 6.5 **Councillor G. Walker** has objected to this application on the basis of no parking for the proposed development and has called-in the application on that basis.
- 6.6 **21 public representations and a petition signed by 239 people** have been received. The objections have been summarised as follows:
- Parking issues in the area due to HIMOs
 - The building is not appropriate for residential use
 - Transient nature of the proposed development affecting community cohesion.
 - Fly tipping
 - No viable fire exit for the house
 - Impact on the character
 - Noise issues related to the similar development
 - Additional parking for 16 vehicles
 - Anti-social behaviour
 - Over development of the site
 - Overlooking into rear gardens
 - Impact on existing infrastructure like sewers
 - The structure is a tin shed
 - People working in Town Centre are already parking here and walking to Town Centre

7 **APPRAISAL**

- 7.1 The current application for prior notification has been submitted under the provisions of Class PA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), which allows for a change of use of a building and any land within its curtilage from a use falling within Class B1(c) (light industrial) to a use falling within Class C3 (dwelling houses). The only material considerations a Local Planning Authority can have relate to:

- transport and highways impacts of the development,
 - contamination risks in relation to the building,
 - flooding risks in relation to the building,
 - whether the introduction of, or an increase in, a residential use of premises in the area would have an adverse impact on the sustainability of the provision of those services.
- 7.2 Therefore, this application can be only assessed on the basis of these 4 factors and any other factors outside these, are not material for the assessment of this application.

Transport and Highways Impact

- 7.3 As per the Northamptonshire Parking Standards, 8 x one bed flats will require 8 parking spaces. However, the existing use of the unit as industrial unit will require 1 space for every 30 sqm of gross floor area. The gross floor area for the property is 160 sqm so that would require 5 equivalent spaces. In comparison, the proposed change of use will require 3 additional parking spaces.
- 7.4 The Highway Authority has raised objection on the basis that the peak demand for the resident parking is towards the end of the day and the demand generated by the proposed use will be intensified and will result in severe impact on highway safety.
- 7.5 The current use of the application site as an industrial unit has no restriction on its opening hours. Therefore, the existing use can continue into the peak time and will only result in the demand of 3 additional spaces if the use of the unit were to be changed to 8 one-bed flats.
- 7.6 The latest appeal decision in relation to No.51 Southampton Road for a change of use from a 3 bedroom dwelling house to a house in multiple occupation for 5 occupants is relevant to this case. In that instance, there was a net requirement of 3 additional parking spaces from the proposed use. However, the Planning Inspector gave more weight to the sustainable location of Southampton Road and acknowledged that rented accommodation have lowest level of car ownership. Notwithstanding the fact that the Highway Authority objected to the application, the appeal was allowed by the Planning Inspectorate.
- 7.7 In respect of transport and highway impacts for the current application, the site is close to the facilities on London Road and St Leonard's Road. There are 2 bus stops within 200m distance and the facilities at St Leonard's and the ASDA supermarket are within 300m of the site. The application site is clearly located in a sustainable location and is in conformity with the advice given in the NPPF.
- 7.8 Moreover, regard should be given to the most recent appeal decision, whereby the Planning Inspector has clearly advocated the sustainable location of Southampton Road.
- 7.9 It is considered that the proposed change of use will not have a detrimentally adverse impact on highway safety to an extent that would warrant the refusal of this application.

Contamination risks

- 7.10 Environmental Health has been consulted on the application and no objection has been raised subject to conditions to require the submission of a desktop study for contamination and restriction of construction hours.

Flooding risks

- 7.11 The site is located within the Flood Zone 3. The Environment Agency was consulted and they have no objection subject to the recommended conditions.

Impact on sustainability of industrial area

- 7.12 The application site is not within a designated industrial area. Therefore the loss of the industrial unit will have no significant impact on the sustainability of an industrial site. The proposal would contribute towards the Borough's housing land supply and would remove a non-conforming use from an established residential area.

Residential amenity

- 7.13 Since the current application is notification for prior approval, other factors like impact on residential amenity of the neighbouring property or future occupiers is not relevant in the assessment of this application.

Roof lights

- 7.14 The proposed roof light cannot be assessed under the current application and as these would require separate planning permission. An informative will be added to any approval to advise the applicant.

Noise

- 7.15 Any noise related issues cannot be assessed under the current application. Environmental Protection were consulted and they have not raised noise based issue in accordance with the Planning Legislation.

8 CONCLUSION

- 8.1 The proposal for a change of use from light industrial (Use Class B1c) to 8 dwellings (Use Class C3) complies with the provisions of Class PA 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 industrial use.
- 8.2 It is recommended that Prior Approval is required and given.

9 CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 103- Ground Floor Plan, 104 - First Floor plan, 101- Site Plans, 100 - Visualisation, 501- Cutway apartment, 400- Sections, 102 - Proposed Floor Plans, 201 - Elevations, Site Location Plan, Block Plan.

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

2. No development shall take place until a desk top study in respect of possible contaminants within the site is completed and a site investigation has been designed. The scope and methodology of the desk top study and the site investigation report shall be submitted to and approved in writing by the Local Planning Authority. The site investigation and appropriate risk assessments shall be carried out and the results shall be used to produce a method statement for the necessary remedial works (and a phasing programme), which shall be submitted to and approved in writing by the Local Planning Authority. All remedial works shall be fully implemented in accordance with the approved method statement and

phasing programme. Confirmation of the full implementation of the scheme and validation report(s) shall be submitted to the Local Planning Authority within 2 weeks of completion (or within 2 weeks of completion of each respective phase).

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.

3. The ground floor of the properties hereby approved shall be used as kitchen and dining area only as annotated on approved drawings "Proposed Floor Plans" Drawing number 102 dated 29/06/17 and shall not be used as bedrooms at any time.

Reason: To protect the inhabitants of the property from the risk of flooding.

4. The development hereby permitted shall not commence until such time as a scheme for the provision of flood resilient/ resistant measures has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed in writing by the Local Planning Authority.

Reason: To reduce the risk of flooding to the proposed development and future users. This is a pre-commencement condition to ensure timely submission of details.

10. BACKGROUND PAPERS

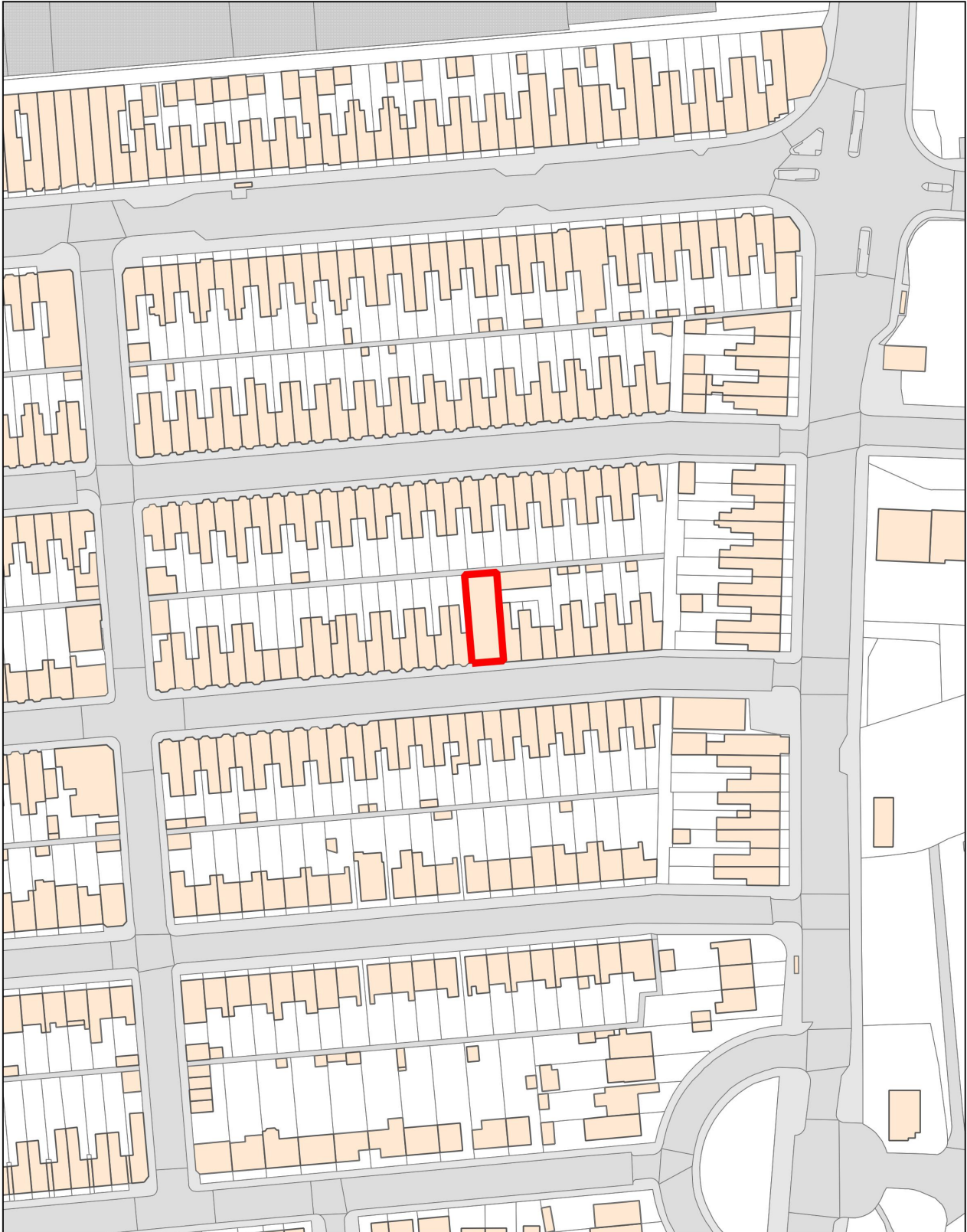
- 10.1 N/2018/0003.

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.



Title: **20 Southampton Road**

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Date: 27-02-2018

Scale: 1:1,250

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