

PLANNING COMMITTEE: 27th October 2020
DEPARTMENT: Planning Service
DIRECTOR OF PLANNING: Peter Baguley

APPLICATION REF: N/2020/1094

LOCATION: Phoenix Computers Limited, Daisy Group, Hunsbury Hill Avenue

DESCRIPTION: Prior Notification of Change of Use from Offices (Use Class E) to 25no Residential Units (Use Class C3)

WARD: Delapre & Briar Ward

APPLICANT: Wellington Estates (Surrey) Limited
AGENT: APC Planning

REFERRED BY: Councillors E Roberts and J Davenport
REASON: Highway safety concerns

DEPARTURE: No

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 risks on the site, flood risk on the site, or the impacts of noise from commercial premises on the intended occupiers of the development and future occupiers would benefit from adequate natural light.

2. THE PROPOSAL

2.1 The application is a prior notification for the change of use of the premises from offices (Use Class E) to residential (Use Class C3) to provide 25 flats, 19 one bed and 6 two bed. No external alterations are proposed.

3. SITE DESCRIPTION

3.1 The application site comprises a two storey office building within an otherwise generally residential location, surrounded by surface car parking on two sides and screened from the highway by established vegetation.

4. PLANNING HISTORY

- 4.1 The construction of the offices was approved in 1978, since then there have been numerous applications related to the office use, none of which are directly relevant to the current proposal.

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 Local Plan 1997

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 **Environmental Health** – Noise survey and ventilation arrangements, waste management strategy and air quality mitigation are agreed and should be implemented.
- 6.2 **Environment Agency** – No comments to make.
- 6.3 **Local Highway Authority** - Parking spaces need to be a minimum of 2.5 x 5m with 6m of manoeuvring space. If there is not 6m between the end of a parking space and an obstruction, such as a wall, then the spaces will need to be wider. Cycle storage must be within a secure structure, with a security lock and overlooked from the property. (Amended plans were requested and have been received, which seek to address these concerns. The view of the Local Highway Authority on these plans is awaited at the time of writing this report and will be reported to the Committee by means of the Addendum).
- 6.4 **Northamptonshire County Council Development Management** – Contributions will be required for education and libraries. Fire hydrants, sprinklers and associated infrastructure should be required by condition. Ducting for broadband should be provided.
- 6.5 **Councillor E Roberts** – Calls in the application to Committee on the grounds of traffic and highway impacts and the impact of noise on future occupiers of the development.
- 6.6 **Councillor J Davenport** – Calls in the application to Committee on the grounds of highway impacts.
- 6.7 Representations received from the occupiers of 6 properties in the vicinity, making the following points in summary:
- Would lead to extra vehicles all leaving at rush hour to exit a roundabout which is already a hazard.
 - Office workers are currently inbound while others are outbound but all would be outbound.
 - Potential for anti-social behaviour would increase.
 - Noise from residents will be greater than it was for office workers.
 - Pocket park should be fenced off from the block.
 - Homes will be devalued.
 - Would impact the local wildlife more than the current property and increase pollution.
 - Would impact the availability of local B1 and A2 jobs.
 - No adequate crossings on the dual carriageway - promotes pedestrian access to local utilities, it is a danger and hazard crossing that busy dual carriageway.
 - No increase in local resources GP surgeries, dentists, schools and other public services.

7. **APPRAISAL**

- 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 (still to be referred to as Use Class B1a in respect of this Order) 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.
 - (e) the provision of adequate natural light in all habitable rooms of the dwellinghouses.
- 7.2 These are the only matters which can be taken into consideration in the determination of an application of this type and are considered in turn below.

Transport and Highway Impacts

- 7.3 A Transport and Highways Impact Assessment accompanies the application, which concludes that “the change of use would result in a significant reduction in overall journeys throughout the day and a material reduction in vehicle trips during the peak hours and across the day as a whole. The proposed change of use would have no material effect on the capacity of any part of the transport network but the net reduction in journeys would result in an improvement in local highway conditions”. The Local Highway Authority have been consulted on this document and have raised no concerns.
- 7.4 Following on from the raising of concerns by objectors in respect of trips from the flats being outbound at morning rush hour, whereas trips to the office would be inbound at this time, the applicants have provided supplementary information which indicates that whilst the direction of the trips would change, there would nevertheless be a significant reduction in total trips.
- 7.5 Parking standards require one space per dwelling for one bedroom units, and two spaces per dwelling for two bedroom units, as well as one visitor space per unit for both types. This equates to a requirement for 56 spaces for the 19 one bed and 6 two bed units proposed. This is provided for in the proposed layouts and amendments have been made to this layout to provide sufficient width of bays and manoeuvring space, without reducing the level of provision, as requested by The Local Highway Authority, whose comments on these amended plans are awaited.

Contamination

- 7.6 No contamination risks have been identified in relation to the site and Environmental Health has raised no objection in this respect. A waste management strategy has been provided and this has been agreed by Environmental Health also. A condition requiring that this be implemented is recommended.

Flood Risk

- 7.7 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 Impact on Future Occupiers

- 7.8 A noise impact assessment has been provided with the application, which concludes that suitable internal noise levels can be achieved in habitable rooms. Comments from Environmental Health indicated concerns that these could only be achieved with windows closed, however it has now

been clarified that the windows would be unchanged and therefore remain fixed, with mechanical ventilation to be provided. It has been confirmed by Environmental Health officers that these arrangements are acceptable and a condition requiring their installation is proposed.

Provision of Natural Light

- 7.9 The submitted plans indicate that all rooms would make use of existing windows and it is considered, therefore, that adequate natural light would be available to future occupants.

Other matter

- 7.10 Comments received regarding limited consultation was carried out for this application. According to the legislation, Local Planning Authorities shall either erect a site notice or consult local residents for Prior Notification Applications. In this instance, a site notice was erected and the Ward Members were also consulted. The consultation process was therefore carried out in line with current legislation.

8. CONCLUSION

- 8.1 The proposal for a change of use from offices (Use Class E – formerly Class B1a) to residential (Use Class C3) complies 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 or impacts of noise on future occupiers, and the living conditions of future occupiers would be acceptable with regard to natural light. As referenced above, the matters referred to are the only issues which can be taken into account in the determination of the application, this therefore excludes other matters raised by those making representations, as well as the requests made by NCC Development Management.

9. CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the following approved plans: GP/03/20 Rev B – Proposed Ground Floor Plan , GP/04/20 – proposed First Floor Plan, GP/05/20 Rev F – Proposed Ground Floor Block Plan / Topography, GP/06/20 – Location Plan, GP/05/20 – Proposed Ground Floor Plan – MHVR, GP/06/20 – Proposed First Floor Plan – MHVR.

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

2. Waste management shall be implemented for the development in accordance with the APC Planning Waste Management Strategy dated September 2020 prior to the occupation of the building for residential use and shall remain in place for so long as the residential use continues.

Reason: To ensure a satisfactory standard of development, to protect the amenities of future occupiers and neighbouring residents, in accordance with the National Planning Policy Framework.

3. Mechanical ventilation for the flats hereby approved shall be provided in accordance with drawings GP/05/20 – Proposed Ground Floor Plan – MHVR and GP/06/20 – Proposed First Floor Plan – MHVR prior to the occupation of the building for residential use and shall remain in place for so long as the residential use continues.

Reason: To ensure a satisfactory standard of development, to protect the amenities of future occupiers, in accordance with the National Planning Policy Framework.

10. BACKGROUND PAPERS

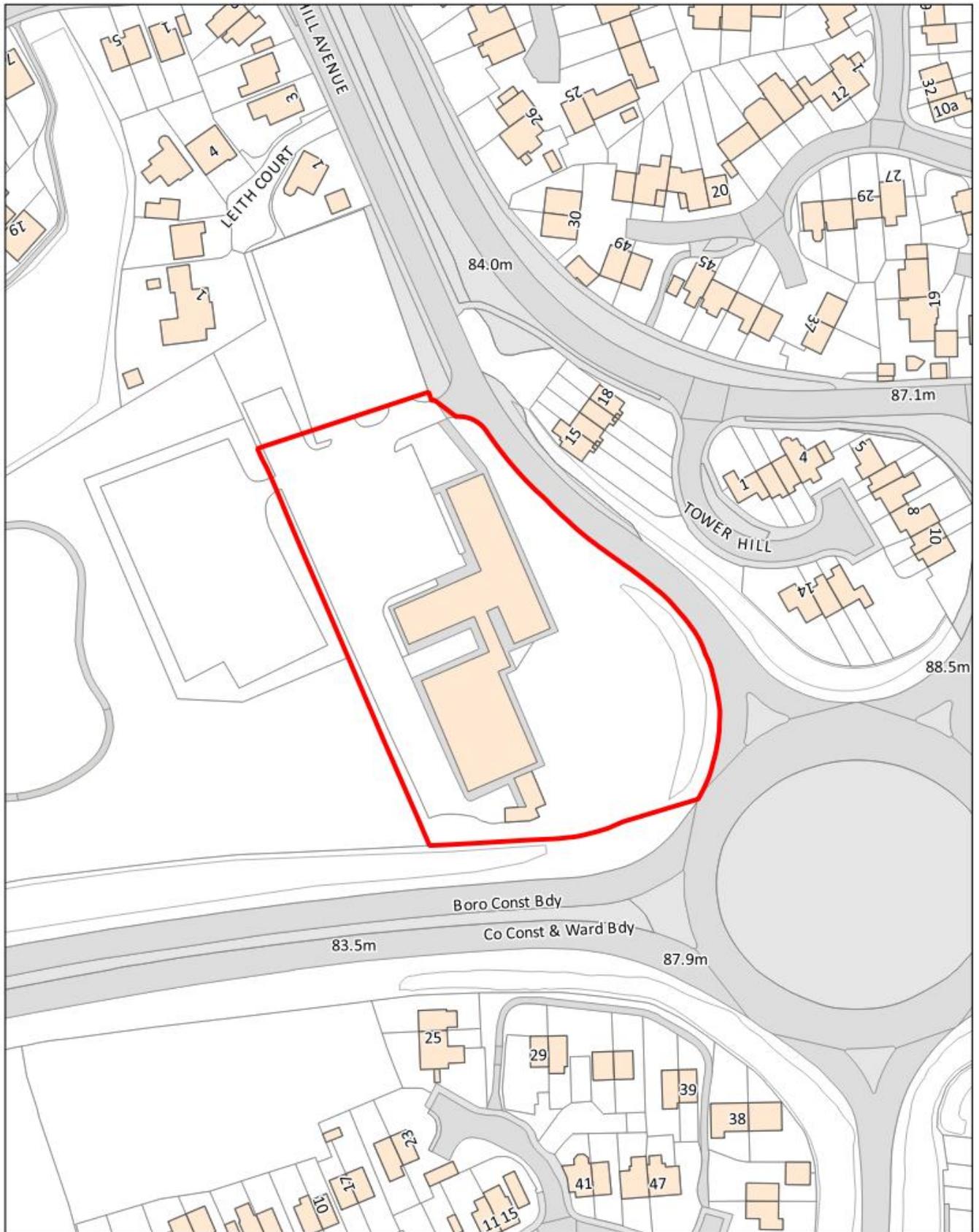
- 10.1 Application file N/2020/1094.

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: 16-10-2020

Scale: 1:1,250

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