



PLANNING COMMITTEE: 2nd September 2014
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Susan Bridge

N/2014/0580: Change of use and rear extension of ground floor to form restaurant (Class A3); creation of six flats (conversion of first and second floor to form three flats and erection of rear extension at first floor to form three flats); alterations to shop front and install external duct to rear, 162-166 Wellingborough Road

WARD: Abington

APPLICANT: Mr Iraj
AGENT: Mr Dipesh Surti, Plan My Property

REFERRED BY: Councillor Danielle Stone
REASON: Overdevelopment of the site

DEPARTURE: NO

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 REFUSAL for the following reason.

The development proposed would result in the overlooking, overshadowing and loss of light of neighbouring properties to the detriment of residential amenity. No car parking facilities are provided and would result in the demand of on-street car parking in a location where parking is already difficult to the detriment of road safety. Insufficient information has been submitted to assess the environmental impact of the development in terms of odour creation and dispersal. If permitted the development would be contrary to Policies E20 and H7 of the Northampton Local Plan and conflict with the aims and objectives of the National Planning Policy Framework.

2. THE PROPOSAL

- 2.1 The application seeks planning permission to change the use of the ground floor of the building from a shop to a restaurant, including an extension. It is also proposed to change the use of the first and second floors of the building to three flats and to extend the first floor to form three further flats. An external duct is proposed to the rear to serve the restaurant. Alterations are also proposed to the shop front.
- 2.2 The first floor extension would be 'L' shaped and in conjunction with the ground floor restaurant extension would form a two-storey block facing a rear walk way. Pedestrian access to all of the flats would be taken from this walk way.

3. SITE DESCRIPTION

- 3.1 The application site sits within a row of commercial properties within a predominantly commercial area on Wellingborough Road, close to its junction with West Street. The area is defined as a Local Centre within the Northampton Local Plan. The properties on this part of Wellingborough Road are generally commercial at ground floor with either commercial or residential above. The first floor of 168 Wellingborough Road is in residential use.
- 3.2 To the rear of the site is residential development with a character distinct from that of Wellingborough Road. Directly adjoining the site to the east is a dwelling accessed from West Street.

4. PLANNING HISTORY

- 4.1 October 2012 planning permission granted for change of use of ground floor from retail to restaurant and external ducting at rear. N/2012/0819

5. PLANNING POLICY

5.1 Development Plan

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 current Development Plan comprises the saved policies of the Northampton Local Plan 1997, and whilst not yet adopted, weight can be attributed to the Submitted West Northamptonshire Joint Core Strategy (as subsequently modified).

5.2 National Policies

The National Planning Policy Framework (NPPF) sets out the Government's core planning principles that underpin both plan making and decision-making. The NPPF highlights a presumption in favour of sustainable development (para 14), however, in respect of this

presumption any adverse impacts of development need to be assessed against the benefits of approving a planning application.

The NPPF also requires the provision of a supply of housing with a range of types, tenures and densities as well as encouraging high quality design; the promotion of healthy communities; conserving and enhancing the natural and historic environments; and sustainable transport.

5.3 Northampton Local Plan

Policy E20 (New Development) requires development to be well designed and in keeping with its surroundings and ensuring adequate standards of amenity.

Policy H7 (Housing Development Outside Primarily Residential Areas) requires proposals to secure a satisfactory residential environment; in keeping with the surrounding area and would not prejudice the function of the area.

Policy R9 (Change of Use of Shops) states that no unacceptable traffic problems should be created; amenity should not be affected and it would not be to the detriment of the shopping character of the area.

5.4 Supplementary Planning Guidance

Northamptonshire County Parking Standards SPG 2003

Planning out Crime in Northamptonshire SPG 2004

5.5 Other Material Considerations

Submitted West Northamptonshire Joint Core Strategy (including Proposed Modifications, January 2014)

Weight also needs to be given as the Plan has reached an advanced stage in the process and is currently awaiting the Inspector's report.

Policy S10 sets out the principles for sustainable development, requiring all development to be sustainably designed, energy efficient and to be easily accessed via non-car modes of transport.

6. CONSULTATIONS/ REPRESENTATIONS

Comments received are summarised as follows:

- 6.1 **Councillor Danielle Stone** has requested that the application be determined by the Planning Committee and has objected to the

application on the grounds of overdevelopment of the building resulting in increasing the pressures in the neighbourhood regarding noise, litter, parking, medical and other services. The development would also have inadequate refuse storage; residents sharing facilities with the restaurant; safety risks; inadequate accommodation and would not be family housing but a transient population.

6.2 **Northamptonshire County Council (Highways)** raise concerns regarding the lack of car parking provision for the six flats.

6.3 **NBC Environmental Health** comment that inadequate information has been submitted regarding odour control and that noise controls would also be needed. Some of these matters may be dealt with through condition. A concern is raised regarding the proposed flue and the discharge of this in proximity to residential units given the height and position of this.

6.4 **NBC Private Sector Housing** have no adverse comments.

6.5 **Two letters of objections** have been received from the occupiers of an adjoining residential property (2 West Street). These may be summarised as follows:

- Loss of light;
- Creation of claustrophobia and intimidation;
- No room for bins;
- Extractor fan would now cause noise and pollution;
- No car parking and possible increase in car parking on West Street;

7. APPRAISAL

Principle of development

7.1 It is considered that the principle of changing the use of the ground floor to a restaurant has been established with the 2012 grant of planning permission. The extension to the ground floor in connection with the restaurant is also considered to be acceptable.

7.2 The principle of the use of the upper floors of the existing building to form three flats is also considered to be broadly acceptable and would comply with the requirements of the NPPF and be in accordance with the policies of the Local Plan.

7.3 The principle of the first floor extension to form an additional three flats would, however, be less acceptable. The creation of six flats in total is considered to be an over intensive development of this particular site,

particularly in the context of the closely knit nature of the area (see paragraphs 7.5 to 7.8 below).

Character and appearance

- 7.4 The visual impact of the proposed development, in itself, is not considered to be unacceptable. The elevation to Wellingborough Road would only experience changes to the shop front which are not considered to be unsympathetic. The creation of two storey block to the rear is also not considered to be unacceptable given the existence of other two storey buildings in similar positions on other properties in the vicinity.

Amenity

- 7.5 It is considered that the relationship between the proposed dwelling and 2 West Street is unacceptable in terms of amenity. The flats in the first floor extension would have windows facing directly towards the amenity area and first floor windows of this property with a separation distance of approximately seven to eight metres. This would result in an unacceptable level of overlooking and loss of privacy to the occupiers of this property. It is accepted that a screen could potentially be erected to reduce this impact, however that may result in other visual and amenity issues.
- 7.6 It is also considered that due to the orientation of the two storey block of building to the west of 2 West Street there would be an unacceptable degree of overshadowing and loss of light to this property. It is accepted that the residents of this property already experience restricted light due to the nature and position of the property, however any worsening of this situation would not be acceptable.
- 7.7 There are also potential relationship difficulties between one of the windows on the rear of the two storey block and a rear window serving the first floor flat above 160 Wellingborough Road. There would be a separation distance of approximately nine metres. However this could be overcome by reconfiguring the layout of the proposed flat to make the window obscure glazed.
- 7.8 There would also be an unsatisfactory relationship between the first floor windows fronting the walkway to the rear of the site and the rear garden of the property on the opposite side of this. The windows would directly overlook the garden area of this property with a distance of less than five metres between the windows and the boundary of the dwelling. This would be an unacceptable loss of privacy for the occupiers of this property.

Environmental matters

- 7.8 Environmental Health have raised concerns regarding the relationship between the restaurant and residential uses. It is considered that

several of these could be addressed through appropriate conditions or through the Building Regulations.

- 7.9 An extraction flue is included as part of the planning application. However, no technical information has been submitted regarding extraction and consequently no judgment can be made on the efficacy of this. It is not considered that the adequacy of the flue or the extraction system generally can reasonably be addressed via a condition as the likelihood is that the flue would need to be increased in height to ensure that the dispersal of odour does not impact on residential units.

Car parking

- 7.10 Given the commercial nature of the area, and the lack of car parking for the existing use as a shop, it is not considered that the absence of car parking for the restaurant is unacceptable.
- 7.11 However the lack of parking is considered unacceptable in relation to the residential development given the amount and type of accommodation proposed, notwithstanding the sustainable location of the site in respect of access to services and public transport and the provision of cycle parking.

8. CONCLUSION

- 8.1 The development proposed would result in the overlooking, overshadowing and loss of light of neighbouring properties to the detriment of residential amenity. No car parking facilities are provided and would result in the creation of on-street car parking in a location where parking is already difficult to the detriment of road safety. Insufficient information has been submitted to assess the environmental impact of the development in terms of odour creation and dispersal. If permitted the development would be contrary to Policies E20 and H7 of the Northampton Local Plan and conflict with the aims and objectives of the National Planning Policy Framework. Consequently the application is recommended for refusal.

9. BACKGROUND PAPERS

- 9.1 N/2014/0580

11. LEGAL IMPLICATIONS

- 11.1 None.

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.



Name: Location Plan
 Date: 13th August 2014
 Scale: 1:1250
 Dept: Planning
 Project: Committee

Title
162-166 Wellingborough Road

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