



NORTHAMPTON
BOROUGH COUNCIL
Planning Committee

PLANNING COMMITTEE: 12th April 2016
DIRECTORATE: Regeneration, Enterprise and Planning
DIRECTOR: Steven Boyes

APPLICATION REF: N/2015/1228

LOCATION: 194 - 200 Kingsthorpe Grove and Trinity Avenue

DESCRIPTION: Demolish former car showroom and erect building with retail (Use Class A1) on ground floor and 14no flats on first, second and third floors including new access and ancillary development, and creation of residential car parking area

WARD: Trinity Ward

APPLICANT: Venulum Trinity Limited
AGENT: David Lock Associates

REFERRED BY: Cllr J Birch
REASON: Concerned about design, scale of development, parking and anti-social behaviour

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 REFUSAL for the following reason:

The development proposal by virtue of its design and appearance would represent a poor quality of design and an incongruous feature in a prominent position within the streetscene. With the absence of a cohesive and harmonious design the proposed development would be harmful to the character and appearance of the area contrary to Policies S10 and H1 of the West Northamptonshire Joint Core Strategy, Policy E20 of the Northampton Local Plan and the National Planning Policy Framework.

2. THE PROPOSAL

2.1 The proposal includes the demolition of the vacant former car showroom on the main part of the site at the corner of Kingsthorpe Grove and Stanhope Road and the erection of a three to four storey block of 14 flats on the upper floors, comprising 5 no. 1 bed and 9 no. 2 bed apartments, with a retail unit of 304m² at ground floor level.

- 2.2 Parking would be provided adjacent to the proposed building for the retail unit (13 spaces with 1 disabled parking space) with access from Stanhope Road, with a further car parking area with 14 spaces to be provided on a separate site adjacent with access from Trinity Avenue.

3. SITE DESCRIPTION

- 3.1 The premises on Kingsthorpe Grove are now vacant, having previously been in use as a car dealership with associated vehicle workshop, whilst the Trinity Avenue site, which is also vacant, was used as a car storage area for this use. Apart from the nearby Romany Public House, its car wash and one retail unit (hairdresser), the area is generally residential in character, with the form of existing development comprising predominately two and three storeys traditional terraced properties but also featuring two storey flat roofed flats opposite the site. Across Kingsthorpe Grove is an area of open space forming part of the Kingsthorpe Golf Course and allotments.

4. PLANNING HISTORY

- 4.1 The only relevant planning history is application reference N/2007/1344 for the demolition of the existing buildings and erection of 19 apartments which was approved in principle by the Planning Committee in May 2008, but as the associated Section 106 agreement was never signed, the application was finally disposed of in 2013.

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 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:

The NPPF has a presumption in favour of sustainable development.

Paragraph 17 sets out core planning principles that include seeking to secure high quality design and a good standard of amenity for existing and future occupiers; encouraging the effective use of land by using brownfield sites; managing patterns of growth to make fullest use of sustainable transport methods and in sustainable locations.

Paragraph 25 requires that a sequential test should be applied to applications for main town centre uses that are not in an existing centre. Such uses should be located in town centres and then edge of centre locations and only if suitable sites are not available should out of centre sites be considered.

Paragraph 47 requires Local Planning Authorities to meet objectively assessed housing needs for their area and to identify and update a supply of deliverable sites to provide 5-years' worth of housing against these requirements.

Paragraph 49 – housing applications should be considered with a presumption in favour of sustainable development.

Paragraph 56 – good design is a key aspect of sustainable development and should contribute to making places better for people.

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 S1 – The distribution of development - in assessing the suitability of sites for development priority will be given to making best use of previously developed land and vacant and under-used buildings in urban or other sustainable locations contributing to the achievement of a West Northamptonshire target of 30% of additional dwellings on previously developed land or through conversions.

Policy S2 – Hierarchy of Centres - The vitality and viability of centres must be maintained and enhanced commensurate with their role and function.

Policy S3: Scale and Distribution of Housing Development – provision will be made for about 18,870 dwellings in the plan period 2011 to 2029.

Policy S9 – Distribution of Retail Development - proposals for new retail development which cannot be accommodated within the town centres will be subject to a sequential approach where first preference is given to well-connected edge of town centre sites, and then sites within district / local. Only if sequentially preferable sites are not suitable and available should out of centre sites be considered.

Policy S10: Sustainable Development Principles – development will achieve the highest standards of sustainable design incorporating safety and security considerations, be located where services and facilities can be easily reached by non-car modes; protect, conserve and enhance the built environment; minimise pollution from noise, air and run-off.

Policy H1: Housing Density and Mix and Type of Dwellings – new housing development will provide for a mix of house types, sizes and tenures having regard to the character of the area; accessibility to services and facilities and public transport; living conditions of future residents and impact on amenity of occupiers of neighbouring properties.

Policy H2: Affordable Housing – required to be provided at 35% on sites of 15 dwellings or more.

Policy BN9 - Planning For Pollution Control - proposals for new development which are likely to cause pollution or likely to result in exposure to sources of pollution or risks to safety will need to demonstrate that they provide opportunities to minimise

and where possible reduce pollution issues that are a barrier to achieving sustainable development and healthy communities.

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:

Policy E20 – the design of new development should adequately reflect the character of the surrounding area and be designed and located to ensure adequate standards of privacy, daylight and sunlight.

5.5 **Supplementary Planning Documents**

Northamptonshire County Parking Standards SPG 2003

Planning out Crime in Northamptonshire SPG 2004

6. **CONSULTATIONS/ REPRESENTATIONS**

Comments received are summarised as follows:

- 6.1 **Environmental Health** – No objections, conditions required regarding contaminated land, noise and refuse storage.
- 6.2 **Construction Futures** – Financial contribution and training weeks will be required.
- 6.3 **Surface Water Drainage** – *Initial comments* : Insufficient detail provided. *Response to revised plans*: The impacts of surface water drainage will be adequately addressed, subject to conditions requiring a surface water drainage scheme for the site and the maintenance of the scheme.
- 6.4 **Local Highway Authority** – *Initial comments*: Amendments required to car park access, access gradients and surfacing. *Comments on revised plans*: Happy with revised layout, Conditions will be required for visibility splays, positive means of drainage and construction management plan.
- 6.5 **Police Crime Prevention** – Security measures required.
- 6.6 **Councillor Jane Birch** – Concerned over scale of development, parking, overshadowing of neighbouring properties, design of the building which is not in keeping with the area and the potential for anti-social behaviour.
- 6.7 **Councillor Sarah Uldall** - Concerned about traffic impact and scale and design of the building.
- 6.8 **Councillor Sally Beardsworth** - Concerned about the impact on the road network and the size and scale of the development.
- 6.9 **Councillor Brain Hoare** (in correspondence with the Highway Authority copied to the LPA) – Concerned that the data used in the Transport Assessment was not representative. *A response to this was sent by the Highway Authority confirming that flaws in the data had been taken into account in their response.*

6.10 25 representations received from the occupiers of adjacent and nearby premises together with a 77 signature petition, as well as a representation from **Michael Ellis MP**, making the following points in summary:

- The land is protected by a deed of covenant restricting the height of buildings.
- Area unsuitable for this type of building.
- Large amount of traffic goes through the area.
- Party wall consent is required.
- There is a problem with anti-social behaviour, another shop will increase this.
- Retail use will increase noise and disturbance to neighbours
- More than enough local shops nearby.
- Concerned over safety and increased vehicle movements,
- Object to height of proposed building
- Totally out of keeping and detracts from visual amenities
- No on site residential parking, this is 100m away and poorly lit.
- No way to ensure off-site parking is tied in to residential part of the development.
- Off-site parking would not be used due to distance / convenience.
- Delivery bay further reduces on street parking
- Not enough parking in the area.
- Applicants have not worked with the community.
- Will overshadow neighbouring property.
- Walkway / stairs would be level with neighbouring first floor, affecting privacy.
- Will be a loss of natural light and sunlight to neighbouring property.

7. APPRAISAL

Principle of Development

- 7.1 The NPPF has a presumption in favour of sustainable residential development and encourages the use of brownfield sites and the re-use of commercial buildings for residential use, where there is an identified need for additional housing in the area and no strong economic reasons as to why development would be inappropriate.
- 7.2 The application site is allocated as being within a Primarily Residential Area in the Local Plan and is within an area which consists primarily of residential accommodation, within which the former use represented a non-conforming commercial use, as a car showroom and vehicle repair workshop.
- 7.3 The proposal would remove this non-conforming use, and would replace it with residential and retail development. The residential element of the use is considered to be acceptable in principle given the policy allocation. Furthermore, the site is considered to be in a sustainable location with good access to public transport and local facilities. The development of the site for residential use would contribute towards the Council's 5-year housing supply and enable the re-development of what has now become a semi-derelict building. As the proposal is for 14 dwellings, there would not be a requirement for the provision of affordable housing.
- 7.4 304m² of proposed retail floorspace is to be provided. This is stated as being intended as a shop to serve local needs. Policy S9 of the Joint Core Strategy deals with the distribution of retail development and states that new retail development should be located within the town centre and if that is not possible, within district or local centres. The proposed site in this case is outside such a centre and therefore a sequential analysis was produced on behalf of the applicants, which considers whether alternative sites in the town centre, or failing that in district and local centres,

would have been available for the retail use and which therefore would be considered sequentially preferable.

- 7.5 This analysis identified and considered 88 such retail units, with the consideration based on criteria including their size, availability of servicing / parking, and proximity to convenience store competitors. It was concluded that there were only six sites which were worthy of further investigation, based on a score derived from a combination of these criteria. However, whilst these six units scored well overall in the analysis, they were ultimately rejected in the applicants' analysis due to either the proximity of competitors or poor servicing.
- 7.6 The conclusion reached in this analysis was, therefore, that there are no sequentially preferable sites for the proposed convenience retail use of the site. In reviewing this document, it is considered that it represents a sound analysis of the situation and has demonstrated satisfactorily that there are no sequentially preferable sites available.
- 7.7 Due to the small size of the unit i.e. well under the threshold 1,000 square metres, a retail impact assessment is not required to be carried out. On this basis and given the size of the development, it is not considered that any undue detrimental retail impact would be likely to occur.
- 7.8 The stated intention of the retail use is to provide a local convenience store for the area. If this is to serve this function, by definition this would have to be located in this local area. The need for the unit has been called into question by some of the objectors to the application, however, the need or otherwise for the unit is not a planning consideration, this would be a commercial decision and it is only necessary to demonstrate that there is not a sequentially preferable site.

Impact on the street scene and the character and appearance of the area

- 7.9 In respect of the impact on the street scene and the character of the area, the existing car showroom building on the site is single storey although at its highest is almost as high as a two storey house. This building is of a functional design and is not in keeping with the wider character of the area. Neighbouring properties along Stanhope Road and Kingsthorpe Grove are generally two storeys in height, the exception to this being two three storey buildings on Stanhope Road.
- 7.10 The proposed new building for the flats and retail unit steps up in height from the adjacent two storey buildings on either side, from three to four storeys in height, with the three storey elements having pitched roofs and the four storey element being flat roofed. It is considered that the combination of these roof designs would result in an unattractive, poor design quality and incohesive development which would appear incongruous in the area.
- 7.11 In addition, the proposed access stairway and the timber cladding so close to Kingsthorpe Grove would create an unattractive dead frontage totally out of character with the existing development in the area.

Impact on the amenities of adjoining and nearby occupiers

- 7.12 In respect of the impact on adjoining and nearby residents, the proposed building is adjacent to the side wall of the immediate neighbour at 192 Kingsthorpe Grove. There is no overshadowing impact from this nearest part of the building. Whilst parts of the building will be set further south from this neighbour, there will be a separation

distance of up to 8 metres, it is not considered that the impact in terms of overbearing and overshadowing would be unacceptable.

- 7.13 Furthermore, a shadow analysis has been produced by applicants. This shows that shadows would not fall onto neighbouring properties from direct sunlight creating unacceptable impact.
- 7.14 In respect of overlooking, the building has been designed with most of the windows to habitable rooms being on the front of the building, with only three bedrooms on each of the first and second floors having rear facing windows. These would not face directly towards any neighbouring properties and only two of these windows overall (one on each floor) would allow partial overlooking of the garden area of no. 192 Kingsthorpe Grove, which would be at an oblique angle and would be similar to the relationship which generally exists between neighbouring properties. It is considered that such relationship is acceptable.

Parking and Highway Issues

- 7.15 Parking for the retail unit would be provided on the same site as the flats, in the form of 13 spaces including one disabled space, with a further 15 spaces provided for the residential element on a separate site on Trinity Avenue.
- 7.16 Concerns have been raised by some objectors that the residential parking may not be used by future residents, due to the inconvenience of having to walk to and from a second location, and due to fears of security and remoteness of the car park. However, the parking is approximately 100m away from the flats, which would represent a walking time of less than one and a half minutes. Given the congested nature of parking in the area, it is considered that many of the future residents of the development would be likely to use the proposed parking spaces rather than risk trying to find a space on the street.
- 7.17 As this area of parking would be detached from the site of the flats, it is necessary to ensure that it remains available for parking for so long as the flats remain in use. As this is a separate piece of land this could not be secured by means of a planning condition. Were the application being recommended for approval, a S106 agreement would be required to secure the use of the site for parking by the residents.
- 7.18 The provision of 14 residential parking spaces represents one space per dwelling. Whilst some of the flats have two bedrooms and therefore occupants would potentially have more than one car, the site is within what could be considered a reasonably sustainable location, being served by public transport and within walking distance of some local facilities, which would include the proposed retail unit. On this basis occupants of the flats would not necessarily need to have cars and it is considered, therefore, that level of parking proposed is acceptable. The Local Highway Authority is satisfied with the level of parking proposed.
- 7.19 As regards security, comments from the Police Crime Design Adviser indicate the need for security measures to be incorporated into the satellite parking area, as well as the development overall.
- 7.20 In terms of the servicing and parking arrangements for the retail unit, 12 spaces and one disabled space would be provided adjacent to the flats. A dedicated delivery bay was also proposed to be provided on the road, but this was removed from the plans at the request of the Local Highway Authority, who did not consider this to be

necessary. It is considered, following amendments, that the access is acceptable and this is confirmed by the response received from the Local Highway Authority.

Other Matters

- 7.21 The retail unit would be located below the residential element of the scheme, and concerns have been raised by Environmental Health Officers that the flats may be affected by noise. The opening hours of the proposed retail unit have not been specified in the application, however discussions with Environmental Health Officers indicate that opening hours of 7am to 10pm would be appropriate for the location. All these matters could have been mitigated and restricted by planning conditions.
- 7.22 In respect of other matters raised by objectors, reference has been made to a deed of covenant which would prevent the construction of a four storey building. Whilst this may be the case, this does not represent a material planning consideration but would be a separate legal matter, which may nevertheless prevent the development taking place, if invoked.
- 7.23 In respect of matters raised in consultations, a consultation response has been received from Construction Futures, requesting training weeks and a financial contribution. This would normally be secured by a S106 agreement.

8. CONCLUSION

- 8.1 Notwithstanding the fact that the proposal would make a positive contribution to the Council's 5-year housing supply and would remove a non-conforming use on site, the proposal as submitted is considered to be unacceptable and would be harmful to the character and appearance of the area contrary to Development Plan Policy. The recommendation is therefore to refuse planning permission.

9. BACKGROUND PAPERS

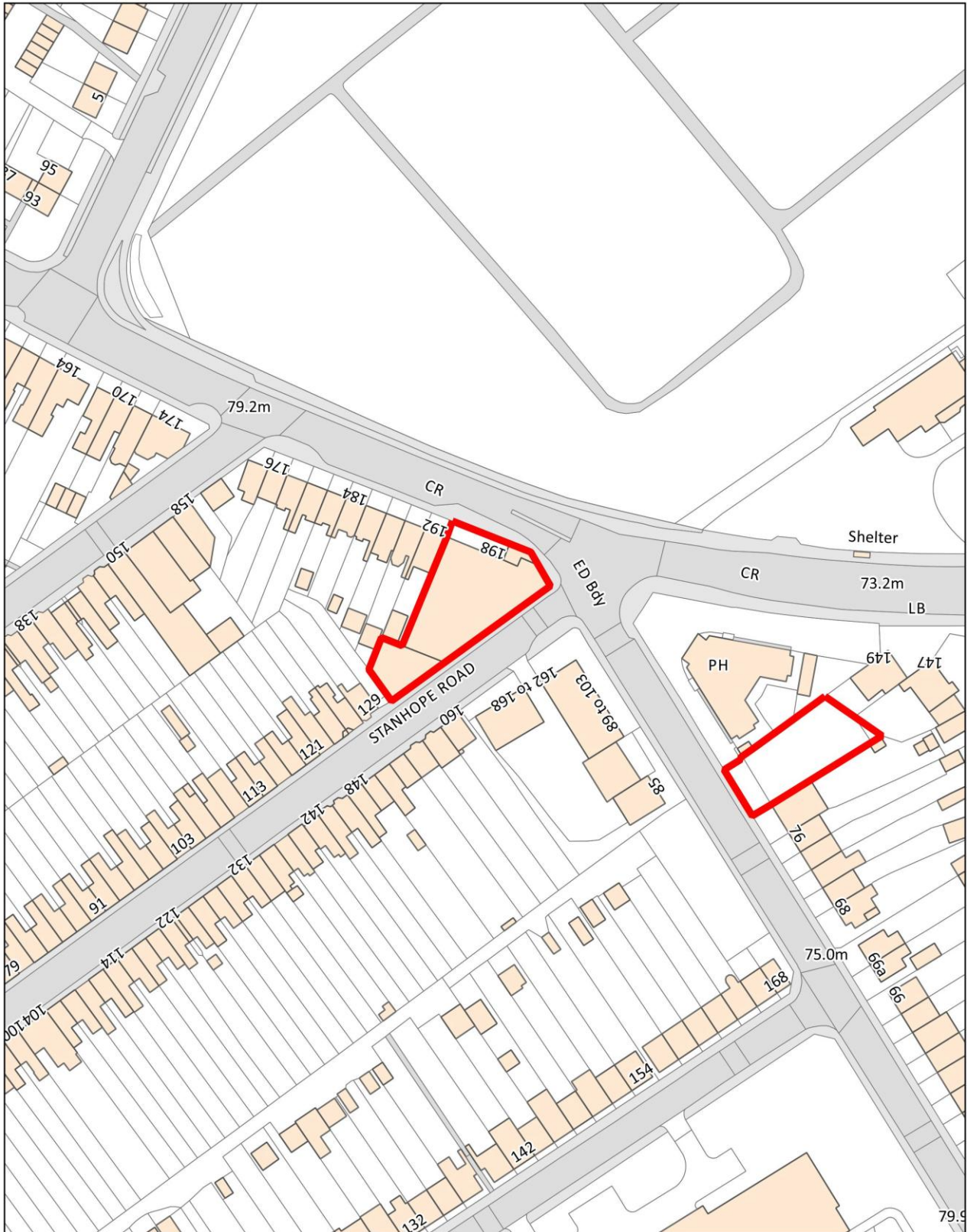
- 9.1 Application file N/2015/1228.

10. LEGAL IMPLICATIONS

- 10.1 None

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: **194-200 Kingsthorpe Grove**

© Crown Copyright 2014. Reproduced from Ordnance Survey data with the permission of the controller of Her Majesty's Stationery Office. Ordnance Survey is a registered trademark. Northampton Borough Council License Number 100019655.

Date: 29-02-2016

Scale: 1:1,250

Drawn by: Planning