



**North Northamptonshire Area Planning Committee
(Thrapston)
19th July 2021**

Application Reference	NE/21/00033/FUL
Case Officer	Joe Davies
Location	11 Chainbridge Court, Thrapston, NN14 4FJ
Development	Change of use of existing outbuilding from garage to part massage therapy clinic and part storage.
Applicant	Mrs Nicola Lowe
Agent	N/A
Ward	Thrapston
Overall Expiry Date	11 March 2021
Agreed Extension of Time	N/A

List of Appendices

None

Scheme of Delegation

This application is brought to committee because it falls outside of the Council's Scheme of Delegation because there has been an objection from Thrapston Town Council

1. Recommendation

1.1 That Planning permission is GRANTED subject to conditions.

2. The Proposal

- 2.1 This application seeks full planning permission for the change of use of an existing domestic garage. Part of the garage would be used as a massage therapy clinic, with the rest retained as storage. An additional window would be inserted on the western elevation, facing the main dwelling.

3. Site Description

- 3.1 The application site comprises a semi-detached dwelling with a driveway and garage to the front. The garage is attached to two other garages believed to serve the dwellings at 9 and 10 Chainbridge Court. To the north of the site is dwelling at 33 Nine Arches Way, to the north west is the dwelling at 35 Nine Arches Way, to the east of the dwelling is the garage, that is subject to this proposal, and the attached garages believed to serve 9 and 10 Chainbridge Court and to the west south west of the garage and south of the main dwelling are the dwellings at 9 and 10 Chainbridge Court.

4. Relevant Planning History

- 4.1 04/01093/REM - Erection of 115 dwellings and associated roads – PERMITTED (08.11.2004)

5. Consultation Responses

A full copy of all comments received can be found on the Council's website [here](#)

6.1 Thrapston Town Council

Object on the following grounds:

By changing the garage to a business premises, it means the loss of a parking space. Add this to the fact that 'clients' will be visiting the property for appointments and will likely need a parking space this means that at least one additional car will need to be parked on the road. Chainbridge Court is a small cul-de-sac and parking is already tight so adding to the number of traffic and vehicles accessing and parking there on a daily basis could impact on highway safety. Although the Council has no issue with the change of use or the resident operating a business from home, we have serious concerns about the issue of parking.

5.2 Neighbours / Responses to Publicity

Four letters were received in response to the application. Two of these were in support of the application and two objected to the application. The letters in support raised the following matters:

- All possible concerns have been addressed to ensure there will be no impact on residents;
- The issue of parking has been addressed and will not cause any problems;
- Fully support the application for the converted garage for the business.

The letters of objection raised the following issues:

- Concerns regarding limited parking, particularly in relation to covenants on the property and the loss of the garage;
- Light pollution from a security light;
- The red line on the site location plan is incorrect;
- The application stated that the proposal is for a change of use of an existing outbuilding, when it is a purpose-built garage.
- Notwithstanding the fact the National Design Guide is intended to influence the design of future residential developments, it is a reminder of what is expected.
- The area should remain residential and the proposal would introduce a commercial element.
- The properties have not been designed to be anything other than residential in use.
- The parking spaces in front of each garage are in tandem making it difficult for residents to manoeuvre in and out of their spaces.
- The area has existing parking problems.
- The application form conflicts with the Change of Use Statement in relation to the use class of the change of use and the hours of operation.
- The use should be classed as Sui Generis
- The grant of a premises licence shall be dependent on a number of factors, with hygiene facilities being one of the most important. However, in her Design and Access Statement/Request for Change of Use Statement the applicant tells us "... there will be no need for any plumbing needs" – which serves to further illustrate the fact this application is ill conceived and inappropriate for a garage in a residential area.

5.3 Local Highway Authority (LHA)

- The LHA query whether there will be any larger commercial vehicles that will be accessing the site? As it would be contrary to NCC Adopted Policy to allow a mixed-use access serving both residential and commercial vehicles.
- Please note the required number of parking spaces for a Massage Therapy Clinic. The applicant will need to provide evidence of 1 space per member of staff and 1 space per room.
- As a garage is being removed the applicant will need to demonstrate the required number of parking spaces per number of bedrooms (in accordance with the NCC Parking Standard Documents dated September 2016);
 - Parking for a 1 Bed = 1 Space,
 - Parking for a 2 Bed = 2 Spaces,
 - Parking for a 3 Bed = 2 Spaces,
 - Parking for a 4+ Bed = 3 spaces.
- Residential spaces must be a minimum of 3 metres x 5.5 metres in size.
- Please note the below dimensions for a garage as per the NNC Parking Standard Documents dated September 2016;
 - Single garage - 3.3 metres (W) x 6 metres (L) x 2.4 metres (H)

Double garage - 5.8 metres (W) x 6 metres (L) x 2.4 meters (H)

Updated comments following clarification on loss of the garage:

It is noted that comments were made regarding loss of the garage parking space which is valid given that whilst it does not meet current dimensions the space could be utilised for this purpose, albeit a small vehicle.

It boils down to whether the additional on-street parking demand can be accommodated in a worst-case scenario (with 2 homeowner vehicles present plus a visitor). From street view observations, whilst on-street parking is limited, due to the number of vehicle crossovers, it is suggested that a survey would possibly demonstrate sufficient capacity during the proposed operating hours.

6. Relevant Planning Policies and Considerations

6.1 Statutory Duty

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

6.2 National Policy and Guidance

National Planning Policy Framework (NPPF) (2019)
National Planning Practice Guidance (NPPG)
National Design Guide (NDG) (2019)

6.3 North Northamptonshire Joint Core Strategy (JCS) (2016)

Policy 1 – Presumption in Favour of Sustainable Development
Policy 8 – North Northamptonshire Place Shaping Principles
Policy 9 – Sustainable Buildings and Allowable Solutions
Policy 11 – The Network of Urban and Rural Areas
Policy 22 – Delivering Economic Prosperity

6.4 Rural North, Oundle and Thrapston Plan (2011)

Policy 2 – Windfall Development in Settlements

6.5 Emerging East Northamptonshire Part 2 Local Plan - Submission Draft March 2021

Policy EN1 – Spatial Development Strategy
Policy EN18 – Commercial Space to Support Economic Growth
Policy EN20 – Relocation and/or expansion of existing businesses

6.6 Other Documents

Local Highway Authority Standing Advice for Local Planning Authorities (2016)
Local Highway Authority Parking Standards (2016)
Domestic Waste Storage and Collection Supplementary Planning Document (2012)

7. Evaluation

The key issues for consideration are:

- Principle of Development;
- Design and Visual Amenity;
- Residential Amenity; and
- Highway Safety and Parking Provision.

7.1 Principle of Development

7.1.1 In general terms, Policy within the National Planning Policy Framework (NPPF), the North Northamptonshire Joint Core Strategy (JCS) (The Local Plan, Part 1) and the Council's emerging Part 2 Local Plan should be applied to the proposed development. In brief, the NPPF promotes a presumption in favour of windfall and infill development within the boundaries of existing settlements.

7.1.2 There are no specific policies in the Joint Core Strategy that are relevant to the principle of the proposed development. However, Policy 1 of the JCS seeks to secure sustainable development and Policy 22 seeks to deliver economic prosperity. Policy 2 of the Rural North, Oundle and Thrapston Plan covers windfall development in settlements and states that planning permission will be granted for proposals for employment related development that are of a scale and nature appropriate to their location and character of the locality. Therefore, under current local planning policy, there are no specific policies that constrain the principle of the proposed development, subject to other material considerations.

7.1.3 In relation to emerging planning policy, Policy EN18 of the Emerging Local Plan states that future proposals for development of new commercial employment space will be supported where these deliver flexible managed workspace for small and micro-businesses. Policy EN20 seeks to support proposals to relocate businesses where they are adjacent to an existing built up area and would not result in a significant impact on the character of the surroundings or on the amenity of neighbouring properties. There are also other criteria which are not relevant to this specific proposal. The principle of the proposed development would therefore be supported by emerging local planning policy subject to other material considerations.

7.1.4 In relation to national planning policy, Paragraph 80 of the National Planning Policy Framework 2019 states that planning decisions should support economic growth and productivity and the principle of development is therefore also supported by national planning policy.

7.2 Design, Layout and Impact on the Character and Appearance of the Area

7.2.1 In terms of design, there would be no increase in built footprint of the existing garage, with only minor alterations to enable the change of use being proposed with a new window being proposed on the side elevation. Furthermore, in terms of the impact of the proposed development on the character of the area. Due to the small-scale nature of the proposed employment use, it is considered that

there would be no significant impact. The impact of the proposed development on the character and appearance of the area is therefore considered to be acceptable and would be in compliance with Policy 8(c) and 8(d) of the North Northamptonshire Joint Core Strategy 2016.

7.3 Highway Safety and Parking

7.3.1 In relation to highway safety, the existing property is believed to have 3 bedrooms and therefore requires 2 off-street parking spaces. There are currently 2 off-street parking spaces for the property on the shared driveway (excluding the garage). Using the Local Highway Authority's standards, the existing garage is too small to count as a useable parking space, having a width of just 2.5 metres, however, the LHA has commented to say that it is still an existing space and should count as such. It is not clear whether the garage is currently being used for parking, but it would be safe to assume that it is not given that the driveway also accommodates two spaces. Regardless of the LHA stating that the garage should count as a space, despite being contrary to the standing advice, the drive accommodates two parking spaces, only one of which would be in use during the business hours so clients can use the second space, according to the applicant. In addition, the LHA has stated that they consider that the street should have sufficient space to accommodate any low level on-street parking without causing issues in the surrounding area.

7.3.2 Furthermore, given the minor nature of the proposed works, there would be no impact on highway visibility.

7.3.3 Although the Local Highway Authority has queried whether any large vehicles would be accessing the site, due to the scale and nature of the proposed use, it is considered that this would be highly unlikely other than for the delivery of equipment to set up the proposed use, which would be no worse than a neighbour or the applicant currently having a sofa or other large household goods delivered.

7.3.4 In relation to the potential increase in spaces as a result of the proposed use, the proposed use would require one space per employee. As the only person working at the site would be the current householder, there would be no need for additional employee parking. In terms of customers visiting the site, there would only be a maximum of one additional vehicle visiting the site at a time with a 15 minute gap between appointments to ensure this is the case. It is considered that the provision of one additional car at the site at a time would not result in significant harm to highway safety that would justify a refusal of planning permission in line with Paragraph 109 of the National Planning Policy

Framework 2019. The LHA has also confirmed that a parking beat survey is also likely to indicate that there is sufficient on-street parking in the surrounding area. The proposed use would also primarily be during standard working hours when there would be fewer other vehicles around (residents would be at work) and therefore more scope for incidental on-street parking. It is also proposed to condition any planning permission so that it is linked to the existing property and can't be separated off as a separate commercial unit.

7.3.5 The impact of the proposed development on highway safety and parking provision is therefore considered to be acceptable and in compliance with Policy 8(b) of the North Northamptonshire Joint Core Strategy 2016.

7.4 Residential Amenity

7.4.1 In terms of the impact on neighbouring amenity, there would be no increase in the built footprint of the garage as a result of the proposed development and therefore no impact in relation to loss of light or over-dominance. The proposed window to the garage would also not directly overlook any neighbouring properties.

7.4.2 In terms of noise and disturbance it is considered that one additional person at the site and the use proposed would not result in any significant noise and disturbance to neighbours, especially given that the business would only operate between 9am and 8pm. In terms of light pollution from a security light, this is an existing issue and planning permission is not required for this security light. As a result a refusal of planning permission could not be justified because of this. The impact of the proposed development on neighbouring amenity is therefore considered to be acceptable and in accordance with Policy 8(e) of the North Northamptonshire Joint Core Strategy 2016.

8. Other Matters

8.1 Land Ownership: In relation to land ownership, a neighbour has stated that the red line on the Site Location Plan includes land outside of the applicant's ownership and they have signed Certificate A. Land ownership is not a material planning consideration and the Council has to deal with the application as submitted. However this issue was raised with the applicant and they have asserted that all relevant land is within their ownership. Accordingly, and because the applicant has signed Certificate A on the application form, this is taken at face value.

8.2 Licensing: The issue of the proposed use requiring a premises licence has also been raised. This is not a material planning consideration and is a matter to be dealt with by licensing should planning permission be granted.

8.3 Covenants: The issue of covenants has also been raised and this also isn't a material planning consideration that can be taken into account when determining a planning application.

8.4 Equality Act 2010: It is not considered that the proposal raises any concerns in relation to the Equality Act (2010).

- 8.5 Use Class: One of the comments received in response to the application refers to an incorrect use class referred to on the application form. Whilst this is a minor error in the supporting documentation, it is clear the nature of the use that is proposed. The use of the building can also be controlled by a condition.

9. Conclusion / Planning Balance

- 9.1 The proposed development is considered to be acceptable as it is not considered to cause adverse harm regarding the character of the local area, or adverse harm to neighbouring amenity. Whilst there could be the loss of one parking space at the property because of the loss of a sub-standard garage, there would be two remaining spaces within the site and the LHA has commented that a parking beat survey would likely identify suitable space within the surrounding streets for any visitors. The principle of the proposed development is also supported by both local and national planning policy. It is therefore recommended that planning permission is granted.

10. Recommendation

- 10.1 That Planning permission is GRANTED subject to conditions.

11. Conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: Statutory requirement under provision of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the approved plans as detailed below:

- 11 Chainbridge Court, Location Plan; and
- Garage Conversion.

Reason: In order to clarify the terms of the planning permission and to ensure that the development is carried out as permitted.

3. The use of the garage for the massage business hereby permitted shall only take place between the following hours:

- 9.30am to 2pm and 6pm to 8pm on Tuesdays and Thursdays (excluding Public Holidays)
- 9.30am to 2pm on Mondays, Wednesdays and Fridays (excluding Public Holidays).

Reason: To ensure that the impact of the proposed development on neighbour amenity is acceptable.

4. There shall be a 15 minute gap between each appointment at the site for the use hereby permitted

Reason: To ensure that there is only one additional vehicle at the site at a time in the interests of highway safety.

5. The use hereby permitted shall only be carried out by the occupiers of 11 Chainbridge Court and the converted garage shall not be rented, leased or sold as a separate commercial unit. It shall only operate as a massage therapy clinic and for no other use.

Reason: To ensure that there is no intensification of the use of the site should another person take over the property.

12. **Informatives**

N/A