



**North Northamptonshire Area Planning Committee
(Thrapston)
17 January 2022**

Application Reference	NE/21/01497/FUL
Case Officer	Patrick Reid
Location	48 High Street Irthlingborough Northamptonshire NN9 5TN
Development	Partial change of use of ground floor to allow for the creation of 1 No. flat; Installation of obscure glazed full depth window and roof lantern
Applicant	Ms D Mabutt
Agent	Mr Hayden Eson Seed - CC Town Planning
Ward	Irthlingborough
Overall Expiry Date	3 December 2021
Agreed Extension of Time	19 January 2022

List of Appendices

Appendix A – Decision Notice NE/21/00224/FUL 2 August 2021

Appendix B – Officer Report for NE/21/00224/FUL 2 August 2021

Scheme of Delegation

This application is brought to committee because it falls outside of the Council's Scheme of Delegation because Irthlingborough Town Council has objected and the Officer recommendation is for approval. As such, the determination is to be by committee.

1. Recommendation

1.1 That planning permission be GRANTED subject to conditions.

2. The Proposal

- 2.1 It is proposed to change the use of part of a salon premises to create a single dwelling. Additionally, the physical works associated with this, as noted in the description of development, are proposed to create the dwelling in the space. The physical works include the addition of internal walls to separate the flat from the salon. Additionally, external changes are proposed including a full-length window on the western elevation and an obscurely glazed roof lantern.
- 2.2 The rear part of the ground floor would change use and would be separated by a new internal wall. The space would be around 48 square metres and would include a kitchen / lounge / dining room, bathroom and bedroom. It would be accessed via a shared door that also serves the flat above leading to an external entrance area. The flat would then have its own external door onto this small courtyard area.
- 2.3 The dwelling would not have any parking allocated to it. This situation is the same as exists for the commercial property. The site is located within the the Irthlingborough Conservation Area and is within 3km of the Nene Valley Gravel Pits Special Protection Area.

3. Site Description

- 3.1 The site accommodates no. 48 High Street, Irthlingborough, which is a building accommodating retail use at ground floor with a flat above. The site also includes a small external yard area to the rear.
- 3.2 The property fronts the High Street and to its west is a single lane road called Board Street. There is a footpath between the road and the side elevation of no. 48. The ground floor is a retail unit occupied by a beauty salon. It has a glazed shop frontage below two large first floor windows. The side elevation is dominated by brick apart from two windows in the flat roof rear projection, and two similar sized windows at first floor.
- 3.3 To the north / rear of the site is a two-storey residential property which faces towards the rear of no. 48. To the east of the site is a single storey retail unit and beyond this is a Grade II listed stone building known as 48 High Street.
- 3.4 The site is located within the Irthlingborough Conservation Area. It is also located within 3km of the Nene Valley Gravel Pits Special Protection Area.

4. Relevant Planning History

- 4.1 NE/21/00224/FUL – Proposed first floor rear extension and associated internal and external alterations, including partial change of use of ground floor, to allow for the creation of 3 No. residential apartments (net increase of 2 No. apartments) – Refused – 02.08.2021 (Details included at Appendices 1 and 2)

The following three reasons are given on the Decision Notice:

1. *The proposed development would result in an unacceptable detrimental impact on the sense of privacy for neighbouring occupiers, in relation to the first-floor bedroom windows of numbers 2 and 4 Board Street, which would face the proposed extension. Notably, the proposed walkway serving the two new flats would be approximately 7 metres from the windows of the neighbouring bedrooms of Number 2 and 4 and this is considered too little to provide what can be considered a reasonable level of privacy. Further, the rear wall of the extension would be sufficiently close to the bedroom windows of numbers 2 and 4 Board Street to also have an unacceptable and overbearing impact on the outlook from these windows, to the detriment of the occupier's quality of life. The proposal is therefore considered contrary to Policy 8 (e) of the North Northamptonshire Joint Core Strategy (2016).*
2. *The application would cause an unacceptable impact on the Upper Nene Valley Gravel Pits Special Protection Area through a net addition of two dwellings and an absence of appropriate mitigation for its impact. As such the development conflicts with Policy 4 (d) of the North Northamptonshire Joint Core Strategy (2016) and the Upper Nene Valley Gravel Pits Special Protection Area Supplementary Planning Document.*
3. *The proposed development conflicts with Policy 30 (b) of the North Northamptonshire Joint Core Strategy (2016) as both of the two first floor flats do not meet 10 (a) of the requirements contained within the DCLG Technical housing standards - nationally described space standards. The associated Table 1 of that document requires that each new dwelling has 1 square metre of built-in storage. Part (b) of Policy 30 sets out that new dwellings 'must' meet the National Space Standards and as the two first floor dwellings do not, Policy 30 is not satisfied.*

4.2 Adjacent site to north, 2/4 Board Street:

96/00578/FUL – Conversion to three dwellings and alterations to vehicular access – Approved – 16.10.96

5. Consultation Responses

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

5.1 Irthlingborough Town Council

Comments received in objection for the following reasons:

- Small and sub-standard living accommodation that does not meet national standards for the ground floor flat;

- Lack of parking provision and limited vehicular access;
- Adverse impact of noise and air pollution associated with nearby food outlets including the large exterior extractor fans and late night activity;
- Position adjoining one way access road from High Street; and
- Impact on current business, loss of 50% of business space.

5.2 Neighbours / Responses to Publicity

No representations have been received.

5.3 Highways (LHA)

The reduction of the floor space used for the beauty salon would result in a decrease of parking spaces required and the addition of a single flat would only cause an increase of one parking space. Therefore, the result would be negligible and the LHA can confirm no further observations or objections.

5.4 Waste Manager

No comments other than standard bins presented immediately adjacent to the highway.

5.5 Environmental Protection

There are no obvious environmental issues with the proposals. Conditions are recommended relating to potential construction works, limiting the hours of construction and that there should be no burning of materials on-site

5.6 Natural England

Comments summarised as follows: The proposal is within the zone of influence of the Upper Nene Valley Gravel Pits Special Protection Area (SPA), and therefore is expected to contribute to recreational disturbance impacts to the bird populations for which the SPA has been notified. Mitigation for these impacts is available via a financial contribution towards a strategic mitigation project, set out within the Upper Nene Valley Gravel Pits Special Protection Area Supplementary Planning Document.

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

National Planning Policy Framework (NPPF) (2021)

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 2 - Historic Environment
Policy 4 - Biodiversity and Geodiversity
Policy 6 - Development on Brownfield Land and Land Affected by Contamination
Policy 8 - North Northamptonshire Place Shaping Principles
Policy 9 - Sustainable Buildings and Allowable Solutions
Policy 12 - Town Centres and Town Centre Uses
Policy 28 - Housing Requirements and Strategic Opportunities
Policy 29 - Distribution of New homes
Policy 30 - Housing Mix and Tenure

6.4 East Northamptonshire Council Local Plan (Saved Policies) (LP) (1996)

IR1-A - Provision for Housing in Irthlingborough

6.5 Emerging East Northamptonshire Local Plan 2011-2031 (LPP2) – Submission Version March 2021

EN1: Spatial Development Strategy
EN12: Health and wellbeing
EN13: Design of Buildings/Extensions
EN14: Designated Heritage Assets
EN21: Town centres and primary shopping frontages

6.6 Other Relevant Documents

Northamptonshire County Council - Local Highway Authority Standing Advice for Local Planning Authorities (2016)
Northamptonshire County Council - Local Highway Authority Parking Standards (2016)
East Northamptonshire Council - Domestic Waste Storage and Collection Supplementary Planning Document (2012)
East Northamptonshire Council - Nene Valley Gravel Pits Special Protection Area Supplementary Planning Document (2016)

7. Evaluation

The key issues for consideration are:

- Changes since previous application NE/21/00224/FUL
- Impact on Neighbour Amenity
- SPA Impact
- Technical Space Standards
- Heritage and Visual Impact
- Access and Parking
- Environmental Matters

- Residential Amenity of the Proposed Accommodation
- Housing Mix
- Loss of Retail Space

7.1 **Changes since previous application NE/21/00224/FUL**

7.1.1 The application follows an earlier application for the same property that was refused. Application NE/21/00224/FUL was a proposal that was similar to the current at ground floor level but in addition sought to extend the property and create two further flats at first floor level. The extension at first floor level was deemed to have an unacceptable impact on the privacy of the property to the north (2 Board Street). Under the current proposal, no extensions are proposed. No alterations or change of use are proposed at first floor level and the development relates solely to the ground floor.

7.1.2 The first reason for refusal on the previous application is considered to be addressed now that no works are proposed at first floor. This matter is addressed fully later in the report.

7.1.3 The second reason for refusal related to the matter of impact on the Nene Valley Gravel Pits SPA, and the third noted that the two first floor flats proposed did not include sufficient storage space, contrary to Policy 30 of the JCS. This first floor element is not included in this application.

7.2 **Impact on Neighbour Amenity**

Flat above no. 48

7.2.1 Above the commercial unit is a two-bedroom flat that is accessed via a stairwell located at the rear, near to the access of the proposed dwelling. The flat above would not incur any material impact on its privacy or other amenities due to the absence of any windows or proposed extensions that would affect its space.

2 and 4 Board Street

7.2.2 To the rear / north of the site are Nos 2 and 4 Board Street, which are adjoining two-storey dwellings. The earlier application was found to cause unacceptable impacts on their privacy due to the first-floor extension. The current proposal solely relates to the ground floor unlike the previous application that included a first floor rear extension. The addition of a side window and roof lantern would not materially affect the privacy of Nos 2 and 4 as it is above head height. Their other amenities such as outlook, would also not be affected materially as there would be no material impact on outlook or daylight due to the absence of an extension. The proposal is therefore deemed acceptable in this regard.

7.3 **SPA Impact**

7.3.1 The site is within 3km of the Nene Valley Special Protection Area. As such, as the proposal is for a new dwelling, there is deemed to be an impact on the SPA. The associated SPD requires that applications for new dwellings

makes appropriate mitigation for the impacts on the bird population of the area in the form of a mitigation payment.

- 7.3.2 The relevant mitigation contribution has been received and is secured by the associated forms that ensure it will only be used for works in the SPA. As such, the proposal causes no harm on the ecology of the SPA.

7.4 Technical Space Standards

- 7.4.1 The ground floor space was found to meet the requirements under the previous application. The proposal is identical to the ground floor aspect of the earlier application and as such, it is considered equally acceptable. The floorspace of 48 square metres is sufficient to meet the requirements for one person accommodation, but not two person accommodation. The minimum space for one person is 37 square metres, and it is 50 square metres for two people.

- 7.4.2 In considering this, it is noted that the proposed floorspace is close to the 50sqm figure. Consideration has been given to the possibility of the flat being occupied by two people and whether there is the possibility for the Council to limit its occupation to one person by condition. If the flat were to be occupied by two persons, it has been considered whether this would represent a justification for refusal. However, given that it exceeds the minimum space for one person it would be unreasonable to resist the proposal on space terms. The accommodation provided also provides open plan living space served by natural daylight and provides an acceptable level of living accommodation, and this weighs in favour of the 48sqm being acceptable.

- 7.4.3 Additionally, it is now permitted development for Class E premises to change use to residential, subject to certain criteria. The legislation allows Class E uses to change to dwellings with no limitation on floorspace. Whilst the proposal has not been assessed against the relevant criteria, the general principle of changing Class E premises to flats/dwellings exists having recently been made law by the Government. This adds further weight to indicate that the proposed floorspace is acceptable.

7.5 Heritage and Visual Impact

- 7.5.1 The Council is required by Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.

- 7.5.2 Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on a decision maker to pay special attention to the need to preserve or enhance the character or appearance of a conservation area.

- 7.5.3 The site is within the Irthlingborough Conservation Area. It is not identified in the associated Conservation Area Appraisal as being of particular heritage significance. The previous application, which included an extension, was deemed acceptable in heritage terms. In this case, the

proposed physical works are limited to primarily the additional side window, which is not considered to be visually harmful. The addition of the roof lantern is also considered to have no material visual impact on heritage value.

7.6 Access and Parking

7.6.1 The development would not increase the demand for parking. A one-bedroom dwelling is associated with a reduced parking requirement than 48 square metres of retail space (at 50sqm of retail the parking level is set at 2 spaces, using the Parking Standards). Whilst the property has no dedicated parking provision currently, the development would not cause further demand and is therefore acceptable.

7.7 Environmental Matters

7.7.1 The Council's Environmental Protection Team has commented on the application, raising no concerns but has recommended conditions that limit the hours of construction and require that no burning occurs on the site. It is considered reasonable that such conditions be applied, should permission be granted.

7.8 Residential Amenity of the Proposed Accommodation

7.8.1 The living space of the lounge and kitchen would be served by a window on the western side. Additionally, natural light would reach the space from the roof lantern, two small windows in the north elevation off the lounge, and the entrance door. These are considered to provide sufficient daylight to the internal space.

7.8.2 The bedroom would be served by a full-length window which would be obscurely glazed. It would be normal for a curtain to be included for this window that would ensure the space is private, also. The Applicant has confirmed the window is to be a window only and non-opening. They have also advised that, if deemed necessary for amenity of the room, the upper most part of the window could be of a form that opens and is clearly glazed. Officers consider this is not necessary but note the possibility of conditioning it to be so.

7.8.3 Concern has been raised by Irthlingborough Town Council about the possibility of noise from the nearby streets and Town centre environment affecting the accommodation. The response from Environmental Protection (EP) does not raise this concern and there is no indication that this would represent a significant concern. EP have also not raised any concerns about the relationship between the flat and the tanning / beauty salon. Should EP have had concerns, they could have recommended glazing that has a high acoustic barrier scoring. Without this recommendation or any evidence to indicate there is a particular noise issue for the property, the proposal is considered acceptable in planning terms in this regard.

7.9 Housing Mix

7.9.1 Policy 30 of the JCS sets out that a mix of house types within a

development should reflect the need to provide smaller householders and that it should avoid an over-concentration of a single type of house type in an area, where it would adversely affect its character. Policy 30 seeks to ensure that smaller units (1-3 bedrooms) are included in developments and in this regard, the proposal meets this aim.

7.9.2 Criterion (b)(ii) refers to the possibility of 'over-concentration' and character considerations, but there is no information readily available that defines the mix of housing nearby. It is considered therefore that the proposal is acceptable in this regard.

7.10 **Loss of Retail Space**

7.10.1 Concern has been raised by Irthlingborough Town Council about the loss of some of the retail unit's floorspace. This did not represent a reason for refusal of the earlier application as no conflict with Policy is identified. Policy 12 of the JCS, refers to proposals for changes of use for sites in the 'Primary Shopping Areas' and makes provisions for changes of use where the proposal 'adds to the attractiveness of the centre and does not lead to the predominance of A1 retail use being critically undermined'.

7.10.2 Use Class 'A1' no longer exists, having been revoked in 2021 by the Government. The use now falls under the broader 'Class E' which covers a variety of commercial, business and service uses much of which were previously classified as Use Classes B1. There is no indication that the space for retail locally is being critically undermined. On the High Street, there are a number of units that are vacant. Additionally, it is noted that the Government introduced new legislation that means that a change of use from Class E to C3 (residential) is permitted development, not requiring a planning application to be submitted. Instead, a Prior Notification process is required by which there is a limited number of criteria for an LPA to consider.

7.10.3 As there is no indication that the floorspace that would change use to be a dwelling is critical to the local area, the proposal is considered to comply with Policy 12 of the JCS. The factors relating to the relatively new 'Class E' definition and the changes to permitted development legislation add further weight to indicate it would be unreasonable to resist the proposal in this regard. Additionally, NPPF paragraph 86 (f) makes a clear expression of support for residential development in town centres due to the contribution to the vitality that such use brings. The proposal contributes to the vitality of the town centre.

8. **Other Matters**

8.1 Neighbour comments: No comments received.

8.2 Equality: The application raises no matters of particular equality concern.

9. **Conclusion / Planning Balance**

9.1 The proposal follows an earlier application that was similar but included additional development at first floor. As the first floor element has been

'removed', there would not be a harmful impact on the amenities of neighbouring properties. Additionally, the current application meets the Technical Space Standards for one person. Also the relevant mitigation contribution for the impact on the Upper Nene Valley Gravel Pit SPA has been secured. As such, the reasons that the previous application was refused are considered to be addressed.

- 9.2 The proposal is considered to comply with the relevant development plan policies and reflects the aims of the NPPF. As such, the application is supported.

10. Recommendation

- 10.1 That planning permission be GRANTED subject to conditions.

11. Conditions

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

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended.

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

- Site Location and Block Plan ref. 20-106-05;
- Existing Ground and First Floor Plan ref. 20-106-01;
- Existing Elevations ref. 20-106-02;
- Proposed Elevations ref. 20-106-07.

Reason: To define the terms of the planning permission and to ensure that the development is carried out as permitted.

3. Prior to installation, details of the external windows and doors to be installed shall be submitted to and approved in writing, by the Local Planning Authority. The details shall include the materials, colour, dimensions and, where applicable, details of which direction(s) they would open. The windows and doors shall then be installed in accordance with the approved details prior to the first occupation of the development hereby permitted and shall thereafter be retained in the agreed manner in perpetuity.

Reason: In the interests of ensuring the side window, roof lantern and other external materials are suitable for the Conservation Area and do not cause an obstruction to the public highway.

4. There shall be no burning of any material during construction, demolition or site preparation works.

Reason: To minimise the threat of pollution and disturbance to local amenity.

5. No demolition or construction work (including deliveries to or from the site) shall take place on the site outside the hours of 0800 and 1800 Mondays to Fridays and 0800 and 1300 on Saturdays, and at no times on Sundays, Bank or Public Holidays.

Reason: To ensure the protection of the local amenity throughout construction works.

12. Informatives

1. N/A