

**North Northamptonshire Area Planning Committee  
(Wellingborough)  
16 February 2022**

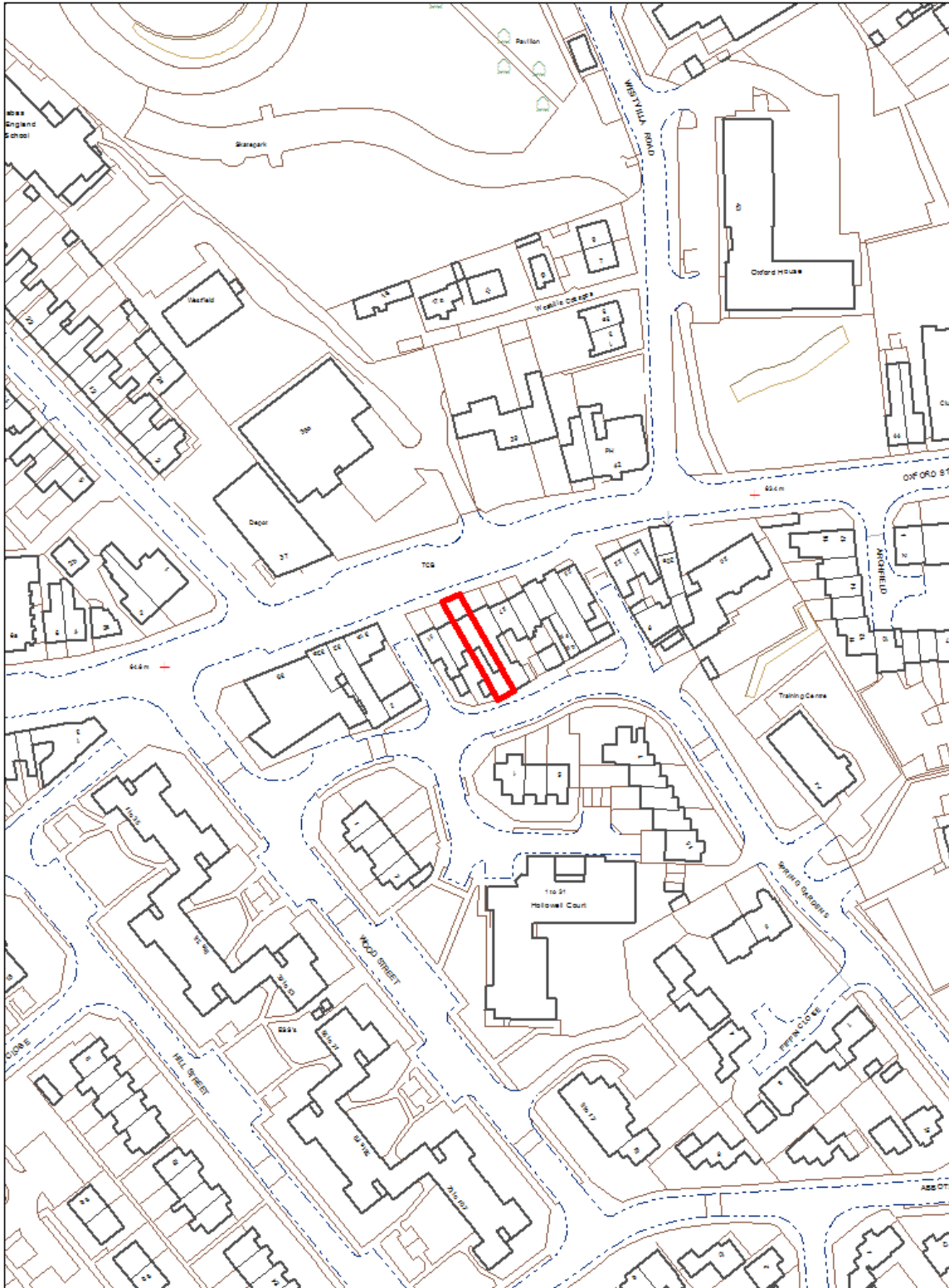
<b>Application Reference</b>	<b>NW/21/00995/FUL</b>	
<b>Case Officer</b>	Mr Graham Northern	
<b>Location</b>	29 Oxford Street Wellingborough Northamptonshire NN8 4JE	
<b>Development</b>	Conversion of a single dwelling into 2 no. flats and the creation of vehicular access from Spring Gardens and the formation of hardstanding for the parking of one vehicle, bin and cycle storage (re-submission following refusal reference NW/21/00690/FUL)	
<b>Applicant</b>	Roger Langley	
<b>Agent</b>	Mr Daniel Clutterbuck	
<b>Ward</b>	Croyland and Swanspool Ward	
<b>Overall Expiry Date</b>	11 January 2022	
<b>Agreed Extension of Time</b>		
<b>Checked</b>	Senior Development Management Officer	Debbie Kirk


**Scheme of Delegation**

This application is brought to committee because it falls outside of the council's scheme of delegation because the Parish Council object to the application due to a lack of off-street parking being provided.

**1. Recommendation**

- 1.1 That planning permission be **GRANTED** subject to the conditions listed at the end of the report



 <p>North Northamptonshire Council</p>	<p>N</p> <p>Scale: 1:1,250</p>	<p>ICT Services</p> <p>This map is accurate to the scale specified when approved # 201</p>	<p>© Crown Copyright and database right 2020. Ordnance Survey 100009995</p> <p>Data Revealed Aerial Photography copyright: Geographical P.O. 1999</p>	<p><b>Legend</b></p> <p> NW/21/00995/FUL 29 Oxford Street, Wellingborough</p>
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## **2. The Application Proposal and Background**

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2.1 The proposals seek to convert the existing dwelling to two 1-bedroom flats. No off-street parking is provided however the applicant has provided a parking beat survey that demonstrates satisfactory on street provision can be achieved.

2.2 The proposals sub divides the property with no external alterations. The ground floor flat is to be accessed from the existing courtyard to the rear of the property. Fronting Spring Gardens. The existing rear door to the courtyard is to be repurposed as the entrance door to the ground floor flat.

2.3 The first-floor flat is to use the existing entrance door at the front of the property on Oxford Street. The first floor flat will access through the existing entrance hallway and staircase up to the first floor.

2.4 A previous application to convert the property in to two flats reference NW/21/00690/FUL was refused last year as it provided inadequate off-street parking and failed to demonstrate suitable on street availability through a parking beat survey.

## **3. Site Description and Surroundings**

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3.1 The property is a mid-terrace dwelling which fronts Oxford Street and the rear backs onto Spring Gardens.

3.2 The rear of the dwelling has been extended half the width of the dwelling back two storeys and then a single storey off the two-storey addition. Similar extensions of length are present to neighbouring dwellings.

3.3 The property lies in an area of mixed use with both residential and commercial/retail uses nearby.

3.4 To the front lies a parking layby used by residents and customers of businesses, but no spaces are specifically allocated. The property has no allocated off-street parking.

## **4. Relevant Planning History**

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NW/21/00690/FUL	Refused Conversion of a single dwelling into 2 no. flats and the creation of vehicular access from Spring Gardens and the formation of hardstanding for the parking of one vehicle, bin and cycle storage	29.09.2021
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## 5. Consultation Responses

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A full copy of all comments received can be found on the Council's Website <https://www.wellingborough.gov.uk/viewplanningapplications>

**5.1 Wellingborough Town Council** – there has been no change to the application or any amendment to adequate parking provision. Application is still in contrary to the same policies. Reaffirm original objection.

**5.2 Neighbours/Responses to publicity** – no objections received

**5.3 Local highway Authority (LHA)** – does not intend to raise an objection to the application on highway safety or capacity grounds

The parking survey submitted in support of the application indicates that sufficient on street accommodation can be found in the vicinity of the application site. This form of parking provision imposes demands upon car owners and will oblige them to seek spaces possibly at some distance from their homes. It is generally noted that where parking provision for a development is inadequate or not conveniently located, residents and visitors will park on verges and streets that have not been designed for that purpose, leading to unsightly and possibly dangerous roads in and around developments.

**5.4 NNC Archaeology Advisor** – no comments to make on this application.

**5.5 NNC Landscape Officer** – no objections raised

**5.6 NNC Environmental Protection Officer (contamination)** – no objections to make on this application in relation to contaminated land.

**5.7 NNC built heritage consultant** - there are no objections to the proposed scheme. However, should the proposals require external alterations to facilitate the proposed scheme a planning application may be required and consideration should be given to the impact of those alterations on the character and appearance of the Conservation Area. This could include (but is not limited to): installation of extraction, venting, and flues; alterations to external doors, windows, and signage; external installation of meter boxes, aerials, satellite dishes, external lighting, and rainwater goods.

## 6. Relevant Planning Policies and Considerations

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### 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 – Part 1 of the local plan (JCS)**

Policies:

- 1 (presumption in favour of sustainable development)
- 2 (historic environment)
- 4 (biodiversity and geodiversity)
- 8 (North Northamptonshire place shaping principles)
- 9 (sustainable buildings and allowable solutions)
- 11 (network of urban and rural areas)
- 12 (town centres and town centre uses)
- 20 (Nene and Ise valleys)
- 28 (housing requirements)
- 29 (distribution of new homes)
- 30 (housing mix and tenure)

### **6.4 Plan for the Borough of Wellingborough – Part 2 of the local plan (PBW)**

Policies

- TC1 (town centre boundary)
- TC 6 (town centre parking)

### **6.5 Supplementary planning documents/guidance**

Sustainable Design

Biodiversity

Upper Nene Valley Special Protection Area

Planning Out Crime in Northamptonshire

Parking

## **7. Evaluation**

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**7.1 Principle of Development and material considerations** - Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that *“If regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the development plan unless material considerations indicate otherwise.”*

7.2 Policy 1 of the JCS is clear that when considering development proposals, the local planning authority will take a positive approach that reflects the presumption in favour of sustainable development as set out within the revised NPPF.

7.3 In addition to the specific NPPF requirements set out above, paragraph 132 states that ‘applicants will be expected to work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably’.

7.4 The application form at question five indicates that no pre-application advice or assistance has been sought from the council. The NPPF from paragraph 41 extols the virtues of applicants engaging in pre application discussion with the council to resolve any issues that may arise to help applicants avoid any unnecessary delays and costs.

7.5 Policy 11 (a) of the JCS states that development will be focused in the growth towns. Wellingborough is identified in the JCS as a growth town where most development should be directed, and policy 29 of the JCS which relates to the distribution of new homes across North Northamptonshire support this. The proposal is within an existing built up area of the town and as such the principle of residential development of converting an existing dwelling into two flats would be broadly considered acceptable in principle subject to meeting the requirements of other more detailed policies.

#### **7.6 Design, layout and the effect on the character and appearance of the surrounding area**

7.7 JCS at policy 8 (d) (i) and (ii) describes the principles that proposed development must take into account with regards to its effect on the character and appearance of an area.

7.8 The government at paragraph 130 (a) – (d) of the revised NPPF attach great importance to the design of built development. It goes on to advise that planning decisions should ensure that development will function well and add quality of the overall area; not just for the short term but over the life time of a development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the built environment and landscape setting, while not discouraging appropriate innovation and change; establish or maintain a strong sense of place, using the arrangements of streets, space, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.

7.9 The National Design Guide, illustrates how well-designed places that are beautiful, enduring and successful can be achieved in practice. It forms part of the Government's collection of planning practice guidance and should be read alongside the separate planning practice guidance on design process and tools.

7.10 The proposals do not alter the design or external appearance of the property. As such the proposals are considered in accordance with policy 8 (d) (i) & (ii) of the JCS.

#### **7.11 Sustainability**

7.12 Policy 9 of the JCS is clear that development should incorporate measures to ensure high standards of resource and energy efficiency and reduction in carbon emissions. All residential development should incorporate measures to limit use to no more than 105 litres/person/day and external water use of no more than 5 litres/person/day or alternative national standard applying to areas of water stress. To ensure compliance with this policy, a planning condition is recommended.

#### **7.13 Effect on heritage assets conservation area**

7.14 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.

7.15 Policy 2 (a) and (b) of the JCS sets out the policy background for the protection, preservation and enhancement of the historic environment.

7.16 With regards the revised NPPF, chapter 16 sets out government advice on conserving and enhancing the historic environment. Paragraph 201 sets out its

guidance where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset. Paragraph 202 advises on development proposals which will lead to less than substantial harm to the significance of a designated heritage asset. The paragraph goes on to say that the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. Paragraph 207 informs that not all elements of a conservation area will necessarily contribute to its significance.

7.17 The courts have held (*South Lakeland DC v Secretary of State for the Environment*, [1992] 2 WLR 204) that there is no requirement in the legislation that conservation areas should be protected from all development which does not enhance or positively preserve.

7.18 Whilst the character and appearance of conservation areas should always be given full weight in planning decisions, the objective of preservation can be achieved either by development which makes a positive contribution to an area's character or appearance, or by development which leaves character and appearance unharmed.

7.19 Whilst the proposals are situated within the Town Centre Conservation area there are no external changes. The built heritage consultant has stated,

“There are no objections to the proposed scheme. However, should the proposals require external alterations to facilitate the proposed scheme a planning application may be required, and consideration should be given to the impact of those alterations on the character and appearance of the Conservation Area. This could include (but is not limited to): installation of extraction, venting, and flues; alterations to external doors, windows, and signage; external installation of meter boxes, aerials, satellite dishes, external lighting, and rainwater goods.

It is recommended that a hedge is retained, or replanted, behind the boundary wall to preserve the green aspect of the north-east end of Oxford Street.

It is recommended a condition is attached to any decision notice issued requiring the details of all materials to be used in the provision of any hardstanding.”

7.20 Given however the initial parking space to the rear has since been removed through amended plans there are no external changes and as such a condition requiring hard landscaping details is not considered necessary and the proposals as such are considered in accordance with policy 2 (a) and (b) of the JCS.

#### **7.21 Effect on the Upper Nene Valley Special Protection Area**

7.22 The Upper Nene Valley Gravel Pits Special Protection Area (SPA)/Ramsar site is legally protected by the Conservation of Habitats and Species Regulations 2010 (the 'Habitats Regulations').

7.23 Policy 4 of the JCS on biodiversity and geodiversity states that developments likely to have an adverse effect either alone or in-combination on the Upper Nene Valley Gravel Pits Special Protection Area must satisfy the requirements of the Habitat Regulations and avoid or mitigate any impacts identified.

7.24 The Upper Nene Valley Gravel Pits Supplementary Planning Document (SPD) has been produced to help local planning authorities, developers and others ensure that development has no adverse effect on the SPA, in accordance with the legal requirements of the Habitats Regulations. The SPD has been developed with Natural England and the RSPB. A Mitigation Strategy adopted as an addendum to the SPA SPD provides further guidance for development within the 3km zone of the SPA and details a specific financial contribution for each new dwelling towards Strategic Access Management and Monitoring (SAMM) to avoid and mitigate impact.

7.25 Since these policies were adopted there has been a ruling made by the Court of Justice of the European Union (the CJEU) on the interpretation of the Habitats Directive in the case of People Over Wind and Sweetman vs Coillte Teoranta (ref: C 323/17). This requires development relying on mitigation in relation to the Habitats Regulations to no longer be considered at the screening stage, but taken forward and considered at the appropriate assessment stage to inform a decision as whether no adverse effect on site integrity can be ascertained.

7.26 A Habitat Regulations Assessment to identify the likely effects of the proposed development on the SPA has been undertaken. It is considered that a planning decision on the merits of the proposed development can be taken as the applicant has made a SPA mitigation payment of **£299.95** and the development meets the criteria set out in the SPA SPD for this approach to be taken.

7.27 The proposed development would comply with Policy 4 of the JCS and with the requirements of the SPA SPD. The contribution provided will be used for measures to reduce the impacts of the proposed development and allows a conclusion of no adverse effect on the integrity on the Upper Nene Valley Gravel Pits Special Protection Area and Ramsar Site.

#### **7.28 National Space Standards**

7.29 The JCS at Policy 30 (b) requires the internal floor area of new dwellings to meet the National Space Standards as a minimum.

7.30 The proposals provide a one bed 2-person apartment of 54.76 square metres at ground floor. The first-floor apartment is a one bed 2-person unit and is 68.12 square metres.

7.31 The nationally prescribed space standards requirements for a 1 bed 1 person apartment are 39 square metres and for a 2 person 50 square metres – as such both apartments comply with minimum standards.

7.32 The proposals also provide an acceptable level of internal built in storage and both bedrooms are over 12 square metres in floor area when the integral storage is taken into account.

7.33 As such the proposals are considered in accordance with policy 30 (b) of the JCS.

#### **7.34 National Accessibility Standards**

7.35 Policy 30 (c) seeks new dwellings to meet category 2 of the National Accessibility Standards as a minimum. During the consideration of this application, the applicant's agent indicated that they would not be able to fully comply with this



policy requirement. As such, justification and further details were sought. The applicant's agent has indicated that due to the conversion of an existing dwelling into two one-bedroom flats and the constraints on the site, that not all elements of the standard can /will be met. However, a statement has been provided which sets out which parts of the standards will be met, and these are acceptable and justified

7.36 In this instance, the applicant is considered to have satisfactorily demonstrated that the site is too constrained to comply with several of the criteria set out under category 2 of the national accessibility standards.

7.37 The council is seeking a range of housing types to be provided with the growth town of Wellingborough, not just for older persons being designed for people with mobility issues. It would be acceptable in this instance for this small-scale development not to comply with category 2 of the national accessibility standards and be built in accordance with the submitted statement.

### **7.38 Living conditions of the neighbouring occupiers**

7.39 The JCS at policy 8 (e) (i) details policy relating to the protection of amenity of neighbouring occupiers.

7.40 At paragraph 130 (f) of the revised NPPF the government requires new development to provide 'a high standard of amenity for all existing and future users'.

7.41 No objections have been received and the proposals are not considered to result in any significant detriment to neighbouring occupiers and no external alterations are proposed, other than the rear access.

7.42 The proposals are considered to comply with policy 8 (e) (i) of the JCS.

### **7.43 Highway safety**

7.44 JCS policy 8 (b) (i) gives a number of requirements that new development should achieve with regards to highway, pedestrian and other sustainable transport matters.

7.45 JCS policy 8 (b) (ii) seeks to ensure a satisfactory means of access and provision for parking, servicing and manoeuvring in accordance with adopted standards.

7.46 Paragraph 111 of the NPPF also confirms that development should be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

### **7.47 Parking**

7.48 Parking accommodation should be provided in accordance with the Northamptonshire parking standards (2016) and satisfy policy 8 (b) (i) of the JCS. A one-bedroom unit should provide one allocated parking space. A two- and three-bedroom unit should provide two allocated parking spaces.

7.49 The Town Council raised that the proposals failed to provide adequate parking provision.

7.50 The property as it stands has no off-street parking as it exists and would generally require two off street space to meet standards. The proposals create 2 No one bedroom apartments which would require one parking space each to meet the parking standards. One covered cycle parking space per bedroom should be provided.

7.51 NNC senior highway engineer has been consulted on this application and has raised no objection to the application on highway safety and capacity grounds but has noted that the proposal makes no provision for off street parking. The senior highway engineer has indicated that based on the information provided and in their professional judgement there is sufficient information available that the local highway authority could not sustain an objection to the proposals.

7.52 The applicants have undertaken a parking beat survey in support of this application which demonstrates suitable on street space exists for parking. It is also notable that a layby exists on Oxford Street that facilitates unrestricted parking to the front of the property. The parking beat survey was undertaken on Tuesday 2<sup>nd</sup> November and Wednesday 3<sup>rd</sup> November between 01:00am and 05:30 am and found a total of 151 unrestricted spaces available on both days of the survey with 30 spaces available on Oxford Street.

7.53 It should be noted that on street parking cannot be allocated or assigned to any individual person or property and its availability to accommodate the parking requirements of the development cannot be assumed or relied upon. A condition should be imposed seeking details of the covered cycle store to be provided to serve each dwelling.

7.54 On balance, it is considered the applicant has demonstrated that sufficient parking is available in the wider context and the residual cumulative impacts on the road network would not be severe therefore the proposal is in compliance with policy 8 (b) (i) and (ii) of the JCS and advice contained within paragraph 111 of the NPPF and is acceptable in highway terms.

#### **7.55 Crime and disorder**

7.56 Section 17 of the Crime and Disorder Act 1998 details the need for the council to do all that it reasonably can to prevent, crime and disorder in its area.

7.57 The JCS at policy 8 (e) (iv) sets out the policy requirement for new development to seek to design out crime and disorder and reduce the fear of crime.

7.58 The adopted designing out crime supplementary planning guidance gives detailed advice this issue.

7.59 The revised NPPF at paragraph 130 (f) state that decisions should aim to ensure that developments create safe, inclusive and accessible environments which promote health and wellbeing with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion and resilience.

7.60 The proposals make use of the existing property and only internal alterations are to be made. The level of activity from one two bedroom house to 2 No one bedroom apartments is considered to be similar and the proposals are not

considered to result in any significant increase in crime or disorder, as such the proposals comply with policy 8 (e) (vi) of the JCS.

## **8. CONCLUSION/PLANNING BALANCE**

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8.1 The proposed development complies with the relevant development plan policies and is consistent with the provisions in the revised NPPF specifically in relation to promoting sustainable development and transport considerations. In the absence of any material considerations of sufficient weight, it is recommended that the proposal be approved subject to conditions.

## **9. RECOMMENDATION**

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That planning permission be **GRANTED** subject to the conditions listed at the end of the report

## **10. Conditions**

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1. The development shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason: To prevent the accumulation of planning permissions; to enable the local planning authority to review the suitability of the development in the light of altered circumstances; and to conform with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in accordance with the following drawings/details:  
Drawing: 200724-P-001 REV A Proposed Plans (received 16 November 2021)  
Drawing: 200724-P-002 REV B Proposed Site Layout (received 6 January 2022)  
Compliance statement setting out what is achievable for Document M Category 2 (Accessible and adaptable dwellings) for new dwellings at 29 Oxford Street, Wellingborough received 2 February 2022;

Reason: To define the permission and to conform with the requirements of The Town and Country Planning (General Development Procedure) (Amendment No. 3) (England) Order 2009.

3. The dwellings hereby approved shall incorporate measures to limit water use to no more than 105 litres per person per day within the home and external water use of no more than 5 litres per day in accordance with the optional standard 36 (2b) of Approved Document G of the Building Regulations (2015).

Reason: To ensure that the development complies with policy 9 of the North Northamptonshire Joint Core Strategy.

4. Prior to the first occupation of the development hereby permitted details of the proposed bicycle parking shall be submitted to and approved in writing by the

local planning authority and the scheme approved shall be provided and be retained thereafter.

Reason: To ensure the provision and availability of adequate cycle parking in accordance with policy 8 (b) (ii) of the North Northamptonshire Joint Core Strategy.

5. No dwelling hereby permitted shall be occupied until the refuse store, and area/facilities allocated for storing of recyclable materials, as shown on the approved plans has/have been completed in accordance with the approved plans. Thereafter, all refuse and recyclable materials associated with the development shall either be stored within this dedicated store/area, as shown on the approved plans, or internally within the building(s) that form part of the application site.

Reason: To safeguard the amenity of the occupiers of adjoining premises, protect the general environment, and prevent obstruction to pedestrian movement, and to ensure that there are adequate facilities for the storage and recycling of recoverable materials in accordance with policy 8 (b) (i) and (e) (i) of the North Northamptonshire Joint Core Strategy.

## **12. INFORMATIVE/S:**

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1. In accordance with the provisions in the Town and Country Planning (Development Management Procedure) (England) Order 2015 and pursuant to paragraph 38 of the National Planning Policy Framework, where possible and feasible, either through discussions, negotiations or in the consideration and assessment of this application and the accompanying proposals, the council as the local planning authority endeavoured to work with the applicant/developer in a positive and proactive way to ensure that the approved development is consistent with the relevant provisions in the framework.

2. The North Northamptonshire Council encourages all contractors to be 'considerate contractors' when working in our district by being aware of the needs of neighbours and the environment. Prior to the commencement of any site works, it is good practice to notify neighbouring occupiers of the nature and duration of works to be undertaken. To limit the potential detriment of construction works on residential amenity, it is recommended that all works and ancillary operations which are audible at the site boundary during construction should be carried out only between the following hours: 0800 hours and 1800 hours on Mondays to Fridays and 0800 and 1300 hours on Saturdays and at no time on Sundays and Bank Holidays.

3. All gas fired boilers should meet a minimum standard of 40 mgNO<sub>x</sub>/Kwh.

4. The Public Health Act 1875 Town Improvement Clauses Act 1847 at S.64. Prior to occupation of the newly created premises(s), the street numbering for this development or conversion - residential and commercial, must be agreed with the Street Naming and Numbering Officer. When issued, the number allocated must be clearly displayed on the outside of the property.

Application forms for Street Naming and Numbering are available at

[https://www.wellingborough.gov.uk/info/200011/building\\_control/1039/street\\_naming\\_and\\_numbering](https://www.wellingborough.gov.uk/info/200011/building_control/1039/street_naming_and_numbering)