



Applicants:

Al-Iman

Application No:

09/0029/COWNN

Date Registered:

17/03/2009

Expiry Date:

12/05/2009

Grid Ref:

476159 (E)

261360 (N)

Ward:

St Crispin

# Northampton UDA Planning Committee Paper

Report by Director of Planning and  
Development

Date of Committee Meeting: 26/05/09

Agenda Item: 5

**Description:** Application for change of use from a Shoe  
Factory to a Community Centre, including Offices, Community  
Hall and Meeting Rooms.

**Address:** 74-76 Cowper Street, Northampton, NNI 3QR

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## 1. Recommendation

That the application be **REFUSED** for the following reasons:

The proposed development would be likely to generate excessive noise and disturbance to the detriment of residential amenity by virtue of the notable scale of the building, the varied activities proposed and the associated potential for high numbers of visitors.

The proposed development does not include sufficient off-street car parking and would have an unacceptable adverse impact upon an already congested local highway network and on-street car parking supply by virtue of the notable scale of the building and the associated potential for high numbers of visitors.

## **2. Description of Site**

- 2.1 The site is located within a primarily residential area, as allocated by the Northampton Local Plan (1997). Cowper Street is a residential terraced street predominated by 2no. storey built form. The Mounts area of town is characterised by terraced residential streets (e.g. Hood Street and Colwyn Road to the north and Shakespeare Road to the west).
- 2.2 The application site itself is a mixture of 2no. and 3no. storey built form fronting Cowper Street, constructed predominantly in red brick. However, to the rear, the building becomes single-storey and incorporates a large open hall area (with a roof height comparable to 2no. stories). The previous industrial use of the premises is evident; at ground floor there is positioned a large service / delivery opening (in addition to 2no. separate single door openings).
- 2.3 The site is located to the western end of Cowper Street, which runs east to west and is a one-way street in terms of vehicular movements. Positioned adjacent to the western edge of the application site is a 4no. storey former factory unit that has now been converted to residential flats. Neighbouring the application site to the east is a 2no. storey mid-terrace residential property.
- 2.4 The built extent of the building extends across almost the entirety of the application site, with the exception of a short external passageway (fire exit) positioned adjacent to the eastern boundary of the site. The building is therefore bounded by the rear amenity areas belonging to properties fronting Shakespeare Road to the west, Hood Street to the north and Cowper Street to the east.

## **3. Description of Proposal**

- 3.1 The proposal does not involve any physical alterations to the external appearance of the building; it is purely a change of use application. The premises were last used as a Shoe Factory (Use Class B2); these proposals are for a Community Centre (Use Class D1).

- 3.2 The description of the development details that the proposals are retrospective. The reason for this description is that prior to the application being submitted the unauthorised use of the premises as a Community Hall were reported to and investigated by colleagues at NBC Planning Enforcement Section. It should though be noted that an Enforcement Notice was never issued. A visit to the site (and within it) during the application process appeared to confirm that any unauthorised use of the premises had ceased. The applicant has stated that this assertion is indeed correct. The application therefore needs to be considered as a proposed use.
- 3.3 The Community Centre use, as described in the description of the development, is to incorporate a series of small offices, meeting rooms / class rooms, service facilities (kitchen and toilet areas) in addition to a main hall area. The proposed hours of use are 9am until 10pm 7 days a week. The applicant anticipates that the peak hours of operation will be 1700-1900 Hours on Mondays to Thursdays and 1000-1400 Hours on Saturdays and Sundays.
- 3.4 The supporting information submitted with the application alludes to the main objective of the application being to facilitate the availability of a meeting place for the Al-Iman Society (a charitable society established by Swahili speaking Muslims). The supporting information also states that the Centre will not be used as a Mosque or a Place of Worship.

#### **4. Policy Considerations**

##### **4.1 WNDC Purpose:**

Under S136(1) of the Local Government Planning and Land Act 1980, WNDC as an Urban Development Corporation has a statutory “objective” to deliver the regeneration of the area. The Secretary of State has determined that WNDC should have development control powers for certain types of development in order to carry out its objective.

## 4.2 National Policy:

The following Planning Policy Statements / Guidance should be taken into consideration in the determination of this application.

PPS1: Delivering Sustainable Development

PPS1: Delivering Sustainable Development: Planning and Climate Change

PPS6: Planning for Town Centres

PPG13: Transport

PPG24: Planning and Noise

## 4.3 Development Plan:

East Midlands Regional Plan (2009): Policies 1, 48

NBC Local Plan (1997): Policies E19, T11

## 4.4 Supplementary Planning Guidance:

WNDC Planning Principles (2009): Set out in this document are WNDC's three corporate objectives: 1. To deliver development and infrastructure that enables regeneration and growth in Northampton, Daventry and Towcester; 2. To ensure that new development is supported by appropriate jobs, infrastructure and town centre regeneration; 3. To ensure that new development meets the Government's design quality and environmental standards and is integrated into existing communities.

## 5. Representations

- 5.1 **NBC Development Control:** Objection due to the scale of building and number of visitors. This would lead to excessive noise and disturbance contrary to Policies E19, E20 of Local Plan and to PPG24 Planning and Noise. It would also lead to insufficient car parking contrary to Policy T3 of the Structure Plan and Parking SPG

5.2 **NBC Environmental Health:** No objections to the principle of the scheme. It is understood that the building is in use and to date there is no record of any complaints. However, officers are concerned about the potential for noise and possibly cooking odours that would affect residents in the vicinity. Operating hours should be restricted to 0900 - 2200.

A scheme specifying the sources of noise on site should be secured by way of a planning condition, as should a scheme specifying the provisions to be made for the collection, treatment and dispersal of cooking odours.

5.3 **NCC Sustainable Transport:** The highway authority would have strong concern regarding the lack of onsite parking available at this location. The proposal would generate a not insignificant amount of vehicle trips, where in a street of terraced houses and a flats conversion in the adjacent property the available parking would normally be at a premium, particularly in the evenings and at weekends.

5.4 **Northamptonshire Police:** No objection. It is however acknowledged that objections have been received in regard to parking, crime figures indicate double parking and highway disruption is a regular occurrence.

The doors and windows look to be in a poor state of repair; if the proposal is to replace these features appropriate standards can be recommended.

5.6 **Double H Residents Association:** Objection to the application. 50no. children have been witnessed standing in the garage space; this would be a fire risk in itself. The number of cars parked on corners and double yellow lines to drop off and collect children is causing major problems in an already dangerous area. This is not the right site for a Community Centre; there are no parking spaces, fire escapes or facilities for young children. It would cause disruption to residents and to through traffic.

5.5 **Councillor Ifty Choudary:** No comments received

5.6 **Councillor Penny Flavell:** No comments received

5.7 **County Councillor Winston Strachan:** Makes comment on behalf of Cowper Street and Shakespeare Road constituents who believe that the application should be refused on the following grounds. The poor condition of the building; the lack of fire safety facilities; the noise increase; the increase in traffic movement and parking congestion; harm to a peaceful and quiet environment. The parking problem is severe on Cowper Street; it was made into a One Way street some years ago on safety grounds. Neither the building nor location is considered suitable for the planned usage.

## 6. Notifications and Responses

6.1 Initially 4no. site notices were erected in close proximity to the site (on Cowper Street and Shakespeare Street) while neighbour notification letters were sent out to close proximity neighbours.

6.2 Following the initial notifications it became clear that the application was generating notable local interest. Consequently neighbour notification letters were sent across a wider area and the application was advertised in the local press by virtue of requiring wider publicity. In total 31no. letters of objection were received in addition to a petition of objection containing 50no. signatures. **The objections can be summarised as follows:**

- The location is inappropriate given the prominent neighbouring residential presence; there exists the potential for substantial noise and disturbance. The proposal would affect the quality of life for the people of Cowper Street and the surrounding area. Opening until 10pm is unacceptable. The former Shoe Factory opened 0900-1700 Hours, Monday to Friday only, this proposal would offer peak disruption time between 1700-1900 Hours when most residents will be home or returning home. Patrons of the centre would gather outside to greet each other and to smoke and would therefore cause disturbance.
- The building is not a standalone building; it is of Victorian construction and is not equipped for a community centre use. The property would likely struggle to safely accommodate all of the

proposed uses that are covered on the applicant's website. There are no fire escapes or back entrances; the situation would be potentially grave in the case of an emergency.

- The community centre would not serve the community as a whole; it is intended to serve a restricted group of people who do not necessarily reside within the local community. It certainly does not appear that the centre would be of any benefit to the residents surrounding the premises.
- There is already a big problem in the area as regards car parking space availability, double-parking is a regular occurrence. This proposal would exacerbate the problem still further, particularly as the peak hours for the centre would be evenings and weekends. Cowper Street is a residential one way street unable to accommodate major traffic flows. There is safety issues associated with congested roads, for example reduced visibility at junctions.
- There is an empty building in Colwyn Road that was previously used for the purposes that this application proposes; this could be the perfect solution to this problem.
- There has not been an adequate amount of neighbour notification letters sent out, the coverage needs to be extended. It is disappointing that the proposals have not been properly publicised in the area, a site notice has not been spotted.
- The council has not thought about this proposal, its only interest is the profit that can be made.
- Should planning permission be granted, to maximise privacy to local residents, it must be ensured that window openings overlooking garden areas at the back of the property are obscurely glazed.

## 7. Site History

7.1 N/2000/79 Construction of first floor extension to rear of office area- re-submission of modified scheme (Refused 07/03/2000)

99/0500 Construction of first floor extension to rear of office area (Refused 30/07/1999)

## 8. Considerations

8.1 Issues: Principle, Highway Issues & Parking, Noise and Residential Amenity, Access and Fire Risk, Crime Prevention, Sustainability, Waste Management, Other Matters

### Principle

8.2 The application is situated within a primarily residential area as allocated by the Northampton Local Plan 1997 (Local Plan), which incorporates policies (H6 and H11) that actively encourage residential development in these areas (so long as the development is of an appropriate scale and character).

8.3 This proposal involves a non-residential use being introduced to a premise that currently has permission for a factory use (Use Class B2). There are no policies contained within the Local Plan that specifically relate to Non-Residential Institutions (Use Class D1) being introduced to primarily residential areas.

8.4 Policy E19 of the Local Plan however states that residential, business or commercial development proposals will only be granted where any adverse effect of the development is allowed for or mitigated against. Whilst the proposed use does not fall within any of these stated uses, the same assessment criteria apply to the proposed use. It is not possible to state that the principle of the application is acceptable until the specific issues associated with the proposal have been considered in depth. These issues will be explored within the subsequent sections of this report.

8.5 It is clear from the neighbour responses received that there is some scepticism about the role that this proposed Community Centre would play in the context of the local community. Given that the members of the society that have made this application consist of Swahili speakers (as stated in the application's supporting statement) it is clear that the proposed Centre would only serve a narrow section of the local community. The facilities offered by the centre would not be readily available to the majority of the local population in close proximity.

8.6 The fact that the proposal would only serve a narrow section of the community is not in itself considered to be a reason upon which to refuse the application. In fact Policy 1 of the East Midlands Regional Plan (2009) seeks to reduce social exclusion partly by responding positively to the diverse needs of different communities. It does however remove the opportunity for the proposed Community Centre use to be justifiable by way of serving the recreational and/or cultural needs of the local community as a whole; or by way of promoting an integrated and well connected local community.

### **Highway Issues & Parking**

8.7 NCC Sustainable Transport (Highways) were consulted upon the application, they sounded strong concerns as regards the lack of on-site parking available at this location and acknowledge that the proposal would generate a not insignificant amount of vehicle trips. The concerns from Highways have been reinforced by strong opposition in this context from local residents (including the Double H Residents Association and the County Councillor for the St Crispin Ward).

8.8 It is clear, given the high number of objections received, that there is an existing problem as regards adequate car parking availability in the immediate area. The Mounts area of town in general is typified by tight terraced residential streets with ad hoc parking restrictions being applied along them. Cowper Street itself is consistent with this situation; it is a one-way street (east to west) with unrestricted parking opportunities along both of its sides.

- 8.9 The local highway network is characterised by tight and narrow streets; it is clearly not capable of adequately accommodating high volumes of traffic. Cowper Street is a one-way street that would be susceptible to blockages and stagnated flows should it be subjected to the pressures that this Community Centre would offer. There are also safety implications that are associated with residential streets operating at over-capacity, e.g. a loss of visibility at junctions.
- 8.10 Information submitted with the application acknowledges that there lies the potential for this proposal to generate notable additional traffic activity, particularly during weekday evening hours (1700-1900 hours) and the weekend (1000-1400 hours). The applicant specifies measures that are to be taken to mitigate against additional parking pressures being felt by local residents. These proposed measures include encouraging patrons of the centre to travel using sustainable forms of transport (i.e. walking, cycling, etc), introducing car sharing, directing users to avoid parking within 50-100 metres of the property (including St Michael's car park and the Racecourse). The applicant ascertains that the approach taken to disperse parking demand around the area will result in limited impacts being felt by local residents.
- 8.11 Officers are of the opinion that the measures outlined by the applicant would not be adequate to dispel concerns as regards parking availability and the associated negative effects upon the amenity of local residents. It is not considered to be realistic to expect that the parking dispersal measures outlined by the applicant can be rigorously enforced. Besides, parking availability appears to be a wider issue that is not restricted to Cowper Street and its immediate confines. Even if patrons of the centre were forced to park in excess of 100m from the site, they would still be contributing to a wider problem.
- 8.12 The application premises are of a notable scale, it possesses the potential to house a sizeable gathering of people at any one time. The application's supporting evidence suggests a daily usage of around 50no people, whilst inspection of the main hall makes it clear that there lies the potential for a far greater number of users to be present at peak times or for main events. Whatever measures are put in place to encourage the use of alternative forms of transport

(other than the private car) the proposals would continue to offer an unacceptable level of car parking.

- 8.13 The proposal does not sit comfortably with the aspirations of Policies E19 and T11 of the Northampton Local Plan. Policy E19 requires residential, business or commercial proposals to mitigate against or allow for adverse effects of the development. Policy T11 of the Local Plan requires the development of commercial uses within primarily residential areas to be served by adequate waiting, manoeuvring and parking facilities. Although the proposal is not classed as a residential, business or commercial use, the principles of these policies can and should still be applied in this instance.
- 8.14 In terms of a wider policy context, it is acknowledged that there is guidance in place that seeks to deter high levels of car parking being associated with new development. Policy 48 of the East Midlands Regional Plan states that challenging parking standards should be sought within Principal Urban Areas (including Northampton) while PPG13: Transport promotes the provision of parking levels that will, in turn, promote sustainable transport choices.
- 8.15 However, a balanced and sensible approach is still necessary. In this instance the proposed intensified use of the site – although positioned within a sustainable location close to the town centre and associated public transport facilities – would have an unacceptable adverse impact upon an already congested local highway network and over stretched on-street car parking supply. Consequently this site located within a primarily residential area is not considered to be a suitable location for this proposal.

### **Noise and Residential Amenity**

- 8.16 National Planning Policy Guidance in the shape of PPG24: Planning and Noise provides guidance on how the planning system can be used to minimise the adverse impact of noise without placing unreasonable restrictions on development. One of PPG24's general principles is to ensure that new development involving noisy activities should, if possible, be sited away from noise-sensitive land uses such as housing.

- 8.17 NBC Environmental Health were consulted upon the application and detailed no objection to the application, although they did acknowledge that the proposed use would offer the potential to create noise that could adversely affect local residents. For this reason they suggest a planning condition (should the application be approved) requiring the submission of a scheme that specifies the sources of noise on site and the provisions to be made for its control. They also suggest that the hours of operation are restricted to 0900-2200, which is the operating hours specified by the applicant within the application form.
- 8.18 The Environmental Health Section's comments also include reference to the retrospective nature of the application: they have stated that no complaints have been received regarding the use of the building. However, as explained in the 'Description of Proposal' section of this report, any unauthorised use of the premises was for a relatively short period of time prior to this application being made valid. The fact that NBC Environmental Health has received no complaints should not be relied upon as a justification for the application being considered acceptable in this context.
- 8.19 The application's supporting statement includes a section that assesses noise issues. This statement correctly ascertains that the property presently has a general industrial use (B2 Use Class) and opines that the proposed use would reduce noise and disturbance as compared to a B2 use. However, the proposed use would introduce evening and weekend activity (including peak evening hours of 1900 to 2100). These timeframes are particularly sensitive in the context of the application site's position tightly bounded by residential properties.
- 8.20 The supporting statement also suggests that the largest gatherings and conferences will be restricted to the hall area to the rear of the premises, therefore away from neighbouring property. Officers however, consider that the rear location of the hall does not negate the potential for negative effects to occur upon residential amenity. This is due to the built extent of the application site being enclosed by residential plots to the immediate west, east and north.

- 8.21 Given the notable scale of the building, the varied activities proposed (including sports and recreational activities) and the associated potential for high numbers of visitors, the proposed use is considered likely to generate excessive noise and disturbance to the detriment of residential amenity in the area. The application is therefore non-compliant with PPG24: Planning and Noise. It also fails to accord with the principles of Policy E19 of the Local Plan, which requires new developments to either allow for or mitigate against any adverse impacts or effects. Limiting operating hours or requesting a noise scheme to be submitted by way of a planning condition are not considered to be adequate deterrents, the key issue is that the application site is considered to be incompatible with the proposed use.
- 8.22 The NBC Environmental Health consultation response also makes reference to the potential for cooking odours to affect the amenity of local residents. They recommend a planning condition requiring the submission of scheme specifying the provisions to be made for the collection, treatment and dispersal of cooking odours. This recommendation appears sensible; officers are satisfied that this concern could be mediated by way of an appropriately worded planning condition should the application be approved.

### **Access and Fire Risk**

- 8.23 Comments received from a local councillor have questioned the building's fit state to house the proposed use, and has particularly highlighted the potential for the building to be inadequately prepared for the risk of fire. Local residents' consultation responses have also highlighted concerns at there being no back access or fire escape in place to serve the property.
- 8.24 It should be noted that there are 3no. access points from Cowper Street, 1no. of which leads into an external walkway that runs the eastern side of the application site and connects into the main hall to the rear. There are no other access points in addition to those situated within the Cowper Street elevation. This, however, is not a reason for the refusal of this planning

application. A thorough assessment of the building's capability to address fire risk would be undertaken as part of any Building Regulations application that would need to be submitted.

### **Crime Prevention**

- 8.25 Northamptonshire Police have offered no objection to the application, although they do acknowledge that the street is prone to parking and highway disruption. They also state a willingness to suggest suitable specifications / standards for doors and windows should they be replaced. In this instance no alterations are proposed to the external structure as the application is purely for change of use.

### **Sustainability**

- 8.26 The proposals do not involve construction work or the creation of new floor space; it is therefore not considered justifiable to insist upon any physical sustainability measures being installed as part of this change of use planning application.

### **Waste Management**

- 8.27 The application makes no reference to the management of waste. This is of particular interest, as an external amenity area of any note does not exist. Full details of the provisions to be made for bin storage would need to be secured by way of a planning condition should the application be approved. A clear area for waste storage would need to be designated on the plans in the interests of general amenity.

### **Other Matters**

- 8.28 The consultation process brought up a number of other matters, which will be addressed in this section. Firstly, criticism was received as regards the limited amount that the application had been publicised. Whilst it is considered that adequate consultation was undertaken initially, this criticism was addressed during the planning process by virtue of additional notification letters being sent out to cover the wider area. The application was also

advertised in the local press whilst a number of site notices were erected in the vicinity of the application site.

8.29 One neighbour response mentioned the need for existing window openings to be obscurely glazed when overlooking garden areas to the rear of the property in order to protect residential amenity. A visit to the application site showed high level openings being existent, but there did not appear to be any openings at a low level that offered overlooking opportunities to the rear. It is not considered that any openings would need to be obscured should the application be approved; a greater threat to residential amenity is posed by noise and disturbance (discussed above).


8.30 Another neighbour response makes reference to the council only being interested in the profit that can be made from this proposal. This concern appears to be misplaced as WNDL as Local Planning Authority is not the applicant and would gain no financial advantage or disadvantage from the application being approved.

8.31 A site on the nearby Colwyn Road has been suggested as a suitable alternative to the application site (on Cowper Street). It is not clear which specific premise is being referred to but Colwyn Road represents a residential street with similar constraints to those exhibited by Cowper Street. Notwithstanding this, such a matter cannot be considered in any depth as 74-76 Cowper Street is the focus of this particular planning application.

## **9. Conclusion**

9.1 The application should be refused on the grounds of the potential for unacceptable disturbance to be caused to residential amenity by virtue of the notable scale of the proposed use. A further refusal reason should relate to the unacceptable additional pressure that the proposal would place upon the local highway network and the evident existing on-street car parking problems.



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