



NORTHAMPTON
BOROUGH COUNCIL

PLANNING AGENDA

Tuesday, 24 September 2019

The Jeffrey Room, The Guildhall, St. Giles
Square, Northampton, NN1 1DE

5:00 pm

Members of the Committee

Councillor: Brian Oldham (Chair), Jamie Lane (Deputy Chair)

Councillors: Alan Bottwood, Mary Markham, Matthew Golby, Andrew Killbride, Samuel Kilby-Shaw, Catherine Russell, Jane Birch, Muna Cali, Enam Haque, Arthur McCutcheon and Brian Markham.

Chief Executive

George Candler

If you have any enquiries about this agenda please contact democraticservices@northampton.gov.uk or 01604 837722



PLANNING COMMITTEE

AGENDA

Meetings of the Planning Committee will take place at 5:00pm on 2nd July, 30th July, 3rd September, 24th September, 22nd October, 19th November, 17th December 2019, and 21st January, 18th February and 17th March 2020.

The Council permits public speaking at the Planning Committee as outlined below:

Who Can Speak At Planning Committee Meetings?

- Up to 2 people who wish to object and up to 2 people who wish to support an individual planning applications or any other matter on the public agenda.
- Any Ward Councillors who are not members of the Planning Committee. If both Ward Councillors sit on the Planning Committee, they may nominate a substitute Councillor to speak on their behalf.
- A representative of a Parish Council.

How Do I Arrange To Speak?

- Anyone wishing to speak (not including Ward Councillors who must let the Chair know before the start of the meeting) must have registered with the Council's Democratic Services section not later than midday on the day of the Committee.
NB: the Council operate a 'first come, first serve' policy and people not registered to speak will not be heard. If someone who has registered to speak does not attend the meeting their place may be relocated at the discretion of the Chair.

Methods of Registration:

- By telephone: 01604 837722
- In writing to: Northampton Borough Council, The Guildhall, St. Giles Square, Northampton , NN1 1DE, Democratic Services (Planning Committee)

by email to: democraticservices@northampton.gov.uk

When Do I Speak At The Meeting

- A Planning Officer may update the written committee report then those registered to speak will be invited to speak.
- Please note that the planning officer can summarise issues after all the speakers have been heard and before the matter is debated by the Planning Committee Members and a vote taken.

How Long Can I Speak For?

- All speakers are allowed to speak for a maximum of three minutes.

Other Important Notes

- Speakers are only allowed to make statements – they may not ask questions or enter into dialogue with Councillors, Officers or other speakers.
- Consideration of an application will not be delayed simply because someone who is registered to speak is not in attendance at the time the application is considered
- Confine your points to Planning issues: Don't refer to non-planning issues such as private property rights, moral issues, loss of views or effects on property values, which are not a material consideration on which the decision will be based.

- You are not allowed to circulate new information, plans, photographs etc that has not first been seen and agreed by the Planning Officers
- Extensive late representations, substantial changes, alterations to proposals etc. will not be automatically accepted, due to time constraints on Councillors and Officers to fully consider such changes during the Planning Committee Meeting.

NORTHAMPTON BOROUGH COUNCIL

PLANNING COMMITTEE

Your attendance is requested at a meeting to be held:
in The Jeffrey Room, The Guildhall, St. Giles Square, Northampton, NN1
1DE

on Tuesday, 24 September 2019

at 5:00 pm.

AGENDA

- 1. APOLOGIES**
- 2. MINUTES**
(Copy to follow)
- 3. DEPUTATIONS / PUBLIC ADDRESSES**
- 4. DECLARATIONS OF INTEREST/PREDETERMINATION**
- 5. MATTERS OF URGENCY WHICH BY REASON OF SPECIAL CIRCUMSTANCES THE CHAIR IS OF THE OPINION SHOULD BE CONSIDERED**
- 6. LIST OF CURRENT APPEALS AND INQUIRIES**
Report of Head of Planning (copy herewith)
- 7. OTHER REPORTS**
(A) N/2019/0703 - VARIATION OF S106 AGREEMENT FOLLOWING THE GRANT OF PLANNING PERMISSION N/2017/0127 FOR THE DEVELOPMENT OF 40 NO. DWELLINGS WITH RETAIL. SOFA KING TIVOLI HOUSE, TOWCESTER ROAD
- 8. NORTHAMPTONSHIRE COUNTY COUNCIL APPLICATIONS**
- 9. NORTHAMPTON BOROUGH COUNCIL APPLICATIONS**
- 10. ITEMS FOR DETERMINATION**
(Addendum and Councillor representations attached)
(A) N/2019/0410 - SITING OF 2NO CONTAINERS, 2NO GENERATORS AND ASSOCIATED AIR CONDITIONING EQUIPMENT SURROUNDED BY 2.4 METRE HIGH PALISADE FENCING FOR USE AS A DATA CENTRE (USE CLASS B8). LAND TO NORTH EAST OF SIXFIELDS STADIUM, ACCESSED FROM WALTER TULL WAY

- (B) N/2019/0563 - PART DEMOLITION AND CONVERSION OF THE EXISTING FACTORY BUILDING TO 54NO APARTMENTS AND THE ERECTION OF A NEW 3-STOREY BUILDING TO PROVIDE 14NO APARTMENTS, TOGETHER WITH BIN AND CYCLE STORAGE AND PARKING. BARKER BUILDINGS, COUNTESS ROAD**
- (C) N/2019/0596 - 3NO NEW DWELLINGS WITH GARAGES AND NEW ACCESS ROAD (AMENDMENTS TO PLANNING PERMISSIONS N/2017/1384 & N/2016/1473). LAND REAR OF 9, 10 AND 11 THORBURN ROAD**

11. NORTHAMPTON PARTNERSHIP HOMES APPLICATIONS

- (A) N/2019/0390 - DEMOLITION OF 8NO DOMESTIC LOCK UP GARAGES AND CONSTRUCTION OF 3NO NEW BUILD UNITS. GARAGE 1 LOCK UP GARAGES, PRESTON COURT**
- (B) N/2019/0391 - DEMOLITION OF 10NO DOMESTIC LOCK UP GARAGES AND CONSTRUCTION OF 4NO NEW BUILD UNITS WITH ASSOCIATED PARKING SPACES. LOCK UP GARAGES, LONGUEVILLE COURT**
- (C) N/2019/0468 - DEMOLITION OF 11NO DOMESTIC LOCK UP GARAGES AND CONSTRUCTION OF 6NO NEW BUILD UNITS. GARAGE 1 LOCK UP GARAGES, PELL COURT**
- (D) N/2019/0693 - DEMOLITION OF 15 NO. GARAGES AND PROPOSED DEVELOPMENT OF 2 NO. DWELLINGS WITH ASSOCIATED PARKING (PART RETROSPECTIVE) - AMENDMENT TO PLANNING PERMISSION N/2018/1469
LOCK UP GARAGES, THIRLMERE AVENUE**
- (E) N/2019/0987 - VARIATION OF CONDITION 2 OF PLANNING PERMISSION N/2018/1509 (DEMOLITION OF DOMESTIC GARAGES AND CONSTRUCTION OF 2NO NEW DWELLINGS WITH ASSOCIATED PARKING) TO AMEND DRAWINGS TO SHOW REVISED POSITION OF DWELLINGS ON SITE. LAND ADJACENT TO 34 OLD BARN COURT**

12. ITEMS FOR CONSULTATION

13. EXCLUSION OF PUBLIC AND PRESS

THE CHAIR TO MOVE:

“THAT THE PUBLIC AND PRESS BE EXCLUDED FROM THE REMAINDER OF THE MEETING ON THE GROUNDS THAT THERE IS LIKELY TO BE DISCLOSURE TO THEM OF SUCH CATEGORIES OF EXEMPT INFORMATION AS DEFINED BY SECTION 100(1) OF THE LOCAL GOVERNMENT ACT 1972 AS LISTED AGAINST SUCH ITEMS OF BUSINESS BY REFERENCE TO THE APPROPRIATE PARAGRAPH OF SCHEDULE 12A TO SUCH ACT.”

PHOTOGRAPHY AND AUDIO/VISUAL RECORDINGS OF MEETINGS

Anyone may record meetings of the Council, the Cabinet, any Committee or Sub-Committee of the Council through any audio, visual or written method to include taking photographs of meetings, filming meetings or making audio recordings of meetings. The Chair of the meeting shall have the discretion to revoke the permission in the event that the exercise of the permission is disturbing the conduct of the meeting in any way or when it is otherwise necessary due to the nature of the business being transacted at the meeting. Permission may only be exercised where the public have the right to attend the meeting; and if a meeting passes a motion to exclude the press and public, then in conjunction with this, all rights to record the meetings are removed.

Planning Service

Head of Planning: Peter Baguley



List of Appeals and Determinations – 24th September 2019

Written Reps Procedure

Application No.	DEL/PC	Description	Decision
N/2018/0867 APP/V2825/W/18/3219101	PC	Change of Use from Dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4) for 4 occupants at 144 Southampton Road	ALLOWED
N/2018/1318 APP/V2825/W/18/3219519	DEL	Retention of bay window in ground floor flat at 3 St Georges Place	AWAITED
N/2018/1339 APP/V2825/D/19/3230235	DEL	First floor extension over existing garage at 3 Fleetwind Drive	ALLOWED
N/2018/1377 APP/V2825/W/19/3229760	DEL	Change of Use from Dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4) for 6 occupants and installation of rear conservation roof windows (part retrospective) Revised scheme following refusal of N/2018/0645 at 46 Palmerston Road	DISMISSED
N/2018/1499 APP/V2825/D/19/3223405	DEL	Proposed rear second floor dormer at 620 Wellingborough Road	ALLOWED
N/2018/1544 APP/V2825/W/19/3230684	PC	Change of Use from Dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4) for 5 occupants, including new rear and front roof lights and new basement window to front elevation (Part retrospective) at 25 Alcombe Road	AWAITED
N/2018/1717 APP/V2825/W/19/3224666	DEL	Change of Use from Dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4) for 4 occupants at 161 Euston Road	AWAITED
N/2018/1765 APP/V2825/W/19/3230096	DEL	Variation of Condition 3 of Planning Permission N/2017/1217 (Change of Use to House in Multiple Occupation for 5 occupants) to increase number of residents from 5 to 6 at 58 Moore Street	AWAITED
N/2019/0040 APP/V2825/D/19/3229094	DEL	Two storey front extension at 116 Church Way	DISMISSED
N/2019/0282 APP/V2825/W/19/3229619	DEL	Replacement door and windows to upvc at 56 Dunster Street	DISMISSED
N/2019/0447 APP/V2825/W/19/3233085	DEL	Change of Use from House in Multiple Occupation (Use Class C4) for 6 occupants to House in Multiple Occupation (Sui Generis) for 8 occupants, including extension of roof and front rooflights at 64 Edith Street	AWAITED

Public Inquiry

None

Hearings

None

Enforcement Appeals

None

Tree Preservation Order (TPO) Appeals

None

The Address for Planning Appeals is:

Mr Brian Rowe, Room 301, The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN.

Appeal decisions can be viewed at - <https://acp.planninginspectorate.gov.uk>

Local Government (Access to Information) Act 1985
Background Papers
The Appeal Papers for the appeals listed

Author and Contact Officer:

Mrs Rita Bovey, Development Manager
Telephone 01604 837237
Planning Service
The Guildhall, St Giles Square,
Northampton, NN1 1DE



PLANNING COMMITTEE: 24th September 2019
DEPARTMENT: Planning Service
HEAD OF PLANNING: Peter Baguley

APPLICATION REF: N/2019/0703

LOCATION: Sofa King Tivoli House, Towcester Road

DESCRIPTION: Variation of S106 agreement following the grant of planning permission N/2017/0127 for the development of 40 no. dwellings with retail

WARD: Delapre and Briar Hill

APPLICANT: Andy James
AGENT: Matt Collerson

REFERRED BY: Head of Planning
REASON: Major application requiring S106 agreement

DEPARTURE: No

1. RECOMMENDATION

1.1 That Committee **AGREE** to vary the Section 106 Legal Agreement so that 0% affordable housing is provided.

2. THE PROPOSAL

2.1 The applicant has applied to vary the existing Section 106 Agreement in order to vary the level of the affordable housing provision from 35% on site provision to 0%.

3. SITE DESCRIPTION

3.1 The application site is located on the periphery of the allocated Far Cotton local centre. St Leonards Road is sited to the east of the application site, which joins Towcester Road at a roundabout to the south of the application site. Towcester Road is therefore directly adjacent to the western boundary of the site.

3.2 The application site contains a building, which was originally constructed as a cinema, but over recent times has been subject to a number of alterations, and has been used as a retail unit but currently vacant.

3.3 The surrounding land uses within the immediate vicinity are therefore a variety of commercial and leisure uses, although residential accommodation is prevalent within the wider area. The general

trend is that buildings are generally of two storeys in height and constructed in more traditional styles of architecture. Notwithstanding this, the surrounding area has seen more recent developments of larger buildings that have included the erection of flats. This includes a block of flats on the opposite (western) side of Towcester Road.

- 3.4 In addition, the application site is relatively level in nature and is also located within an identified flood zone.

4. PLANNING HISTORY

- 4.1 N/2017/0127 - Demolition of existing building. Erection of 40no dwellings (Use Class C3) with associated car parking and ancillary space and 130.10m² of retail space (Use Class A1) – Approved

5. PLANNING POLICY

5.1 Statutory Duty

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted West Northamptonshire Joint Core Strategy (2014) and Northampton Local Plan (1997) saved policies.

5.2 National Policies

The National Planning Policy Framework (NPPF) sets out the current aims and objectives for the planning system and how these should be applied. In delivering sustainable development, decisions should have regard to the mutually dependent social, economic and environmental roles of the planning system. The NPPF should be read as one complete document. However, the following sections are of particular relevance to this application:

Paragraph 57 outlines that it is for the applicant to demonstrate whether particular circumstances justify the need for a viability assessment.

Paragraph 59 states that an objective of the Government is to boost the supply of housing and that within this context (paragraph 61) a mixture of sizes, types and tenures should be delivered. Paragraph 62 of the NPP states that where there is a need for affordable housing, this should be delivered on site.

5.3 West Northamptonshire Joint Core Strategy (2014)

The West Northamptonshire Joint Core Strategy (JCS) provides an up to date evidence base and considers the current Government requirements for plan making as it has been prepared in full conformity with the NPPF. Policies of particular relevance are:

Policy H1 requires that a mixture of house types are provided, which should be of varying sizes, types and tenures. Policy H2 requires that at least 35% of developments of 15 or more dwellings should be made available for occupation as affordable housing.

In addition to these matters, Policy INF1 requires that developments provide sufficient infrastructure to mitigate the impacts of development, which is in addition to Policy INF2 that requires a reliable mechanism for the provision of such infrastructure.

6. APPRAISAL

- 6.1 Planning application N/2017/0127 for the demolition of the existing building and erection of 40 no. dwellings with associated car parking and retail was considered by the Planning Committee in June 2017. The Committee resolved to approve the application in principle, subject to the finalisation of a S106 agreement to secure:
- i) 35% on-site affordable housing;
 - ii) A payment towards the provision and/or enhancement and/or maintenance of off-site open space;
 - iii) The provision of construction worker training opportunities and a financial contribution in respect of the administration of that scheme; and
 - vi) The Council's monitoring fee.

The S106 agreement was subsequently completed and formal planning permission was issued on 12th January 2018. However, development has not commenced on site.

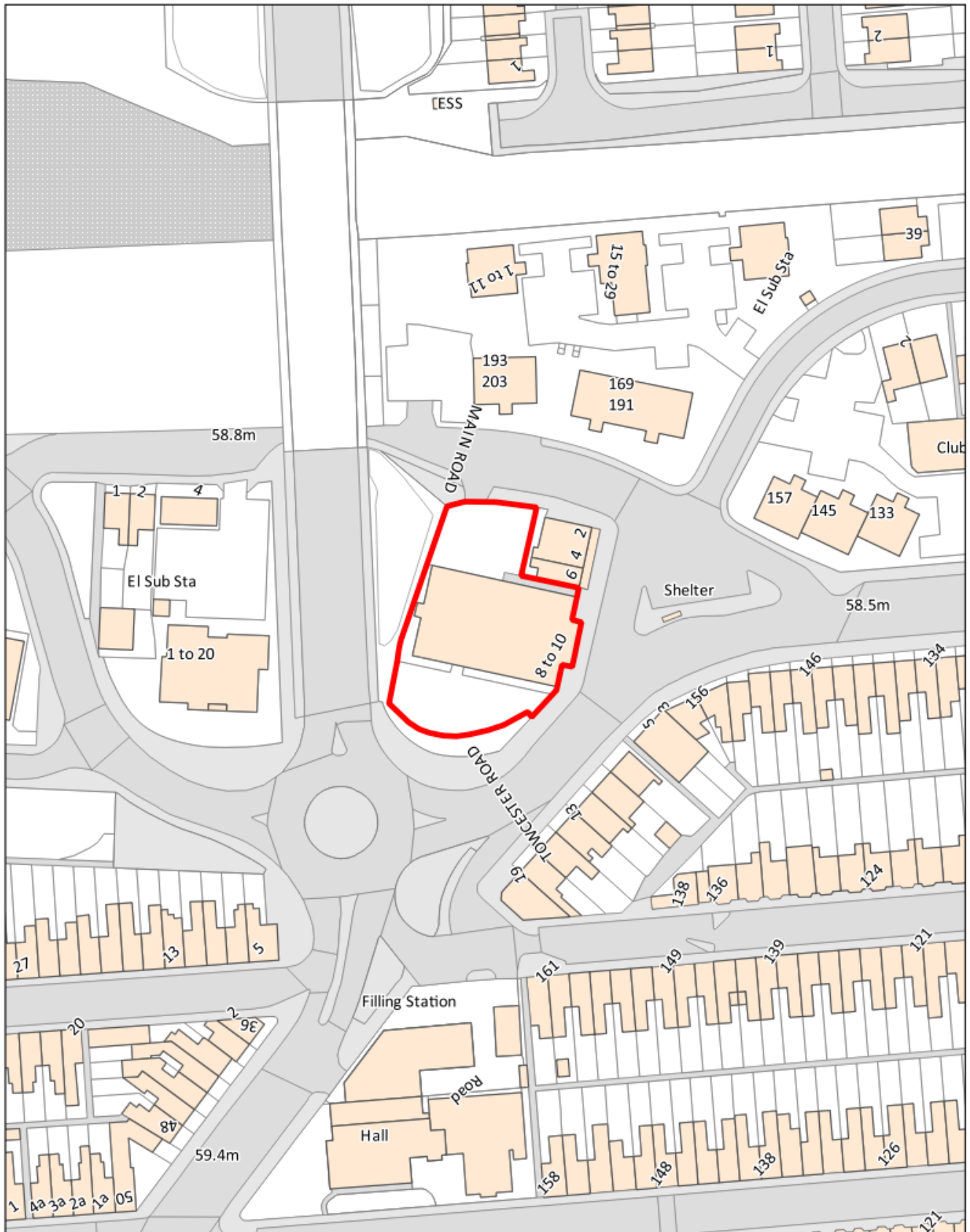
- 6.2 Following the grant of planning permission, the developer has not been able to bring the scheme forward for development due to the requirements of the Section 106 agreement, rendering the scheme financially unviable. As the site was not subject to a viability assessment for the original application, it is not known what the baseline viability position was to determine the changes since. Whilst the consented scheme offered policy compliant provision, it is understood that this has resulted in the scheme being undeliverable on site due to the current owners being unable to sell the site due to the scheme being financially unviable to build. It is understood that a buyer has been found for the site, Bauhaus Living Limited, however this is only on the basis that the scheme is amended on viability grounds.
- 6.3 The National Planning Policy Framework (NPPF) identifies at paragraph 57 that if full contributions cannot be made, it is for the applicant to demonstrate whether particular circumstances justify the need for a viability assessment. The weight to be given to the viability assessment is for the Council to decide having regards to all the circumstances in the case including whether the plan and the viability evidence underpinning it is up to date and any changes in circumstances.
- 6.4 As part of this application, the applicant provided a Planning Viability Assessment and this has been checked by White Land Strategies Ltd, an advisory consultancy specialising in independent assessment of development options and viability assessments on behalf of the Council. The basis for assessment is that the viability test requires that landowners should receive a reasonable return for disposal of land coming forward for such development and that the cost associated with planning contributions and infrastructure should not be so detrimental to land value that landowners should be forced to bring forward land below a reasonable market return.
- 6.5 The conclusions of this independent assessment are that the applicant's scheme is considered unviable in relation to affordable housing. It is advised that the development can proceed with the S106 payments and CIL being paid but only with 0% affordable housing. The report finds that the policy compliant scheme is wholly unviable as it residualizing to a negative profit. It has been found that the 0% provision would allow the scheme becomes viable with a 17.5% return, but only with a 0% affordable housing provision.
- 6.6 Having considered the submitted viability assessment and independent assessment, it is considered that it has been justified that the development cannot proceed in its current state due to the scheme being financially unviable. It has been demonstrated that the scheme will only become viable should the affordable housing be removed from the development. In order to secure development of this site, it is considered that the S106 should be amended to remove the requirement for affordable housing. This would enable this prominent vacant site to be brought forward for development, with the benefits of regeneration of this part of Far Cotton and contribution to the Council's housing land supply.

7 LEGAL IMPLICATIONS

- 7.1 None.

8. SUMMARY AND LINKS TO CORPORATE PLAN

- 8.1 In reaching the attached recommendations regard has been given to securing the objectives, visions and priorities outlined in the Corporate Plan together with those of associated Frameworks and Strategies.



Title: **Tivoli House, Towcester Road**

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Date: 16-09-2019

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Addendum to Agenda Items Tuesday 24th September 2019

7. OTHER REPORTS

Item 7a

N/2019/0703

Variation of S106 agreement following the grant of planning permission N/2017/0127 for the development of 40 no. dwellings with retail

Sofa King Tivoli House, Towcester Road

A letter has been received from CC Town Planning, the planning agents for the application. This letter advises that following the granting of planning permission (N/2017/0127), the scheme has not come forward for development despite extensive marketing by the current owner. Bauhaus Living Limited and Archway Construction Limited wish to bring the site forward in the short term, but it is not financially viable with the current affordable housing provision. It is advised that the application is to remove the affordable housing from the scheme, but no other changes are proposed and contributions will remain for open space, construction training and monitoring fees, alongside CIL contributions.

The agent advises that the scheme has been reviewed by the Council's appointed viability consultant and it is not financially viable to provide affordable housing on the site. As such, without the removal of the affordable housing from the scheme, the site will not come forward for development.

The agent acknowledges that the Council and Committee members will be disappointed to see the site come forward without affordable housing, but it will provide much needed residential accommodation within a sustainable location within the town, will contribute to housing delivery, and secure the regeneration of previously developed land. The agent advises that there are current Police and Environmental Health concerns with the vacant site, with drug users and anti-social behaviour.

The agent asks that the Committee give weight to the site being developed by two firms with strong connections to the town and a commitment to delivering high quality homes in Northampton, and that if the variation of the S106 is granted by committee, it is anticipated that construction works could commence in Spring 2020.

10. ITEMS FOR DETERMINATION

Item 10a

N/2019/0410

Siting of 2no containers, 2no generators and associated air conditioning equipment surrounded by 2.4 metre high palisade fencing for use as a Data Centre (Use Class B8)

Land to north east of Sixfields Stadium, accessed from Walter Tull Way

No update.

Item 10b

N/2019/0563

Part demolition and conversion of the existing factory building to 54no apartments and the

**erection of a new 3-storey building to provide 14no apartments, together with bin and cycle storage and parking
Barker Buildings, Countess Road**

Additional comments received from Councillor Gareth Eales are attached to the addendum.

Officer response: The Northamptonshire Parking Standards (September 2016) advise that applications for new build flats (in respect of parking provision) will be treated on their own merits based upon the local character of the area. The standards do not set out a specific number of spaces per unit. The Highway Authority reviewed their comments originally sent on 28/05/19 following further clarification on the extent of 1 and 2-bedroom properties as proposed under the current scheme in comparison to the previously approved scheme.

Previously consented scheme (N/2017/0025) 64 flats comprising 41 x 1-bed flats, 23 x 2-bed flats – total of 87 bed spaces. Proposed parking provision 68 parking spaces.

Proposal (N/2019/0563) 68 flats comprising 52 x 1-bed flats, 16 x 2-bed flats – total of 84 bed spaces. Proposed parking provision of 72 spaces.

As such, the current scheme effectively provides comparable parking provision to that as previously approved, comprising 1 parking space per unit plus 4 visitor spaces.

The revised comments received from the Highway Authority dated 12/06/19 are set out in the Committee Report.

In respect of S106 matters, the response to the points made is covered in the Committee Report.

Item 10c

N/2019/0596

**3no new dwellings with garages and new access road (Amendments to planning permissions N/2017/1384 & N/2016/1473)
Land rear of 9, 10 and 11 Thorburn Road**

Correction to Paragraph 4.1 in report refers to other previously approved development at Paragraph 8.19. This is a typographical error and should refer to Paragraph 7.22 instead.

One additional neighbour representation, dated 10 September 2019, repeat of letter sent previously objecting on following grounds;

- Plans difficult to interpret
- Concern on loss of privacy
- Request that size of windows be reduced and changed to velux windows
- Concern over scale and height of houses
- Concern on impact on dry stone wall
- Concern on ground stability
- Impact on trees

Officer response: The response to the points made is covered in the Committee Report.

11. NORTHAMPTON PARTNERSHIP HOMES

Item 11a

N/2019/0390

**Demolition of 8no domestic lock up garages and construction of 3no new build units
Garage 1 Lock Up Garages, Preston Court**

Updated comments received from the **Council's Arboricultural Officer** advising that the revised tree report is well-argued and offers reasoned justification for the removal of six trees to allow the development to proceed. No tree protection measures are required because the remaining trees

are remote from the work site.

Item 11b

N/2019/0391

**Demolition of 10no domestic lock up garages and construction of 4no new build units with associated parking spaces
Lock Up Garages, Longueville Court**

No update.

Item 11c

N/2019/0468

**Demolition of 11no domestic lock up garages and construction of 6no new build units
Garage 1 Lock Up Garages, Pell Court**

One additional letter has been received from a neighbouring property. This letter contains a number of photographs showing parking within the area at night time and the neighbour letter advises that there is an existing parking issues in the area which will be enhanced by more housing needing more spaces.

Officer Response: parking matters are covered within the Committee report.

Updated comments received from the Council's **Arboricultural Officer** advising that the revised tree report is well-argued and offers a good arboricultural method statement and sensible tree protection measures. A condition is requested requiring the development to be undertaken in accordance with the submitted tree report.

One additional condition is proposed requiring the development to be undertaken in accordance with the arboricultural control measures specified:

Condition 12: The development hereby approved shall be undertaken in full accordance with the findings of the 'Tree Survey and Arboricultural Impact Assessment Report' 1880.3_Fv2 by MacIntyre Trees, dated September 2019.

Reason: To ensure appropriate protection of retained trees and in the interests of amenity in accordance with the requirements of Policy S10 of the West Northamptonshire Joint Core Strategy.

Item 11d

N/2019/0693

**Demolition of 15 no. garages and proposed development of 2 no. dwellings with associated parking (part retrospective) – amendment to planning permission N/2018/1469
Lock Up Garages, Thirlmere Avenue**

No update.

Item 11e

N/2019/0987

**Variation of Condition 2 of Planning Permission N/2018/1509 (Demolition of domestic garages and construction of 2no new dwellings with associated parking) to amend drawings to show revised position of dwellings on site
Land adjacent to 34 Old Barn Court**

No update.

COUNCILLOR GARETH EALES REPRESENTATIONS – BARKER BUILDING, COUNTESS ROAD N/2019/0563

FAO PLANNING COMMITTEE – Northampton Borough Council.

Let me start by stating that since the Barker Building site has been derelict, it has been a hive for anti-social and criminal behaviour and as the local Councillor I of course want something to be done with it. But I have some serious concerns about this particular planning application and must object to it. I will outline the rationale as to why and ask that you please take this into consideration and that you reject this application.

➤ INSUFFICIENT PARKING PROVISION

There is proposed to be 68 flats on this site and only 72 parking spaces, only four of which are for visitors. So given there are 18 two bedroom flats, it is highly likely that the number of inhabitants in this building with cars at only one time could be in excess of 100, so there is a crystal clear deficit of parking spaces. That means additional parking onto Countess Road, Lyttleton Road, Monmouth Road, Newport Road, Chepstow Close and Raymond Road...streets that are jammed as it is...adding these extra vehicles into the mix would be a disaster.

I draw your attention to para 6.2 in your report and the highlighted section:

- 6.2 **Local Highway Authority (NCC)** - no objection, as previously stated, the development must accommodate any additional parking demand resulting from the additional demand. However, it has been highlighted that although the number of apartments will be increasing, the number of 2 bedroom apartments will be reduced. Therefore, the change in apartment types will compensate for the increase in the number of apartments with regards to parking demand. **As a result, the LHA believes that the proposed amendment to the development will not negatively impact upon the local highway network.**

The above highlighted statement is entirely false. In March & April of this year myself and Northamptonshire Highways embarked upon a widespread survey of streets in my elected area that suffer with parking pressures. Including streets directly on and around the Barker Building. See the below email as proof of this survey's existence and whereabouts it went...

From: Leighton, Andrew [A.Leighton@kierwsp.co.uk]
Sent: 24 April 2019 11:47
To: Gareth Eales (Cllr)
Subject: FW: Parking Survey...

Hi Gareth,

Apologies these streets were missed out. If you are able to let me have a revised copy of the letter I will get these delivered on Monday 29th April.

In regards to a meeting to look at roads in the area I am currently free, Tuesday morning 9.30 onwards till 12 or anytime on Wednesday, Thursday or Friday

Kind regards

Andy

-----Original Message-----

From: Gareth Eales (Cllr) [mailto:cllr.geales@northampton.gov.uk]
Sent: 23 April 2019 15:50
To: Leighton, Andrew
Subject: Parking Survey...

Hi Andy,

Below are the people that need hard copies of the questionnaire and a return envelope..

The streets not to receive the letter so far are: **Raymond, Countess, Chepstow, Newport and Monmouth**...can you send me the letter again, so I can amend ahead of the above being sent out?

Gareth

The letter and survey that went out can be found in Appendix A & B on pages 5-7. **Question:** Why would Highways undertake a parking survey with me and they pay for the postage to over 1000 houses if there was not an existing parking problem? They wouldn't. There clearly is a parking problem in this area, it is misleading at best, disingenuous at worst to state otherwise. Furthermore, when this planning application opened to consultation the below representations were made to Planning from Northamptonshire Highways on 28th May 2019...

Northamptonshire Highways

**Town and Country Planning Act 1990 (As Amended)
Local Highway Authority (LHA) Response**

Application Reference	N/2019/0563
LHA Reference	
Proposal	PART DEMOLITION AND CONVERSION OF THE EXISTING FACTORY BUILDING TO 54NO APARTMENTS AND THE ERECTION OF A NEW 3-STOREY BUILDING TO PROVIDE 14NO APARTMENTS, TOGETHER WITH BIN AND CYCLE STORAGE AND PARKING
Location	BARKER BUILDINGS , COUNTESS ROAD, NORTHAMPTON, NN5 7EA
Date	28/05/2019

Thank you for your consultation with regards to the above application. Following a review of the information submitted the LHA would make the following observations.

The area surrounding the development site is heavily parked with little to no residual on-street parking capacity. Therefore, the additional development over what is already permitted must meet the current LHA Parking Standards as shown below:

- Parking for a 1 Bed = 1 Space;
- Parking for a 2 Bed = 2 Spaces;
- 0.25 visitor parking spaces per apartment.

Yours sincerely
Jason Conway
Development Management Engineer

For Assistant Director of Environment, Planning, and Transport
Northamptonshire Highways
One Angel Square
Angel Street
Northampton
NN1 1ED

Note the sentence “The area surrounding the development site is heavily parked with little to no residual on-street parking capacity.” Further proof of an existing parking problem. Miraculously, these representations were diluted and reversed subsequently, hence the rose tinted version of the parking situation in your report.

I will use the stated formula and do the math on this application:

- Parking for a 1 Bed = 1 Space; **which means 50**
- Parking for a 2 Bed = 2 Spaces; **which means 36**
- 0.25 visitor parking spaces per apartment. **which means 17 (0.25 of 68 flats)**

Equals = **103 parking spaces needed**...so there would be a deficit of **31 spaces**. Therefore, this application is in breach of current Northamptonshire Highways Parking Standards. That in itself should be grounds enough for **rejection** in my view.

➤ **EXISTING NBC PLANNING POLICIES**

I am also concerned that within this proposal there is absolutely no amount of affordable housing offered in this plan. Current Northampton Borough Council policy is that developments that have 15 or more dwellings should contain 35% of affordable housing within. See below snippet from our policy documentation...

7. The Affordable Housing Requirement

7.1. The following section sets out the thresholds and requirements for delivering affordable housing within Northampton.

Key Principle 4: Site thresholds

The provision of affordable housing will be sought on all sites of 15 or more dwellings

7.3. Reducing the threshold, at this time, is not considered appropriate when taking account of the likely impact on addressing housing need versus encouraging the development of smaller sites by independent builders to meet the overall housing requirement of the area.

Key Principle 5: Percentage of Affordable Housing

35% affordable housing will be sought on any site, which is required to do so. Exceptions may be made on the grounds of viability on a case-by-case basis.

We cannot as a local authority breach our own planning policies, so that also should in my view be grounds for a **rejection**.

➤ **NO SECTION 106**

Also there is nothing on offer for the local community, in the form of Section 106 monies, which should be used to mitigate the impact of a development like this on the local community and provide benefits or infrastructure.

Personally, I am sick to the back teeth of seeing housing developments get approved and to hell with the impact on existing residents. Yes, absolutely we need to build more homes, but they have to be schemes that benefit everyone.

So it begs the question...what benefit is there in this scheme for the people who live locally? The answer is nothing. There is not one penny on offer for the local community and all my constituents will inherit is yet more parking problems.

➤ **IN SUMMARY**

Every single resident I have spoken to has opposed this proposal and 83% rejected it in an online poll.

In my humble opinion, this authority all too often succumbs meekly to the wishes of developers and frankly ignores the needs of wider population or those living nearby. What is needed here in my opinion is a revised plan with a more modest level of properties, in order that there would be sufficient onsite parking, there should also be a level of affordable housing contained and ideally a modest financial contribution that can be invested into the local area. That is a reasonable expectation and I feel the burden is on both Planning Officers and the Planning Committee to pursue that outcome. It is tragic that I should have to go to these lengths to ensure Highways and Planning policies are adhered to, along with a sense of fairness.

As the local Borough & County Councillor and based on this existing proposal, I feel entirely obligated to oppose this planning application, for all the reasons I have explained. I genuinely feel it would be to the detriment of local people. It is my job to stand up and speak out, that is what I am doing unashamedly so, as it is my elected responsibility. I truly hope you as committee members concur with my perspective and **reject application N/2019/0563.**

Yours faithfully,



Cllr Gareth Eales
Spencer Ward – NBC
Dallington Spencer Division - NCC

20th September 2019

APPENDIX A

Cllr. Gareth Eales *Dallington / Spencer*

Mobile: 07511 660 870

Email: hello@garetheales.co.uk

Post: 43 Raymond Road, NN5 7DX



8th April 2019

Dear Sir / Madam,

PARKING REVIEW CONSULTATION: St James / Spencer

A review of the current on street parking arrangements in your area of St James / Spencer is being conducted as a result of issues raised by a number of concerned residents. It was agreed between myself and Northampton Highways that we would write to all residents and businesses in the area to ask views of your parking concerns or suggested solutions.

This review will help us to better understand the problems being experienced by residents, the causes and potential solutions. But in order to get a true picture of current conditions it is important that you take this opportunity to assist in providing information on how the Northamptonshire Highways can help in improving the lives of residents in your area.

Most people understand that the increase in car ownership and the growth of multi-occupancy properties has created more parking problems in our towns and streets. In most cases where demand from residents outweighs available road space there are very few simple solutions. However it is apparent that in the Dallington/Spencer Division area there are competing demands coming from outside the area and therefore the Northamptonshire Highways may be able to assist developing parking changes that would benefit local residents.

Previous feedback has given some idea of what these problems and potential solutions maybe and these have been summarised in the enclosed information, but in order to understand the extent of these problems and whether residents would support any future changes I would be grateful if you could advise us of your views by completing the enclosed questionnaire and returning it in the envelope provided. **DO IT ONLINE** - you can also complete this questionnaire online – please visit: www.garetheales.co.uk/parking

The closing date to return the questionnaires is the 22nd April, in the meantime please do not hesitate to contact me on the number above if you require any further information.

Yours faithfully,

A handwritten signature in black ink that reads "GARETH".

Councillor Gareth Eales

APPENDIX B

? RESIDENTS PARKING SURVEY

1. NORMAL PERSONAL DETAILS HERE

2. Are you a; Resident or Business

3a. How many cars does your household or business regularly park on the street?
(this does not include off-street, or private parking areas).

0 1 2 More than 2

3b. Do you have access to off-road parking?
(this includes car parks and private parking areas)

Yes No

4. Do you have a parking problem where you are living? If so, is this in the;

	Yes	No
The Daytime	<input type="checkbox"/>	<input type="checkbox"/>
The Evening	<input type="checkbox"/>	<input type="checkbox"/>
At Weekends	<input type="checkbox"/>	<input type="checkbox"/>

If you answered yes to Q4, in your opinion are parking problems in your street caused by;

- Number of residents cars
- Customers of local businesses
- Employees from local businesses parking on street
- People attending a local education establishment
- People attending a local sporting venue
- People parking on the pavement
- Other

PLEASE TURN OVER

5. Would you support any of the possible solutions;

- A Residents Parking Scheme
- Double Yellow lines
(to prohibit parking where it causes an obstruction or a hazard)
- No change
- Other, please specify in comments box below.

6. Do you have any other comments on the parking problems within your area and the potential solutions.

Yes No

If you have answered 'yes' to question 6, please provide details of your comments or suggestions in the space below

Comments and suggestions:



PLANNING COMMITTEE: 24th September 2019
DEPARTMENT: Planning Service
HEAD OF PLANNING: Peter Baguley

APPLICATION REF: N/2019/0410

LOCATION: Land to North East of Sixfields Stadium, accessed from Walter Tull Way

DESCRIPTION: Siting of 2no containers, 2no generators and associated air conditioning equipment surrounded by 2.4m high palisade fencing for use as a Data Centre (Use Class B8)

WARD: St James Ward

APPLICANT: CityFibre
AGENT: WYG

REFERRED BY: Head of Planning
REASON: Council owned land

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1 RECOMMENDATION

1.1 **APPROVAL** subject to the conditions as set out below and for the following reason:

The proposed development is considered acceptable and would not have an undue detrimental impact on the appearance and character of the area, neighbouring amenity, security and highway safety and accords with the aims and objectives of the National Planning Policy Framework, Policies S10, C1, E3 and BN9 of the West Northamptonshire Joint Core Strategy and Policy E20 of the Northampton Local Plan.

2 THE PROPOSAL

2.1 Planning Permission is sought for the siting of 2 containers, 2 generators and associated air conditioning equipment surrounded by 2.4 metre high palisade fencing with new access for use as a Data Centre (Use Class B8) off Walter Tull Way, Sixfields.

2.2 The proposed development would house computer systems and associated components such as telecoms and storage systems. The applicant City Fibre are hoping to expand to Northampton which will transform the town's digital landscape bringing full connectivity within reach of every building delivering an increase in internet speed and quality.

- 2.3 The proposal would provide significant benefits to local homes and businesses in the area through providing ultrahigh speed internet which will enhance the area. The operation comprises a centralised repository for storage, distribution and management of data and information connected with the City Fibre network operation.

3 SITE DESCRIPTION

- 3.1 The site consists of a vacant parcel of land close to Northampton Town Football Club and opposite a number of commercial properties including a gym, restaurants and bowling alley. The site is relatively flat and comprises an area of disused land, the site is not in a conservation area and not close to any listed buildings. The site is in the Enterprise Zone.

4 PLANNING HISTORY

- 4.1 Outline planning application (N/2014/0596) for mixed use development include retail, other commercial uses, petrol filling station, residential and extension to the west stand of Sixfields Stadium to form a conference centre and hotel. Approved in principle in December 2014.

5 PLANNING POLICY

5.1 Statutory Duty

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted West Northamptonshire Joint Core Strategy (2014), Northampton Local Plan (1997) saved policies.

6 National Policies

- 6.1 **The National Planning Policy Framework (NPPF)** sets out the current aims and objectives for the planning system and how these should be applied. In delivering sustainable development, decisions should have regard to the mutually dependent social, economic and environmental roles of the planning system. The NPPF should be read as one complete document. However, the following sections are of particular relevance to this application:

Paragraphs 108 and 109 - Safe access for all

Paragraph 112 - Supporting high quality communications

Paragraph 127 - Requires high standards of design and residential amenity

6.2 West Northamptonshire Joint Core Strategy (2014)

The West Northamptonshire Joint Core Strategy (JCS) provides an up to date evidence base and considers the current Government requirements for plan making as it has been prepared in full conformity with the NPPF. Policies of particular relevance are:

S10 - Sustainable Development Principles

BN9 - Planning and Pollution Control

C1 - Modal Shift

E3 - Enterprise Zone

6.3 Northampton Local Plan 1997 (Saved Policies)

Due to the age of the plan, the amount of weight that can be attributed to the aims and objectives of this document are diminished, however, the following policy is material to this application:

E20 Design of new development

6.4 **Supplementary Planning Documents**

Northamptonshire Parking Standards (September 2016)
Planning out Crime in Northamptonshire SPG 2004

7 **CONSULTATIONS/ REPRESENTATIONS**

Comments received are summarised as follows:

7.1 **Highways (NCC):** No comments to make.

7.2 **Environmental Health (NBC):** advise that standard conditions required for contamination and noise.

7.3 **Planning Policy (NBC):** advise that no objection in principle.

8 **APPRAISAL**

Main issues

8.1 The main issues to consider are the principle of development, the impact on the appearance and character of the area, neighbour amenity and highway safety/crime prevention.

Benefits of the proposed development

8.2 Section 10 of the NPPF sets out one of the key aims of Government which is to advance high quality and reliable communications infrastructure and identifies this as essential for economic growth and social well-being. Decisions should support the expansion of electronic communications networks, including next generation mobile technology. Policy C1 of the Joint Core Strategy requires new development to be accessed by fibre technology enabling access to superfast broadband. The proposal would bring about significant benefits to the local area providing enhanced internet connectivity speed.

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

8.3 Local Plan Policy E20 sets out that the design of new development should adequately reflect the character of its surroundings in terms of layout, sitting, form, scale and use of appropriate materials. The need for good design is also emphasised under Policy S10 of the Joint Core Strategy and Paragraph 127 of the NPPF. The main part of the site would be set back from the Walter Tull Way and therefore not appear overly prominent in the street scene. The appearance and design of the equipment is one that would be expected of a commercial area. It is considered that the layout and design are acceptable.

Impact on amenity of other occupiers

8.4 Given that the nearest residential uses are some distance away i.e. 375m at Ross Road, it is considered that there would be no impact on neighbouring amenity in terms of noise, loss of light, outlook and overbearing. Although Environmental Health suggest details of noise be provided, as there are no nearby residential properties and other commercial uses are some distance away, there is no necessity for a noise control condition to be imposed on any approval in accordance with Policies BN9 and S10 of the Joint Core Strategy.

Highway safety and Access

8.5 Paragraphs 108 and 109 of the NPPF require safe access for all. In this case, the development would be accessed from an existing access point from Walter Tull Way with a 3 metre wide gated access leading up to the proposed plant/equipment. There is no designated parking area and there will be no staff working on site. The Local Highway Authority raise no objections.

Security and Crime Prevention

- 8.6 Policy S10 of the Joint Core Strategy and the County Council Supplementary Planning Guide on Planning Out Crime seek to encourage high standards of security and crime prevention in new development. The proposal includes the erection of 2.4 metre high palisade fence which would help to secure the site. In addition, the site access would be gated to deter unauthorised access to the site.

Land Contamination

- 8.7 In accordance with the comments from Environmental Health, a condition would be secured for contamination mitigation. This accords with Policies S10 and BN9 of the Joint Core Strategy.

Other issues

- 8.8 There are no trees on site and the loss of a small area of hard standing would not have any ecological impacts.
- 8.9 The site forms part of a previous major outline planning application (N/2014/0596) for mixed use development include retail, other commercial uses, petrol filling station, residential and extension to the west stand of Sixfields Stadium to form a conference centre and hotel. The application was approved in principle, following consideration by the Planning Committee in December 2014, subject to the finalisation of a S106 agreement to secure planning obligations. However, the S106 agreement was never finalised. Although the implementation of the current proposal would result in the loss of some car parking associated with the previous proposed scheme, it is considered that this would not significantly impact on the substantive proposal should the development comes forward in the future, bearing in mind it was an outline proposal.

9 CONCLUSION

- 9.1 The benefits of the scheme are recognised in its contribution to the local area and the proposal would have an acceptable impact. The proposal is acceptable and considered to be in line with Development Plan Policy.

10 CONDITIONS

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

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

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: P1808/038/PL/001B, 002B, 003C, 003B, 004B, 005B and 006A.

Reason: For the avoidance of doubt and to accord with the terms of the planning application.

- 3) The site shall be used as a data centre and for no other purpose (including any other purpose in Class B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: In the interest of amenity and to ensure that effective planning control is retained by the Local Planning Authority in accordance with the National Planning Policy Framework.

- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), the use of the site shall not be changed without prior written consent of the Local Planning Authority.

Reason: In the interests of amenity as the site may not be suitable to be used for other B Use Classes development in accordance with the National Planning Policy Framework.

- 5) Prior to the first use of the development hereby approved, the new access shall be installed as per the approved drawings and shall be retained throughout the lifetime of the development.

Reason: In the interests of highway safety to accord with the aims of the National Planning Policy Framework.

- 6) No development shall take place until a desk top study in respect of possible contaminants within the site is completed and a site investigation has been designed. The scope and methodology of the desk top study and the site investigation report shall be submitted to and approved in writing by the Local Planning Authority. The site investigation and appropriate risk assessments shall be carried out and the results shall be used to produce a method statement for the necessary remedial works (and a phasing programme), which shall be submitted to and approved in writing by the Local Planning Authority. All remedial works shall be fully implemented in accordance with the approved method statement and phasing programme. Confirmation of the full implementation of the scheme and validation report(s) shall be submitted to the Local Planning Authority within 2 weeks of completion (or within 2 weeks of completion of each respective phase).

Reason: To ensure the effective investigation and remediation of contaminated land sites and in the interests of health and safety and the quality of the environment in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy. This is a pre-commencement condition to ensure timely submission of details.

11 BACKGROUND PAPERS

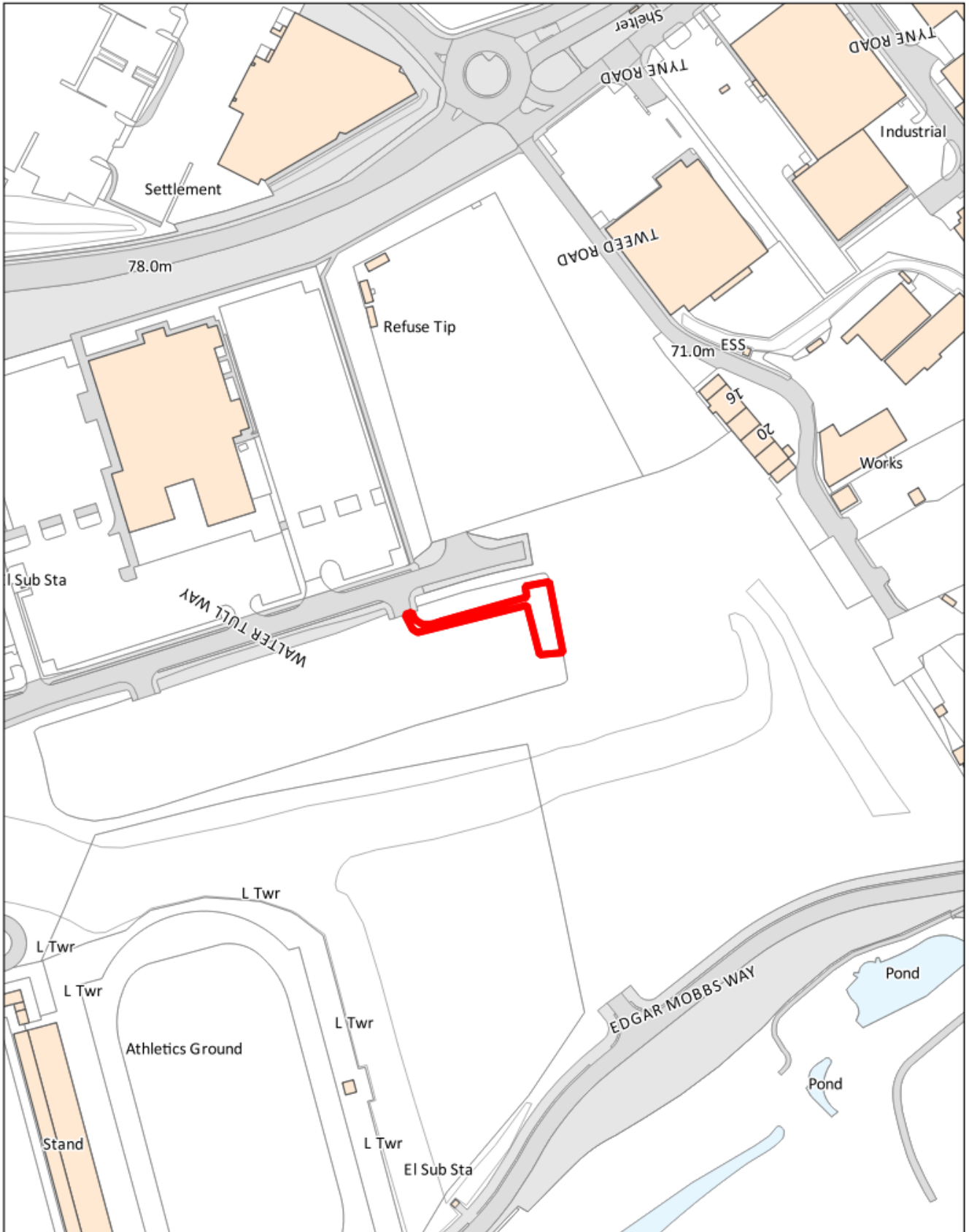
- 11.1 N/2019/0410.

12 LEGAL IMPLICATIONS

- 12.1 The development is not CIL liable.

13 SUMMARY AND LINKS TO CORPORATE PLAN

- 13.1 In reaching the attached recommendations regard has been given to securing the objectives, visions and priorities outlined in the Corporate Plan together with those of associated Frameworks and Strategies.



Title: **Land North East of Sixfields Stadium**

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Date: 11-09-2019

Scale: 1:2,000

Drawn by: -----



PLANNING COMMITTEE: 24th September 2019
DEPARTMENT: Planning Service
HEAD OF PLANNING: Peter Baguley

APPLICATION REF: N/2019/0563

LOCATION: Barker Buildings, Countess Road

DESCRIPTION: Part demolition and conversion of the existing factory building to 54no apartments and the erection of a new 3-storey building to provide 14no apartments, together with bin and cycle storage and parking

WARD: Spencer Ward

APPLICANT: Homegrown Property Development
AGENT: BB Partnership Limited

REFERRED BY: Head of Planning
REASON: Major application

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1 RECOMMENDATION

1.1 **APPROVAL** subject to the conditions as set out below and for the following reason:

The proposal would bring about the development of a derelict building in a prominent location within a residential area, the renovation of which would enhance and make a positive contribution to the character and appearance of the surrounding area. The site is in a sustainable location, with good access to the town centre and public transport. The proposed conversion and new build would contribute to the Council's 5-year housing supply. Subject to the conditions proposed, the development would not lead to any unacceptable adverse impacts on existing highway, flood conditions, existing or proposed residential amenity, or adjacent land uses. It is considered that it has been satisfactorily demonstrated that the scheme would not be viable if any affordable housing or the level of Section 106 contributions required is applied and that, on balance, the lack of contributions would be outweighed by the environmental and social benefits of the proposal. As such, the proposal is considered to be in accordance with the aims and objectives of the National Planning Policy Framework, Policies SA, S1, S3, S10, C2, E1, H1, BN2, BN7, BN9, INF1, INF2 and N1 of the West Northamptonshire Joint Core Strategy, and Policy E20 of the Northampton Local Plan.

2 THE PROPOSAL

- 2.1 The application proposes the part demolition and conversion of the existing former factory building to 54 apartments, and the erection of a new 3-storey building to provide 14 apartments, together within on-site parking provision, and bin and cycle storage. The conversion of the existing building would comprise 41 x 1-bed units and 13 x 2-bed units. The new build would comprise 11 x 1-bed units and 3 x 2-bed units. Both the converted building and the new build would have lift access to the upper floors.
- 2.2 Vehicular access to the site would be from Countess Road via a controlled gated access, with a separate pedestrian only access from Lyttleton Road. On-site parking provision of 72 parking spaces would be provided comprising 68 spaces for the flats and 4 visitor spaces, including provision of 4 disabled spaces and 8 electric vehicle charging spaces. Cycle storage would be provided for 68 bicycles.
- 2.3 The site has been subject to previous planning permissions for residential development as detailed below in Section 4. The current scheme is submitted as a result of a number of factors that have arisen since the previous approval:
- 3rd Party Right of Way across site - the owner of some of the industrial units to the west of the site has a right of access across part of the application site along the northern boundary. The applicant has advised that an agreement has been reached with the owner to purchase part of the affected area of land, effectively causing the issue to fall away.
 - Following more detailed survey work, the precise position of the culvert (Dallington Brook) running through the site has been identified. This locates the culvert further west than previously shown and, as a result, has required the repositioning of the east elevation of the new build block.
 - The previously approved scheme proposed the reconstruction of the culvert in order to provide additional site area. The extent of works required are now considered unlikely to be supported by the Environment Agency and would have further cost implications. The culvert is to be retained along its existing alignment.
 - Further investigation into the structure of the Barker Building has ascertained that it is necessary to raise the roof height to provide adequate insulation within the headroom.

3 SITE DESCRIPTION

- 3.1 The site comprises of a disused 3-storey factory building located at the corner of Countess Road and Lyttleton Road. The overall site is 0.4 hectares in area. The surrounding area is predominantly residential of varying types and ages including houses and apartments. To the rear and immediate north of the site are industrial workshops accessed from Lyttleton Road. The factory building comprises of a mainly 3-storey solid brick building with slate roof with two lift shafts and a range of single storey buildings located to the rear. Vehicular access is from Countess Road.
- 3.2 Dallington Brook runs through the centre of the site north to south, and a large part of the site is situated within Flood Zone 2.

4 PLANNING HISTORY

- 4.1 The site is subject to an extant planning permission (N/2017/0025) for the part demolition and conversion of the existing factory building to 54 apartments and erection of new three storey building to provide a further 10 apartments, together with bin and cycle storage and parking.
- 4.2 The application, as with previous applications, was subject to a viability assessment which concluded that the scheme was unable to support the provision of any affordable housing or

Section 106 contributions. The application was approved by Committee in September 2017 with no affordable housing or Section 106 contributions.

- 4.3 N/2016/0900 - Variation of Condition 12 of N/2015/1021 (Part demolition of existing factory building & conversion of existing factory building into 45x apartments & erect 2x dwellings) to amend the layout of the car park in accordance with approved flood risk details and re-position the bin stores. Approved 25/10/2016.
- 4.4 N/2015/1021 - Part demolition of existing factory building & conversion of existing factory building into 45x apartments & erect 2x dwellings. Approved 14/04/2016.

5 PLANNING POLICY

5.1 Statutory Duty

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted West Northamptonshire Joint Core Strategy (2014) and the Northampton Local Plan (1997) saved policies.

5.2 National Policies

The National Planning Policy Framework (NPPF) sets out the current aims and objectives for the planning system and how these should be applied. In delivering sustainable development, decisions should have regard to the mutually dependent social, economic and environmental roles of the planning system. The NPPF should be read as one complete document. However, the following sections are of particular relevance to this application:

- Paragraphs 7-12 - Presumption in favour of sustainable development
- Section 5 - Housing Supply
- Section 8 - Promoting healthy and safe communities.
- Section 9 - Promoting sustainable transport
- Section 11 - Making effective use of land
- Section 12 - Achieving well-designed places
- Paragraph 148 - Planning system should support the transition to a low carbon future.
- Paragraph 163 - Ensuring development does not increase flood risk
- Paragraph 165 - Incorporating sustainable drainage systems in major developments

5.3 West Northamptonshire Joint Core Strategy (2014)

The West Northamptonshire Joint Core Strategy (JCS) provides an up to date evidence base and considers the current Government requirements for plan making as it has been prepared in full conformity with the NPPF. Policies of particular relevance are:

- Policy SA - Presumption in Favour of Sustainable Development
- Policy S1 - The Distribution of Development
- Policy S3 - Scale and Distribution of Housing Development
- Policy S10 - Sustainable Development Principles
- Policy C2 - New Developments
- Policy E1 - Existing Employment Areas
- Policy H1 - Housing Density and Mix and Type of Dwellings
- Policy H2 - Affordable Housing
- Policy BN2 - Biodiversity
- Policy BN7 - Flood Risk
- Policy BN9 - Pollution control
- Policy INF1 - Approach to Infrastructure Delivery
- Policy INF2 - Contributions to Infrastructure Requirements

5.4 **Northampton Local Plan 1997 (Saved Policies)**

Due to the age of the plan, the amount of weight that can be attributed to the aims and objectives of this document are diminished, however, the following policy is material to this application:

E20 - New Development (design)

5.5 **Supplementary Planning Documents**

Northamptonshire Parking Standards (September 2016)

Planning out Crime in Northamptonshire SPG 2004

6 **CONSULTATIONS/ REPRESENTATIONS**

Comments received are summarised as follows:

- 6.1 **Public Protection (NBC)** - no objection, following further discussions regarding the potential implications of noise arising from the adjacent commercial units and the assessment to be on a 'worse case' scenario. Conditions to be imposed for a detailed noise survey and mitigation of adjacent residential units as necessary.
- 6.2 **Local Highway Authority (NCC)** - no objection, as previously stated, the development must accommodate any additional parking demand resulting from the additional demand. However, it has been highlighted that although the number of apartments will be increasing, the number of 2 bedroom apartments will be reduced. Therefore, the change in apartment types will compensate for the increase in the number of apartments with regards to parking demand. As a result, the LHA believes that the proposed amendment to the development will not negatively impact upon the local highway network.
- 6.3 **Lead Local Flood Authority (NCC)** - no objection, subject to conditions for the submission of a detailed surface water drainage scheme, based on the approved Flood Risk Assessment (FRA), approval of details of maintenance of and verification of the installed surface water drainage system.
- 6.4 **Environment Agency** – no objection, subject to conditions requiring the development to be carried out in accordance with the revised Flood Risk Assessment (FRA) and the provision of appropriate internal floor levels, and conditions relating to contamination mitigation.
- 6.5 **Anglian Water** – no objection.
- 6.6 **Development Management (NCC)** – request contributions towards primary education and library provision, and the provision of fire hydrants/sprinklers as required. Secondary education contributions to be secured through CIL.
- 6.7 **County Ecologist (NCC)** – no objection, subject to condition for the submission and approval of a method statement to deal with the presence of bats, and details of lighting.
- 6.8 **Northamptonshire Police** – no objection, recommend the provision of controlled vehicular access gates and doors, ground floor doors and windows to comply with Building Regulation standards for security, provision of appropriate lighting, brick built and lockable bin stores, and secure, overlooked cycle stores.
- 6.9 **Construction Futures** – request provision of and financial contribution towards employment training weeks.

6.10 **Councillor G Eales** – objects. Acknowledge that site has been vacant for about eight years and has at times be a hive for anti-social and criminal behaviour. Raise concern regarding the lack of parking and subsequent impact on surrounding streets that are jammed as it is. So much so that currently doing a survey in conjunction with Highways to try and find solutions. Adding extra vehicles would be a disaster. Appears to be deficit in provision of disabled parking spaces. Raise concern that no affordable housing offered on this plan, and frequent deviation and dilution of the policy for a 35% requirement. Nothing offered to the community in way of S106 monies, which is unacceptable. Need to build more homes, but they have to be schemes that benefit everyone. What benefit is there in this scheme for people who live locally? A revised plan is needed, with a more modest level of properties in order to provide sufficient on-site parking, affordable housing and a modest contribution that can be invested in the local area.

6.11 13 objections have been received. Comments are summarised as follows:

- Negative impact on parking which is already an issue in the area
- Need more parking and less flats
- Road congestion
- Adverse impact on air quality
- More people, no more facilities
- Road damage
- More litter
- Appreciate something needs to be done with building before it descends into further dereliction
- In favour of renovation of the building as it has become eyesore and hang out for anti-social activities, but concerned regarding lack of parking
- Worried about increase in crime

7 APPRAISAL

Principle of development

7.1 The National Planning Policy Framework (NPPF) advises that applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework places considerable importance on the need to have an up-to-date development plan and, that where the development plan is out of date, Local Planning Authorities are advised to grant planning permission unless any adverse impacts of doing so would demonstrably outweigh the benefits, when assessed against the policies of the Framework as a whole. Paragraph 8 of the NPPF seeks to ensure the planning system maintains the provision of a sufficient number and range of homes to meet the needs of present and future generations.

7.2 Paragraph 11 of the NPPF advises that relevant policies for housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year housing land supply which is currently the case for the Borough. Therefore, in accordance with the presumption in favour of sustainable development, as outlined in Paragraph 11, development should be permitted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

7.3 Paragraph 118 of the NPPF, encourages the use of brownfield sites and the re-use of under-utilised land and buildings for residential use where there is an identified need for additional housing in the area.

7.4 Policy E1 of the JCS seeks to resist change of use of existing employment to non-employment uses unless it can be demonstrated that the site is no longer economically viable for employment purposes, there is conflict with adjoining uses or its release would offer significant benefits to the local area.

7.5 The site has been vacant for a considerable number of years. The principle of development of the site for residential use has been established through the grant of previous permissions in 2015,

2016 and 2017 respectively. Although the NPPF has since been updated in February 2019, the proposal remains in accordance with the overriding aims of the NPPF to provide sustainable housing development. In addition, the current application represents an overall increase of four additional units to that previously approved in September 2017, proposing 68 units in total which would marginally increase the contribution of the development towards the Council's housing supply.

- 7.6 The site is in a sustainable location, with good access to the town centre and public transport. Subject to the considerations discussed within the remainder of this report, the principle of conversion of the existing building and new build element of a further 14 units is considered acceptable.

Design

- 7.7 The NPPF advises that good design is a key aspect of sustainable development. These aims are reflected in Policy S10 of the JCS which require new development to achieve the highest standards of sustainable design incorporating safety and security measures.
- 7.8 In respect of the existing building, the development would remove the unattractive later additions to the rear of the building. The majority of the traditional features of the building, including window openings, would be retained with minimal alterations to the front of the building proposed, with the exception of new door openings in former window openings which are currently bricked up. A number of roof lights are proposed in the front roof slope to allow living accommodation within the roofspace, as permitted under the previous scheme, but due to the height of the building, these would not be prominently visible from the street. An elongated dormer would extend across the rear roof slope to provide an internal corridor for the proposed 3rd floor apartments, and the overall ridge height of the building increased by approximately 0.4m to allow for internal insulation and to provide sufficient headroom. The top of the proposed lift shaft and stairwell proposed on the rear roof slope would be visible from the side and rear of the building. The rear dormer, lift shaft and stairwell are proposed to clad with metal cladding and a condition is recommended to agree precise material details to ensure they are sympathetic to the building. Internally, the existing second floor and internal columns will be removed allowing for a more efficient solution to the headroom available on each floor and allowing a more efficient layout of units, corridor and access design.
- 7.9 The proposed new build would be 3 storeys in height, but has been designed to be lower in height and appear subservient to the main Barker building when viewed from Lyttleton Road. The overall footprint of the building has increased from that previously approved with the 2nd and 3rd floor of the building now extending out over the proposed undercroft parking area by nearly 24m (extending approximately 9m further northwards into the site than the previously approved scheme). The design of the new build is more contemporary in appearance, and despite its more elongated footprint and scale, views of the building would be seen in the context of the elongated appearance of the Barker building and surrounding commercial units, such that it is not considered the overall scale and design would appear out of context.
- 7.10 Materials proposed would comprise of brick as ground and first floor level to complement the existing Barker building, with zinc cladding to the top floor which is set back. Precise material details would be agreed by condition.

Amenity

- 7.11 Policy H1 of the JCS requires new development to have regard to the living conditions and amenity of both future occupiers and the occupiers of neighbouring properties.
- 7.12 The existing building would be converted to provide 41 x 1-bed units and 13 x 2-bed units. The new build would comprise of 11 x 1-bed units and 3 x 2-bed units. All rooms within the converted building and the proposed new apartments would have sufficient daylight and outlook and are considered to be of reasonable size, the smallest units being just over 30m² floor area, but the

majority of units being in excess of this. Both the converted building and new building would have lift access to upper floors.

- 7.13 Secure enclosed bin storage areas would be located to the rear and side of the buildings. Outdoor amenity space would be limited with small areas of landscaping within the car park to the rear, and external balcony areas to the upper floors on the new build element. However, the site is within close proximity of Victoria Park to the south and Dallington Park to the north-west, and it is not unusual for flat developments to have limited outdoor amenity space.
- 7.14 In respect of neighbouring amenity, other than roof lights, no new openings are proposed on the front elevation facing towards residential properties on Countess Road. The new apartment block would introduce some additional windows and balcony areas facing directly onto a parking area situated opposite the site on Lyttleton Road. The building would be off-set from the rear garden of No. 66 Countess Road and the front elevation of No. 1 Lyttleton Road, both on the opposing side of Lyttleton Road, such that it is not considered that there would be any unacceptable adverse impact on neighbouring amenity. To the immediate rear of the new build are commercial units, the nearest residential properties beyond this being located some 48m from the western boundary of the site, such that it is not considered residential amenity of these properties would be adversely affected.

Highway Matters

- 7.15 Paragraph 109 of the NPPF advises that development should only be prevented or refused on highway grounds if there would be unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 7.16 Access to the site would be via the existing site access from Countess Road with pedestrian only access from Lyttleton Road. A total of 72 spaces comprising 68 parking spaces for the flats and 4 visitor spaces would be provided on site, accessed via automated secure access gates. The parking would include the provision of 4 disabled spaces and 8 electric vehicle charging points. In addition, secure on-site bicycle storage would be provided for 68 bicycles.
- 7.17 The Northamptonshire Parking Standards (September 2016) advise that applications for new build flats will be treated on their own merits based upon the local character of the area. No specific standards are set out for the conversion of buildings to residential apartments, which are again assessed on their merits. The parking provision proposed is comparable to that approved under the previous scheme and the Highway Authority raise no objection. The site is in a sustainable location within close proximity to facilities on Harlestone Road and public transport. Furthermore, there is on-street parking surrounding the site. On balance, whilst the concerns raised regarding parking are noted, it is not considered that the proposal would lead to any unacceptable adverse impacts on existing highway conditions within the area such that the application should be refused on this basis.

Flood Risk

- 7.18 The NPPF seeks to ensure that in determining development proposals flood risk is not increased elsewhere and that development does not contribute to or is put at risk from unacceptable levels of water pollution. Policy BN7 of the Joint Core Strategy states that all new development should demonstrate that there is no increased risk of flooding to existing properties and should seek to improve existing flood risk management. Surface water management incorporating sustainable drainage techniques should be accompanied by a long term management plan and protect and enhance water quality.
- 7.19 Since the previous planning approval, the applicant has carried out more detailed survey work on the existing culvert which runs through the site which has identified that the culvert is situated further west than previously shown. As a result, the position of the east elevation of the new build block has been repositioned to allow a sufficient distance from the culvert.

- 7.20 In addition, the applicants have advised that the previously approved scheme proposed the reconstruction of the culvert to provide additional site area for parking and cycles. Further, detailed investigation of the culvert has ascertained that the rebuilding of the culvert is unlikely to be supported by the Environment Agency and that, in any event it would be prohibitively expensive to do so. The scheme, as currently proposed, retains the culvert on existing alignment.
- 7.21 The application is supported by a Flood Risk Assessment which has been amended to address the concerns of the relevant drainage bodies. Subject to conditions proposed, the Environment Agency and Lead Local Flood Authority are satisfied that the development will not lead to any increased flood impacts, and would not adversely affect proposed occupiers and, therefore, raise no objection. In relation to the exceptions test it is considered that the development would provide wider sustainability benefits to the community in bringing a disused building back into use which would enhance the character and appearance of the area and would also provide much needed housing.

Noise

- 7.22 The NPPF seeks to ensure that development is appropriate for its location in respect of pollution and contamination and impacts of noise arising from development are minimised. Policies S10 and BN9 of the JCS seek to ensure new development minimises pollution from noise, air and run off.
- 7.23 The site is bound to the west and north by established industrial units some of which are known to operate on a 24 hour basis. A Noise Assessment has been submitted in support of the application. The report acknowledges that, on the basis of previous reports submitted relating to development of the site, the significant environmental noise impacting the site comes from the adjacent Eagle Wilcox factory at the northern end of the site. However, it should be noted that there are no restrictions on the units to the rear of the site and therefore, there is the potential for any of the units to operate on a 24 hour basis.
- 7.24 The previously approved scheme accepted that there would be the potential for noise impacts from the adjacent commercial units on both the converted building and proposed new building. However, it was considered this could be appropriately mitigated through the use of appropriate glazing and mechanical ventilation, and a scheme to agree noise mitigation details was conditioned accordingly.
- 7.25 The current scheme would extend the new build element closer to the commercial building to the north of the site by approximately 9m to that previously approved. The scheme has been amended to predominantly provide an internal corridor facing towards commercial units to the west of the site to reduce the extent of habitable room windows on this elevation. Notwithstanding this, Units 8, 9 and 10 of the proposed new build would have habitable room windows facing towards commercial units with a greater potential to be affected by noise arising from surrounding uses.
- 7.26 Environmental Health, following further discussions with the applicant to advise of the level of likely mitigation required to some of the units, has no objection subject to an appropriate scheme of noise mitigation being secured by condition for habitable room windows which would incorporate the need to install alternative forms of ventilation providing an alternative option to occupiers other than opening windows.
- 7.27 Whilst it is acknowledged that the relationship of the development with adjacent commercial units is not ideal, this needs to be balanced with the consideration that the site has been vacant for some considerable time and has not come forward for development. The applicant has advised that the new build element is required to improve the viability of the scheme, albeit viability still remains an issue as discussed later in this report. Subject to the condition proposed, it is considered that appropriate mitigation could be achieved to negate the potential noise impacts from adjoining land such that an acceptable level of amenity would be provided

Ecology

- 7.28 Section 15 of the NPPF seeks to ensure that planning decisions contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. If significant harm to biodiversity resulting from development cannot be avoided, or adequately mitigated, planning permission should be refused. Policy BN2 of the JCS seeks to ensure development maintains and enhances existing designations or delivers a net gain in biodiversity, with appropriate weight attached to the status of any sites affected.
- 7.29 The application is supported by an Ecological Assessment. The report identifies that the Barker building and culvert have the potential for the presence of bats. The survey indicated that there were no bats present in the building, with the culvert having moderate hibernating potential for bats, and the site used by a low number of bats for commuting and foraging. The report recommends pre-cautionary emergence re-entry surveys prior to refurbishment in respect of the existing building, the inspection of the culvert for the presence of bats by a suitably qualified ecologist prior to any culvert works, and controls in respect of light spillage throughout the site in respect of foraging and commuting bats.
- 7.30 The County Ecologist raises no objection subject to agreeing an appropriate method statement to ascertain the presence of and appropriate mitigation in relation to any bats on site prior to any demolition taking place, and a condition to agree the details of external lighting.

Air Quality

- 7.31 The application site is not within an Air Quality Management Area (AQMA), however, in accordance with the recommendations of the Council's Low Emissions Strategy, the application proposes the installation of 8 electric vehicle (EV) charging points on site. Public Protection are satisfied this meets the necessary requirements, and a condition is proposed for the submission of a scheme to be agreed for the provision of EV charging points.

Affordable Housing, Section 106 Obligations and CIL

- 7.32 Paragraph 54 of the NPPF advises that Local Planning Authorities should consider whether unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.
- 7.33 Paragraph 57 of the NPPF advises that the weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances, including whether the plan and the viability evidence underpinning is up-to-date.
- 7.34 Paragraph 64 of the NPPF advises that at least 10% of the homes in major housing developments should be available for affordable home ownership. Policy H2 of the JCS requires the provision of 35% affordable housing, subject to the assessment of viability, to be provided as an integral part of the development with a tenure to reflect local housing need.
- 7.35 The previous development proposal for the site was subject to a viability assessment which demonstrated that the scheme was unable to support the provision of any affordable housing or S106 contributions. Committee in September 2017 to grant planning approval without any affordable housing provision or S106 requirements.
- 7.36 In respect of the current scheme, a further viability report has been produced on behalf of the applicant that advises that development of the site as proposed would result in a profit margin of 11%. The development includes abnormal costs arising from contamination, structural alterations to convert the building and noise mitigation.
- 7.37 The viability report has been assessed by an independent consultant on behalf of the Council. The report advises that the assumed 11% profit is substantially below that referred to in NPPF guidance in the order of 15-20%, depending on the risk of the scheme. The assessment

concludes that assumptions made in the submitted report are fair and reasonable, and that a policy compliant scheme, providing affordable housing and S106 requirements is not viable. Any CIL due would have to be paid at the expense of profit.

- 7.38 Based on this assessment, it is considered that would not be reasonable to require any affordable housing provision on the site, or S106 contributions, which would make the scheme unviable and therefore undeliverable.
- 7.39 The County Council has requested a financial payment towards the provision of primary education within the vicinity. A request for fire hydrants and financial contributions towards libraries has also been made, however, there is no policy basis for this and it is not clear how they would conform with the statutory tests set out in CIL Regulation 122. No response has been received from the consultation to the relevant healthcare authorities in respect of healthcare provision.
- 7.40 A further requirement is for the provision of construction training and the Council's monitoring fees. These requests would normally satisfy the tests as set out above and the payments as requested would be required to be made, to be secured through a legal agreement.
- 7.41 However, the above contributions are also subject to the viability assessment as discussed above. Given that conclusions of the viability assessment, the requirement for any contributions would result in the development being unviable and the site remaining undeveloped for a further period. This is a material consideration in determining the planning application.
- 7.42 The development would be subject to CIL payments, the payments of which would be considered against the relevant categories of the Council's Regulation 123 which includes Secondary Education.

8 CONCLUSION

- 8.1 The proposal would bring about the development of a derelict building in a prominent location. The renovation of which would enhance and make a positive contribution to the character and appearance of the surrounding area. The site is in a sustainable location with good access to the town centre and public transport and the development would make a positive contribution to the Council's 5-year housing supply. The development would not lead to any unacceptable adverse impacts on existing highway or flood conditions, existing or proposed residential amenity, or adjacent land uses.
- 8.2 It is considered that it has been satisfactorily demonstrated that the scheme would not be viable if any affordable housing or the level of S106 contributions required is applied, however the scheme would be subject to CIL payments. This consideration needs to be weighed against the benefits of bringing a derelict building back into use in an area where there is a high degree of crime and anti-social behaviour and the positive contribution that the development would make towards the character and appearance of the area in addition to the provision of much need housing. On balance it is considered that the environmental and social benefits of the proposal outweigh the harm identified above and the application is therefore recommended for approval.

9 CONDITIONS

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

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

2) Details of all proposed external facing materials including window, door and balcony/balustrade details shall be first submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and to ensure that the development will harmonise with its surroundings in accordance with Policy H1 & S10 of the West Northamptonshire Joint Core Strategy.

3) Prior to the occupation of the development hereby permitted, full details of all external lighting shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented prior to the first occupation of the development hereby permitted and retained thereafter.

Reason: To secure a satisfactory standard of development in accordance with Policy H1 & S10 of the West Northamptonshire Joint Core Strategy.

5) Prior to occupation, a detailed scheme of hard and soft landscaping for the site, including measures for screen planting along the western boundary of the site adjacent to the industrial units, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy.

6) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner, and which shall be maintained for a period of five years; such maintenance to include the replacement in the current or nearest planting season whichever is the sooner or shrubs that may die are removed or become seriously damaged or diseased with others of similar size and species.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy.

7) Notwithstanding the submitted details, full details of the method of the treatment of the external boundaries of the site, including access gates, shall be submitted to and approved in writing by the Local Planning Authority, implemented prior to the first occupation of the buildings hereby permitted and retained thereafter.

Reason: To ensure that the boundaries of the site are properly treated so as to secure a satisfactory standard of development in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy.

8) The access, access gates, car parking, cycle parking provision and bin storage shall be laid out in accordance with the details shown on drawing no. FPD_600 Rev G prior to occupation of the development hereby permitted and retained thereafter.

Reason: To ensure a satisfactory standard of development in accordance with the requirements of Policy S10 of the West Northamptonshire Joint Core Strategy.

9) Prior to occupation of the development hereby permitted, a scheme for the mitigation of external noise impacts from adjacent employment uses on the proposed residential units comprising Barker Building Apartment 1-9 (inclusive), north facing windows of Apartment 10, Apartment 19-25 (inclusive), Apartment 26 north facing windows, Apartment 34-40 (inclusive), Apartment 41 north facing windows, and South facing windows of Apartment 8, west facing and north facing windows of Apartment 9, west, north and south facing windows of Apartment 10 as shown on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include glazing specifications and details of mechanical ventilation. The scheme shall be implemented in accordance with the approved details prior to occupation of the above units and retained thereafter throughout the lifetime of the development hereby permitted.

Reason: In the interests of the amenity of the proposed occupiers of the residential units and to protect adjacent employment uses in accordance with the requirements of Policy BN9 of the West Northamptonshire Joint Core Strategy and the aims and objectives of the NPPF.

10) Notwithstanding the submitted details, prior to the commencement of development a Construction Environment Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved plan, which shall include:

- The control of noise and dust during the development process;
- Traffic management and signage during construction;
- Provision for all site operatives, visitors and construction vehicles loading, parking and turning within the site during the construction period;
- Arrangements during the construction period to minimise the deposit of mud and other debris on to the adjacent highway;
- The safe means of access of construction traffic to the site;
- Routing agreement for construction traffic; and
- The hours in which deliveries and construction works would take place.

Reason: In the interests of securing a satisfactory impact upon the highways system and neighbour amenity in accordance with the requirements of the National Planning Policy Framework. This condition is required pre-commencement to ensure that such details are agreed in a timely manner.

11) The development hereby permitted shall be carried out in accordance with the schedule of approved plans.

Reason: For the avoidance of doubt and to accord with the terms of the planning application.

12) The development shall be carried out in accordance with the levels details as shown on drawing no. 5357-45 'Flood Volumes Site Plans and drawing no. 5357-41 Rev B 'Surface Water Drainage Strategy Plan'.

Reason: In the interests of surrounding amenity and to ensure a satisfactory standard of development in accordance with the requirements of Policies S10 and H1 of the West Northamptonshire Joint Core Strategy and the aims of the National Planning Policy Framework.

13) Prior to occupation of the development hereby permitted, a scheme for the provision of 8 electric vehicle charging points on site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby permitted.

Reason: In the interests of improving air quality and reducing greenhouse gases in accordance with the requirements of Policies S10 and S11 of the West Northamptonshire Joint Core Strategy and the NPPF.

14) Before any above ground works commence, full details of the surface water drainage scheme for the site, based on the approved Flood risk assessment and surface water drainage strategy, ref. no. 5357 R003A FRA dated August 2019 prepared by BCAL Consulting shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include:

i) Details (i.e. designs, diameters, invert and cover levels, gradients, dimensions and so on) of all elements of the proposed drainage system, to include pipes, inspection chambers, outfalls/inlets and attenuation structures (if required).

- ii) Details of the drainage system are to be accompanied by full and appropriately cross-referenced supporting calculations.
- iii) Cross sections of the control chambers (including site specific levels mAOD) and manufacturers' hydraulic curves for all hydrobrakes and other flow control devices.
- iv) Full details of the surface water drainage pump.

Reason: To reduce the risk of flooding both on and off site in accordance with the NPPF and Policy BN7 of the West Northamptonshire Joint Core Strategy by ensuring the satisfactory means of surface water attenuation and discharge from the site.

15) No occupation shall take place until a detailed scheme for the ownership and maintenance for every element of the surface water drainage system proposed on the site has been submitted to and approved in writing by the Local Planning Authority and the maintenance plan shall be carried out in full thereafter.

Details are required of which organisation or body will be the main maintaining body where the area is multifunctional (e.g. open space play areas containing SuDS) with evidence that the organisation/body has agreed to such adoption. The scheme shall include:

- i) a maintenance schedule setting out which assets need to be maintained, at what intervals and what method is to be used.
- ii) A site plan including access points, maintenance access easements and outfalls.
- iii) Maintenance operational areas to be identified and shown on the plans, to ensure there is room to gain access to the asset, maintain it with appropriate plant and then handle any arisings generated from the site.
- iv) Details of expected design life of all assets with a schedule of when replacement assets may be required.

Reason: To ensure the future maintenance of drainage systems associated with the development in the interests of flood prevention in accordance with the requirements of the NPPF and Policy BN7 of the West Northamptonshire Joint Core Strategy.

16) No Occupation shall take place until a Verification Report for the installed surface water drainage system for the site based on the approved Flood risk assessment and surface water drainage strategy, ref. no. 5357 R003A FRA dated August 2019 prepared by BCAL Consulting has been submitted in writing by a suitably qualified independent drainage engineer and approved by the Local Planning Authority The details shall include:

- i) Any departure from the agreed design is keeping with the approved principles
- ii) Any As-Built Drawings and accompanying photos
- iii) Results of any Performance testing undertaken as a part of the application process (if required / necessary)
- iv) Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc.
- v) Confirmation that the system is free from defects, damage and foreign objects.

Reason: To ensure the installed surface water drainage system is satisfactory and in accordance with the approved details in the interests of flood prevention in accordance with the requirements of the NPPF and Policy BN7 of the West Northamptonshire Joint Core Strategy.

17) The development shall be carried out in accordance with the submitted flood risk assessment (BCAL 5357 R003A FRA dated August 2019) and the following mitigation measures therein and retained throughout the lifetime of the development:

- Finished floor levels of the apartments within the Barker Building shall be set no lower than 65.770 metres above Ordnance Datum (AOD)
- Finished floor levels of the new apartment block shall be set no lower than 65.475 metres above Ordnance Datum (AOD)

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with the requirements of Policy BN7 of the West Northamptonshire Joint Core Strategy.

18) Notwithstanding the submitted details, no development shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall include the following components:

1. A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure the effective investigation and remediation of contaminated land sites and in the interests of health and safety and the quality of the environment in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy. This is a pre-commencement condition to ensure timely submission of details.

19) Prior to any part of the permitted development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure the effective investigation and remediation of contaminated land sites and in the interests of health and safety and the quality of the environment in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.

20) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To ensure the effective investigation and remediation of contaminated land sites and in the interests of health and safety and the quality of the environment in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.

21) No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the Local Planning authority. Any proposals for such systems must be

supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants Policy BN9 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

22) Prior to commencement of development (including demolition) a Bat Method Statement in accordance with the recommendations of Bat Survey Report – Emergence Survey, Automated Detector Survey and Culvert Inspect by Tim Moya Associates dated August 2019 (reference: 190612-ED-02) shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved detail.

Reason: In the interests of the preservation of ecological interests in accordance with the requirements of Policy BN2 of the West Northamptonshire Joint Core Strategy and the NPPF. This is a pre-commencement condition to ensure timely submission of details.

10 BACKGROUND PAPERS

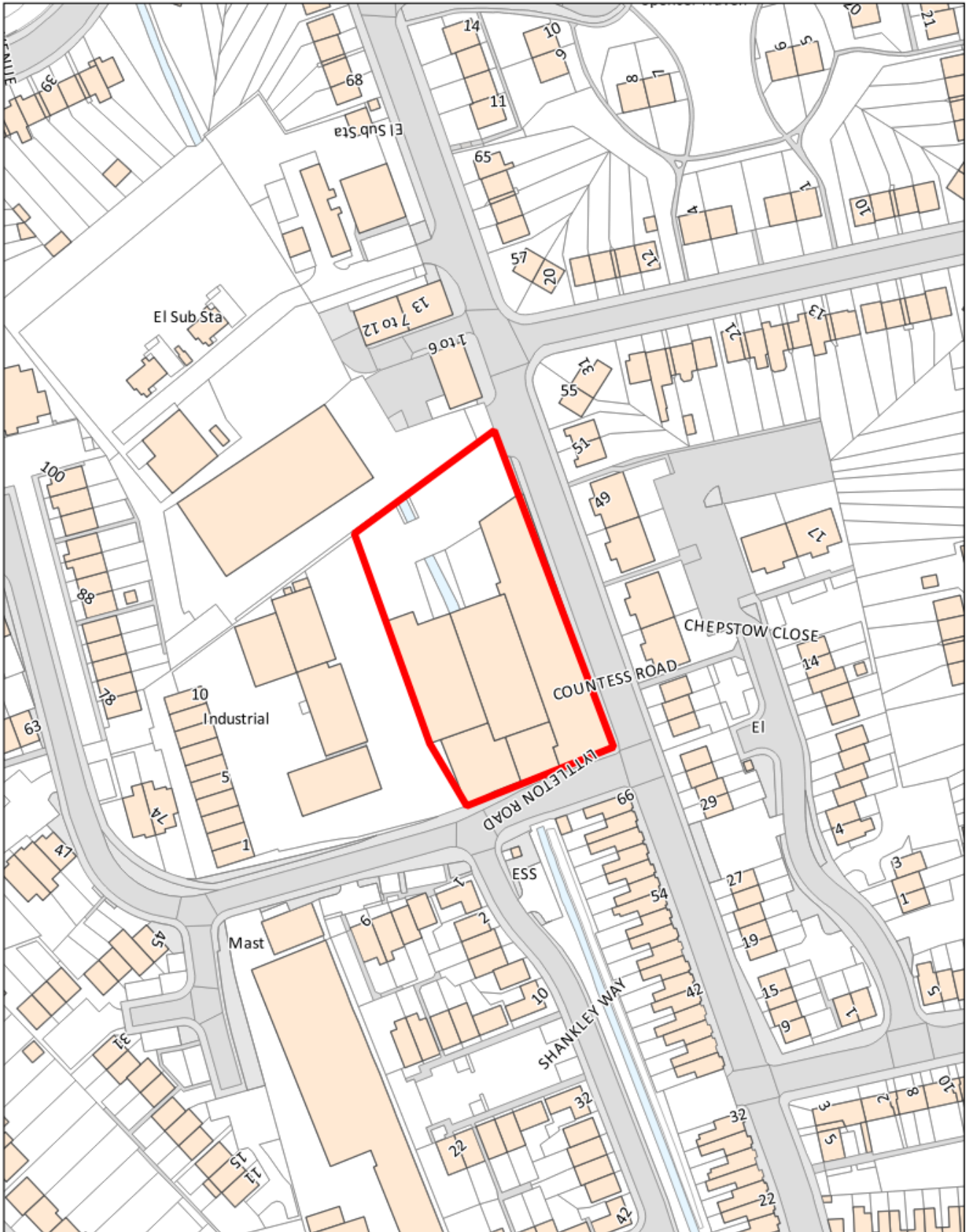
10.1 N/2019/0563.

11 LEGAL IMPLICATIONS

11.1 The development is CIL liable.

12 SUMMARY AND LINKS TO CORPORATE PLAN

12.1 In reaching the attached recommendations regard has been given to securing the objectives, visions and priorities outlined in the Corporate Plan together with those of associated Frameworks and Strategies.



NORTHAMPTON
BOROUGH COUNCIL

Title: **Barker Buildings, Countess Road**

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Date: 11-09-2019

Scale: 1:1,250

Drawn by: -----



PLANNING COMMITTEE: 24th September 2019
DEPARTMENT: Planning Service
HEAD OF PLANNING: Peter Baguley

APPLICATION REF: N/2019/0596

LOCATION: Land rear of 9, 10 and 11 Thorburn Road

DESCRIPTION: 3no new dwellings with garages and new access road (Amendments to planning permissions N/2017/1384 & N/2016/1473)

WARD: Park Ward

APPLICANT: Cornerstone 2 Limited
AGENT: Archi-tec Architectural Design

REFERRED BY: Councillor Mary Markham
REASON: Concerned about relationship with adjacent properties

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1 RECOMMENDATION

1.1 **APPROVAL** subject to the conditions as set out below and for the following reason:

The site is located in an established residential area where residential development is considered acceptable in principle and would contribute towards the Council's 5 Year Land Supply. The siting, design and scale as proposed are considered acceptable and subject to the conditions below, would not lead to any undue impact on the character of the surrounding area, proposed residential and neighbouring amenity, trees or highway safety in accordance with the aims and objectives of the National Planning Policy Framework. Policies SA, S1, S10, H1, BN3, BN7 and BN9 of the West Northamptonshire Joint Core Strategy and Policies E20 and H10 of the Northampton Local Plan.

2 THE PROPOSAL

2.1 Full planning permission is sought for the erection of three, two storey detached 4-bedroom dwellings to the rear of Nos. 9, 10 and 11 Thorburn Road with vehicular and pedestrian access between the sides of numbers 9 and 10. The proposal also includes off-road parking spaces for each dwelling adjacent to a turning space for emergency and refuse vehicles. Plots 1 and 2 would have four on plot parking spaces plus a double garage each, and Plot 3, three parking spaces plus a double garage.

- 2.2 The proposed dwellings would be of modern design comprising ridge heights averaging 7.5 metres above ground level (two plots at 7.3m and one at 7.9m) with attached single storey garages to the side.
- 2.3 The dwellings would be constructed in brick in order to complement the existing properties on Thorburn Road.

3 SITE DESCRIPTION

- 3.1 The application site comprises the rear gardens of Nos. 9, 10 and 11 Thorburn Road, 2-storey properties each with gardens over 60 metres long. The site is of varying topography with the land, sloping upwards away from the rear of Nos. 9, 10 and 11 Thorburn Road situated to the east of the application site.
- 3.2 The site is located in a quiet residential estate of mainly detached dwellings set within long plots. The surrounding properties are mainly two storey in form and generally of modern brick built construction.
- 3.3 There are a number of examples of back land development in the vicinity of the site to the rear on Church Way and on Neale Close. The south west and rear of the proposed development would face the back of the existing residential properties on Church Way. To the immediate north of Plot 3 is a single storey dwelling, 2a Neale Close. To the north east is another dwelling, 12 Thorburn Road and to the south east, 8 Thorburn Road.
- 3.4 There are a number of young trees on the site, although none are protected by preservation orders. Parking is provided off road in existing garages and on driveways. The site does not fall within a conservation area and is in a low risk flood zone.

4 PLANNING HISTORY

- 4.1 Planning permission was granted (LPA reference N/2016/1473) for two detached dwellings to the rear of Nos. 9 and 10 Thorburn Road in April 2017. A later outline planning application was approved under N/2017/1384 for a single detached dwelling on the rear garden of No. 11. Neither of these have been implemented and are still extant planning permissions (see Paragraph 8.18).

5 PLANNING POLICY

Statutory Duty

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted West Northamptonshire Joint Core Strategy (2014) and Northampton Local Plan (1997) saved policies.

National Policies

- 5.2 The National Planning Policy Framework (NPPF) sets out the current aims and objectives for the planning system and how these should be applied. In delivering sustainable development, decisions should have regard to the mutually dependent social, economic and environmental roles of the planning system. The NPPF should be read as one complete document. However, the following sections are of particular relevance to this application:

Paragraphs 7-12 - Presumption in favour of sustainable development.

Paragraph 60 - Housing needed for different groups in the community.

Paragraph 127 - Create places with a high standard of amenity for existing and future users.

Section 8 - Promoting healthy and safe communities.

Section 9 - Promoting sustainable transport

Section 12 - Achieving well-designed places.

5.3 **West Northamptonshire Joint Core Strategy (2014)**

The West Northamptonshire Joint Core Strategy (JCS) provides an up to date evidence base and considers the current Government requirements for plan making as it has been prepared in full conformity with the NPPF. Policies of particular relevance are:

SA Presumption in Favour of sustainable development
S1 Distribution of Development
S10 Sustainable Development Principles
BN3 Trees
H1 Housing Design, Density and Mix
BN7 Flood Risk
BN9 Planning for Pollution Control

5.4 **Northampton Local Plan 1997 (Saved Policies)**

Due to the age of the plan, the amount of weight that can be attributed to the aims and objectives of this document are diminished, however, the following policies are material to this application:

E20 Design of new development
H10 Back land development

5.5 **Supplementary Planning Documents**

Northamptonshire Parking Standards (September 2016)
Planning out Crime in Northamptonshire SPG 2004

6 **CONSULTATIONS/ REPRESENTATIONS**

Comments received are summarised as follows:

6.1 **NBC Public Protection** - No objection to site layout subject to standard condition for unexpected contamination and consideration given to working hours for construction sites.

6.2 **NBC Tree Officer** - The tree protection plan provided by the applicant shows the position of some protective fencing which is to be welcomed around trees to be retained. The arboricultural method statements lacks detail. Recommend a pre-commencement planning condition for tree protection measures.

6.3 **NBC Building Control** - Advised that the applicant should demonstrate that a Fire Engine can manoeuvre on site to allow satisfactory access in event of emergency. Advise that proposed access is considered acceptable.

6.4 **Northamptonshire Highways** - No objections.

6.5 **Councillor M Markham** - calls the application in to Planning committee due to impact on existing stone wall at rear of site and lack of detail in relation to other properties.

6.6 4 objections received. Comments are summarised as follows:

- Over-development
- Loss of privacy
- Impact on stone wall at rear of site
- Increase in traffic and parking
- Choice of windows need revising

- Lack of detail on plans
- Impact on visual amenity
- Precedent
- Ground instability
- Impact on trees
- Noise
- Pollution
- Loss of light
- Overlooking
- Visual impact
- Contrary to covenant on property
- Impact of mass and height

6.7 One letter of support received advising that the project is nicer than that previously applied for.

7 APPRAISAL

Main issues

7.1 The main issues for consideration are the principle of residential development in this location, impact on appearance and character of the area, residential amenity, the effect on neighbouring amenity, parking /access, impact on existing trees and drainage.

Principle of residential development

7.2 The National Planning Policy Framework (NPPF) advises that applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework places considerable importance on the need to have an up-to-date development plan and, that where the development plan is out of date, Local Planning Authorities are advised to grant planning permission unless any adverse impacts of doing so would demonstrably outweigh the benefits, when assessed against the policies of the Framework as a whole. Paragraph 8 of the NPPF seeks to ensure the planning system maintains the provision of a sufficient number and range of homes to meet the needs of present and future generations.

7.3 Paragraph 11 of the NPPF advises that relevant policies for housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year housing land supply which is currently the case for the Borough. Therefore, in accordance with the presumption in favour of sustainable development, as outlined in Paragraph 11, development should be permitted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

7.4 The application site is located in an established residential area and development of the site for residential use would comply with the requirements of Policy S1 of the Joint Core Strategy, which requires that development should be concentrated primarily in and adjoining the principal area of Northampton. In addition, the development of the site for three dwellings would contribute, albeit on a small scale, towards the Council's housing supply.

Design and impact on the appearance and character of the wider area

7.5 Policies S10 and H1 of the Joint Core Strategy and Saved Policy E20 of the Northampton Local Plan place importance on the quality of design of new developments and is in conformity with the NPPF which advises that planning should always seek to secure high quality design.

The proposed three dwellings would be located to the rear of the dwellings and rear gardens of Nos. 9, 10 and 11 Thorburn Road, and would not be particularly visible from Thorburn Road being set back over 55 metres from the public highway. The front elevation of Plot 2 would be approximately 82 metres from Thorburn Road, and the effect on the street scene would therefore be very limited.

- 7.6 The surrounding area is varied in character with no clear pattern of house types or designs. The form, design and general appearance of the proposed dwellings are modern, but considered acceptable within the surrounding context, ridge heights and footprints being similar to other nearby dwellings. It is considered that the effect on the character of the area would be acceptable and any approval would be subject to a materials condition to ensure a satisfactory external appearance.
- 7.7 Due to the degree of site coverage, the proposal would not result in over-development of the plot. As cited above, there are currently several examples of back land development in close proximity to the application site on Neale Close and Church Way permitted in the last 15 years. The proposal is therefore considered to be in keeping with the character of the area and accords with Policies S10 and H1 of the Joint Core Strategy and Policy E20 of the Local Plan.

Amenity of future occupiers

- 7.8 Paragraph 127 of the National Planning Policy Framework seeks to ensure appropriate levels of amenity for future occupiers. This is reflected in Policy H1 of the Joint Core Strategy. All the proposed dwellings would have satisfactory light and outlook via windows openings and be served by reasonably sized private amenity spaces with adequate privacy mostly in excess of 7 metres in depth. Refuse storage would be agreed by condition.

Impact on amenity of other occupiers.

- 7.9 Although the proposed dwellings are significantly elevated, in relation to the existing dwellings at Nos. 9, 10 and 11 Thorburn Road, due to the separation distance of 27 metres at closest from the rear elevations of the nearest property, it is considered that the effect upon these occupiers would be acceptable in terms of overlooking, loss of light, outlook and visual dominance.
- 7.10 The use of the access would generate additional comings and goings adjacent to Nos. 9 and 10 compared to the existing situation, however it is considered that given that the number of additional daily vehicle movements this would not be excessive in terms of noise and disturbance.
- 7.11 Due to the separation of approximately 24 metres from Plot 3 to the rear main wall of No. 12 Thorburn Road, the effect would also be viewed as acceptable despite there being some difference in ground level apparent. In respect of No. 8 Thorburn Road, Plot 1 is at closest 19 metres from this neighbour and due to the separation and general relationship, the effect is considered to be acceptable.
- 7.12 In terms of number No. 2a Neale Close which is located to the immediate north west of Plot 3, this neighbour consists of a single storey dwelling with its side wall facing towards Plot 3. This neighbouring property has an attached garage in direct line with the proposed garage to Plot 3, and there are also some habitable room windows further along the side elevation of No. 2a including a study, toilet and kitchen which face towards the application site. No upper floor side windows are proposed which would directly overlook this occupier and, due to the relationship involved, the effect is considered to be acceptable, the main effect being on a non-habitable space (garage). Furthermore, despite the proximity to this neighbouring boundary, Plot 3 is at a significantly lower ground level being approximately 2 metres lower, and is separated by existing boundary planting. The nearest aspect of Plot 2 in relation to No. 2a Neale Close is the rear elevation of the proposed single storey garage which is nearly 13 metres at closest from the side wall of this neighbouring property. Due to the separation, and that no windows are proposed facing directly towards the side elevation of this neighbouring property, it is not considered the proposal would lead to any undue adverse impact on the amenity of this neighbouring property.
- 7.13 Turning to the properties at the rear of the site on Church Way, it is acknowledged that there would be some loss of amenity to these neighbours to that which currently exists. However, the separation is in excess of 25 metres from proposed first floor habitable room windows to the nearest rear ground floor habitable room windows of these neighbouring properties. As such, it is

not considered that the proposal would result in unacceptable levels of overlooking to Nos. 61a, 61b, 63a and 63b. There is also a tall hedge between the rear of Plot 2 and 61b Church Way which would act as a visual screen and is proposed for retention. Notwithstanding this, if the hedge were to be removed at a later date, the distance between properties would still be considered reasonable. Being sited on the north east of these properties, it is unlikely that there would be significant over shadowing due to the orientation of the sun. Conditions would be secured removing permitted development rights for future additional windows and extensions.

- 7.14 In respect of proposed building heights, compared to the previous planning permission (N/2016/1473) the previously approved two dwellings to the rear of Nos. 9 and 10 Thorburn Road were a maximum of 7.9m high, and the more recently approved dwelling in outline” at the rear of 11 Thorburn Road was conditioned at a ridge height of 7 metres.
- 7.15 The proposed dwellings would comprise ridge heights averaging 7.5 metres above ground level (two plots at 7.3m and one at 7.9m). Therefore, the proposed scheme would be of comparable ridge heights to that previously approved.
- 7.16 In terms of the relationship between the three proposed dwellings, the separation is such between windows that the impact is considered acceptable

Parking and Highways

- 7.17 The shared access road is sited between the flank walls of Nos. 9 and 10 Thorburn Road and is considered of a standard acceptable to the Local Highway Authority. A minimum of three off-road parking spaces would be provided for each dwelling complying with the Highway Authority’s Parking Standards (2016). The existing properties would still retain off-road parking on their driveways. The applicant has demonstrated that a fire appliance can safely manoeuvre on site through a track analysis. The Highway Authority raises no objection and it is considered the proposal would not lead to any adverse highway impacts and is compliant with Paragraphs 108 and 109 of the NPPF which require safe and suitable access to development sites and advise that development should only be refused on highway grounds if the highway impacts would be severe.

Trees and Landscaping

- 7.18 There are a number of trees on site, none of which are protected and it is the applicant’s intention to retain some of these. A Tree Protection Plan has been provided which shows the position of protective fencing to be installed during construction. The Council’s Tree Officer is satisfied that appropriate tree protection measures can be agreed by condition. A landscaping condition would also be secured to allow the development to assimilate with its surroundings in accordance with the aims of the National Planning Policy Framework and Policies BN3 and S10 of the Joint Core Strategy.

Drainage and Flood Risk

- 7.19 The site is in a low risk flood zone where flooding is unlikely to pose a significant concern. The applicant intends to dispose of surface water drainage via a soakaway and sustainable drainage system. Precise drainage would be dealt with under Part H of the Building Regulations. As such, it is not considered the proposal would lead to any unacceptable impacts in respect of surface water drainage in accordance with Policy BN7 of the Joint Core Strategy.

Land Contamination

- 7.20 Public Protection raise no objection subject to a condition being secured in relation to the control of any unsuspected contamination on site. This accords with Policies BN9 and S10 of the Joint Core Strategy.

Other issues

- 7.21 Concern has been raised by a third party over ground instability although this is more of a matter for Building Regulations. The applicant has also confirmed that the existing rear stone boundary wall would be retained and due to the separation of 8.5 metres at closest with this feature, it is unlikely that its long term stability would be compromised. Covenants are a legal matter outside the control of planning. In terms of precedent, each application is considered on their own merits. In response to Public Protection comments in respect of construction hours, these can be controlled under separate legislation.
- 7.22 As stated above, the site has been subject to other residential planning applications in the last 3 years, one for two, two storey dwellings approved under N/2016/1473 and one two storey dwelling approved to the rear of 11 Thorburn Road under N/2017/1384. It is noted that these two permissions are still extant and the former can be implemented while the latter would require submission of “reserved matters” approval before it can be built out. It is worth observing that the impact of the established planning permissions would be similar to the current proposal in terms of scale, roof heights and siting.

9 CONCLUSION

- 9.1 The principle of residential development is considered acceptable in this location being within an established residential area and would contribute towards the Council’s 5 Year Housing Land Supply. The design, access and impact on amenity of the area is considered acceptable and the proposal is considered to be in accordance with the above policies and therefore recommended for approval subject to the conditions below.

10 CONDITIONS

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

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

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: C74-14A, C74-15A, C74-11C, C74-12A, C74-13A, C74/10B, C74-16, 15968-TOPO, 1215/2304/1

Reason: For the avoidance of doubt and to accord with the terms of the planning application

- 3) The materials used shall comprise Imperial Old Jacobean Multi Bricks and Forticrete Gemini roof tiles.

Reason: In the interests of visual amenity and to ensure that the development will harmonise with its surroundings in accordance with Policy E20 of the Northampton Local Plan and Policy S10 of the West Northamptonshire Joint Core Strategy.

- 4) Notwithstanding the submitted details, prior to the occupation of the development hereby permitted, full details of the method of the treatment of the external boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority, implemented prior to the first occupation of the development hereby permitted and retained thereafter.

Reason: To ensure that the boundaries of the site are properly treated so as to secure a satisfactory standard of development in accordance with Policy E20 of the Northampton Local Plan.

- 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions shall be erected or installed to the dwellings hereby permitted.

Reason: In the interests of residential amenity and to prevent overdevelopment of the site in accordance with Policy E20 of the Northampton Local Plan Policy S10 of the West Northamptonshire Joint Core Strategy

- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no additional windows or dormers shall be installed to the dwellings hereby permitted.

Reason: In the interests of residential amenity and to prevent overdevelopment of the site in accordance with Policy E20 of the Northampton Local Plan Policy S10 of the West Northamptonshire Joint Core Strategy

- 7) The parking spaces shown on the approved plan shall be constructed prior to the first occupation of the dwellings hereby approved and retained thereafter for the sole purpose of parking associated with the approved dwellings.

Reason: To ensure that the proposed development does not prejudice the free flow of traffic or conditions of highway safety in accordance with the National Planning Policy Framework.

- 8) Prior to any operations commencing on site, including demolition, clearance or other preparatory works, an arboricultural method statement for the protection of retained trees on site written in accordance with BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations, shall be submitted for approval in writing by the Local Planning Authority. The method statement must include measures which seek to prevent damage or injury to retained trees or tree roots for the duration of the development, and those measures must be fully implemented before any operations commence and must be properly maintained for the duration of the development.

Reason: In order to protect and preserve existing trees within the site which are of amenity value to accord with Policy BN3 of the Joint Core Strategy.

- 9) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a detailed scheme of soft landscaping for the site.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy and the NPPF.

- 10) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner, and which shall be maintained for a period of five years; such maintenance to include the replacement in the current or nearest planting season whichever is the sooner or shrubs that may die are removed or become seriously damaged or diseased with others of similar size and species.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with the NPPF.

- 11) The access road shall be implemented in accordance with approved drawings prior to the first occupation of the development hereby permitted and retained as such throughout the lifetime of development.

Reason: In the interests of highway safety to comply with the aims and objectives of the National Planning Policy Framework.

- 12) In the event that unexpected contamination is found at any time when carrying out the development hereby approved, it must be reported immediately to the Local Planning Authority. Development works at the site shall cease and an investigation and risk assessment undertaken to

assess the nature and extent of the unexpected contamination. A written report of the findings shall be submitted to and approved by the Local Planning Authority, together with a scheme to remediate, if required, prior to further development on site taking place. Only once written approval from the Local Planning Authority has been given shall development works recommence.

Reason: To ensure that risks from land contamination to the future users of the development and neighbouring land are minimised in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.

- 13) Full details of the provision for the storage of refuse and materials for recycling shall be first submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the first occupation or bringing into use of the dwellings hereby permitted and thereafter retained.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy H1 of the West Northamptonshire Joint Core Strategy.

11 BACKGROUND PAPERS

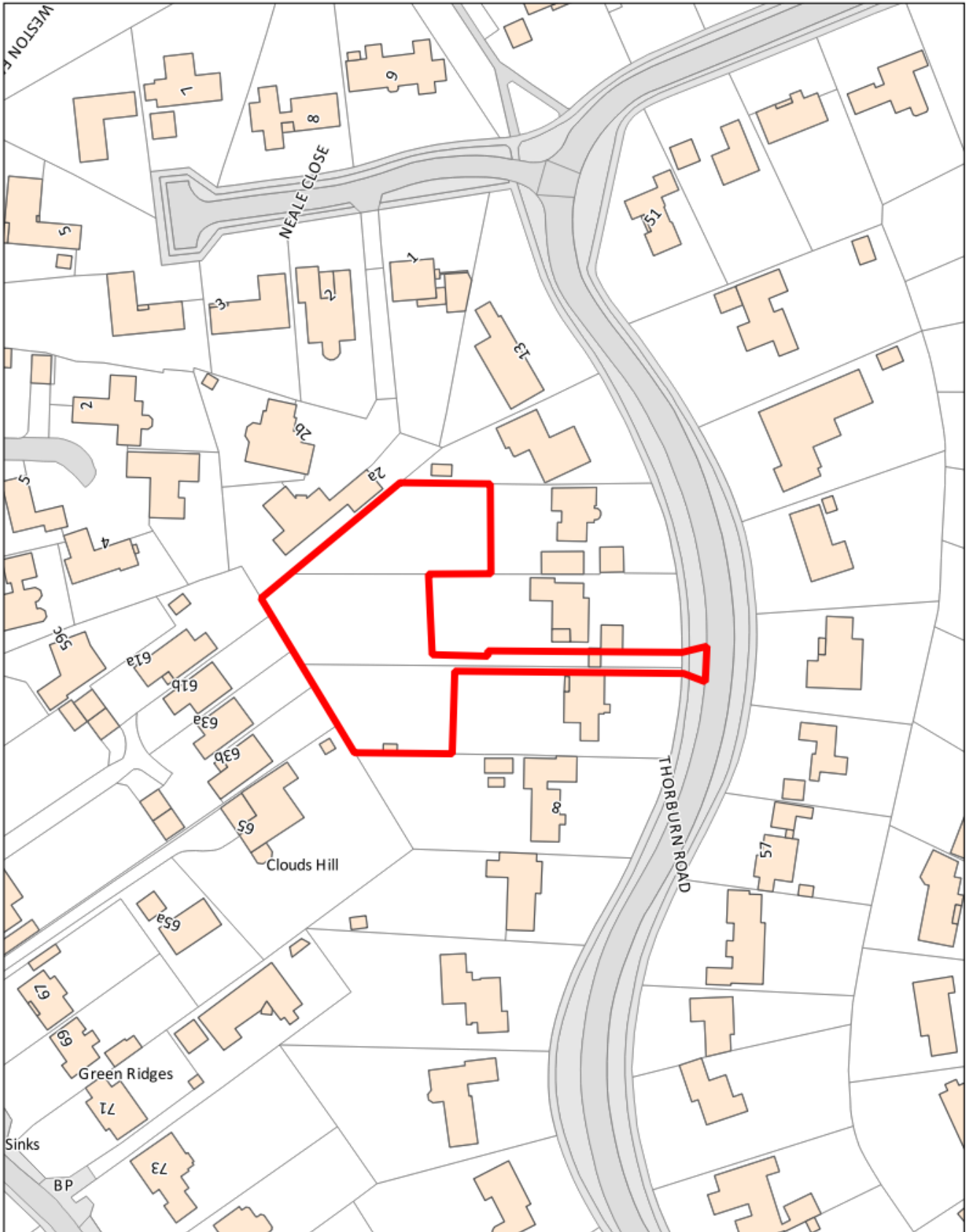
- 11.1 N/2019/ 0596.

12 LEGAL IMPLICATIONS

- 12.1 The development is CIL liable.

13 SUMMARY AND LINKS TO CORPORATE PLAN

- 13.1 In reaching the attached recommendations regard has been given to securing the objectives, visions and priorities outlined in the Corporate Plan together with those of associated Frameworks and Strategies.



Title: **Land rear of 9, 10 & 11 Thorburn Road**

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Date: 11-09-2019

Scale: 1:1,250

Drawn by: -----



PLANNING COMMITTEE: 24th September 2019
DEPARTMENT: Planning Service
HEAD OF PLANNING: Peter Baguley

APPLICATION REF: N/2019/0390

LOCATION: Garage 1 Lock Up Garages, Preston Court

DESCRIPTION: Demolition of 8no domestic lock up garages and construction of 3no new build units

WARD: Brookside Ward

APPLICANT: Northampton Partnership Homes
AGENT: Baily Garner LLP

REFERRED BY: Head of Planning
REASON: Council owned land

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1 RECOMMENDATION

1.1 **APPROVAL** subject to the conditions as set out below and for the following reason:

The proposal would contribute towards the Council's five year housing land supply and, as part of a balanced assessment, it is considered to be acceptable. As such, subject to conditions, no objections are raised with regards to the requirements of the National Planning Policy Framework, Policies S1, S10, H1, and BN9 of the West Northamptonshire Joint Core Strategy, and Saved Policy E20 of the Northampton Local Plan.

2 THE PROPOSAL

- 2.1 The application seeks full planning permission for the demolition of 8 existing garages and the erection of a terrace of 3 dwellings. 37 parking spaces are also proposed (an increase of 11 above that existing). The proposed terrace row would be positioned to fall in line with the existing terrace row to the north, and would have a width of 13.5 metres, a depth of 10.5 metres and a height of 8.3 metres.
- 2.2 During the course of the application the proposal has been amended, with the dwellings being rotated 90 degrees to complement the existing pattern of development and with the level of parking provision being increased.

3 SITE DESCRIPTION

- 3.1 The application site comprises a garage court, open parking area and an existing area of hardstanding (not accessible by vehicles) located within a residential area. The site is located on the northern end of Preston Court.

4 PLANNING HISTORY

- 4.1 None.

5 PLANNING POLICY

5.1 Statutory Duty

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted West Northamptonshire Joint Core Strategy (2014), and the Northampton Local Plan (1997) saved policies.

5.2 National Policies

The National Planning Policy Framework (NPPF) sets out the current aims and objectives for the planning system and how these should be applied. In delivering sustainable development, decisions should have regard to the mutually dependent social, economic and environmental roles of the planning system. The NPPF should be read as one complete document. However, the following sections are of particular relevance to this application:

Paragraphs 7-12 - Presumption in favour of sustainable development.

Paragraph 60 - Housing needed for different groups in the community.

Paragraph 127 - Create places with a high standard of amenity for existing and future users.

Section 8 - Promoting healthy and safe communities.

Section 9 - Promoting sustainable transport

Section 12 - Achieving well-designed places.

5.3 West Northamptonshire Joint Core Strategy (2014)

The West Northamptonshire Joint Core Strategy (JCS) provides an up to date evidence base and considers the current Government requirements for plan making as it has been prepared in full conformity with the NPPF. Policies of particular relevance are:

Policy S1 - The Distribution of Development

Policy S10 - Sustainable Development Principles.

Policy H1 - Housing

Policy BN9 - Planning for Pollution Control

5.4 Northampton Local Plan 1997 (Saved Policies)

Due to the age of the plan, the amount of weight that can be attributed to the aims and objectives of this document are diminished, however, the following policy is material to this application:

Policy E20 - New Development (Design)

5.5 Supplementary Planning Documents

Northamptonshire Parking Standards (September 2016)

Planning out Crime in Northamptonshire SPG 2004

6 CONSULTATIONS/ REPRESENTATIONS

Comments received are summarised as follows:

- 6.1 **NBC Public Protection** – No objection. Suggest conditions on contaminated land, vehicle charging points and boilers, and an informative on construction and demolition noise.
- 6.2 **NBC Arboricultural Officer** – Advise that trees T1, T5, T6, T7, T9, T10 are additionally acceptable to be removed to improve local amenity.
- 6.3 **Northamptonshire Police** – Narrow gap between garden fence and retaining wall creating a space for nuisance and inappropriate congregation. No overlooking of the parking. The rear fence line should be supplemented with a trellis topping.
- 6.4 **NCC Highways** – The addition of a kerb edge and dropped kerb to pedestrian footpath and the marking of the extent of the highway is required.
- 6.5 1 petition has been received with 324 signatures. This petition is titled 'Petition to stop Northampton Partnership Homes building new houses in Lumbertubs' and relates to 7 sites. The reason outlined is the concern with the loss of garages due to an existing parking problem, and the exacerbation of this parking problem as a result.

7 APPRAISAL

Principle of development

- 7.1 The application site is in a residential area within the urban area of Northampton and therefore development of the site for residential purposes is acceptable in principle under Policy S1 of the Joint Core Strategy.
- 7.2 It is also the case that the Council cannot presently demonstrate a five year housing land supply. Therefore, in accordance with the presumption in favour of sustainable development in Paragraph 11 of the NPPF, development should be permitted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The development of the site for housing would contribute, albeit on a small scale, towards the Council's housing supply with associated social and economic benefits and this therefore weighs in favour of the proposal.

Design

- 7.3 Saved Policy E20 of the Northampton Local Plan and Policy H1 of the Joint Core Strategy place great importance on the quality of design of new developments and is in conformity with the NPPF which advises that planning should always seek to secure high quality design. The application site comprises a garage court set in the middle of a residential estate and would comprise the re-use of brownfield land, which is encouraged under the NPPF.
- 7.4 The application proposes a terrace row of three properties. These properties would be two storey with tile hanging at first floor to match the surrounding character. The dwellings would be orientated to follow the existing row of terraces to the north. It is considered that the proposed dwellings would complement the existing character and appearance of the area and as such would be acceptable in design terms.

Amenity

- 7.5 Saved Policy E20 of the Northampton Local Plan, Policy H1 of the Joint Core Strategy and the NPPF all seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 7.6 To the north of the proposed terrace row is number 10 Preston Court which does not contain any windows facing the proposed dwellings. In line with this it is not considered that there would be an

unacceptable impact upon the residential amenity of this neighbouring property to the north. The proposed dwellings are separated from residential properties by existing and proposed parking and the street to the east, south and west. It is also not considered that the proposed new parking layout and additional spaces would not result in an unacceptable impact upon neighbouring amenity.

- 7.7 In line with the above it is considered that the proposal would not have an unacceptable impact upon neighbouring amenity.
- 7.8 It is also the case that the proposed dwelling provides good sized rooms with adequate light for future occupiers, alongside sufficient garden amenity space. As such it is considered that adequate living conditions for future occupiers is provided.

Parking and highway safety

- 7.9 Concern was raised within a petition that there is an existing parking problem in this area and the loss of garages would exacerbate this.
- 7.10 The Northamptonshire County Council Parking Standards seek 2 on plot parking space per dwelling for 2 bedroom properties. The proposal provides 3 2xbedroom properties and 37 parking spaces. The proposal also provides 1 shed per property which could be used for bicycle storage.
- 7.11 The application site as existing provides 8 garages. It is understood that 2 of these garages are currently occupied and both occupiers will be offered a replacement within Rillwood Court. It is the case, however that the existing garages are not to a size that could be counted as providing existing parking spaces for the site. To the rear of the existing garage block, 10 open parking spaces are available, alongside an additional 16 spaces to the east of the site in an open hardstanding area. As such there are currently 26 parking spaces available on this site. The proposal provides 37 parking spaces, an increase of 11.
- 7.12 Northamptonshire County Council Highways Department have been consulted on this application and have raised no objection subject to suggested alterations which have been undertaken to the proposed site plan. In line with this, it is considered that the proposal would not have an unacceptable impact upon parking or highway safety.

Other considerations

- 7.13 Northamptonshire Police raised concern with the proposed layout due to the creation of footpaths around the proposed dwellings. It is the case that footpaths are a characteristic of this area, and it is not considered that an objection can be made to this proposal due to this. Concern was also raised that the proposed parking spaces are not overlooked, however there are a number of residential properties which have windows overlooking that proposed parking spaces and the layout is not considered unacceptable. Northamptonshire Police also advise that trellis topping to the fencing is required. A planning condition requiring details on boundary treatments is proposed.
- 7.14 The Council's Environmental Health Officer recommends a condition to address unexpected ground contamination should planning permission be forthcoming.
- 7.15 In addition, the Environmental Health Officer suggests the inclusion of conditions relating to electric vehicle charging points and boilers, and an informative on construction hours. Given the parking arrangements and scale of the development, it is considered that it would not be reasonable to seek such charging points in this instance. In addition, matters relating to the energy efficiency of buildings are addressed under the Building Regulations. As all new properties have to comply with these, the proposal complies with Policy S10 of the JCS. The site is not in an air quality management area such that it is not considered that it would reasonable to condition the boilers to be installed in the new properties. With respect to construction hours, the proposal is only for a small-scale development and there are controls under the Environmental Health and Highway legislations to address issues arising from such small construction site should they arise.

8 CONCLUSION

- 8.1 To conclude, the site is in an existing housing area within the urban area of Northampton and the principle of residential development on the site is therefore acceptable under the development plan. The Council also cannot presently demonstrate a five year housing land supply and it is therefore necessary to assess the proposal against the presumption in favour of sustainable development. In this instance, the proposal would comply with the development plan and would contribute towards the Council's housing supply with associated social and economic benefits. Furthermore, no harm has been identified that would significantly and demonstrably outweigh the benefits. Therefore, it is recommended that planning permission is granted subject to conditions.

9 CONDITIONS

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: (P)01, (P)02, (P)03 Rev E, (P)04, (P)05 Rev A, (P)06 Rev A.

Reason: For the avoidance of doubt and to accord with the terms of the planning application.

3. Prior to the commencement of construction works on site, details of the existing and proposed ground levels and finished floor levels of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.

Reason: In the interests of residential and visual amenity in accordance with Policy H1 of the West Northamptonshire Joint Core Strategy. This is a pre-commencement condition to ensure timely submission of details.

4. Prior to the construction of the new dwellings hereby approved above ground floor slab level, details of all proposed external facing materials shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity in accordance with Policy H1 of the West Northamptonshire Joint Core Strategy.

5. Notwithstanding the submitted details, prior to the construction of the new dwellings hereby approved above ground floor slab level, full details of the method of the treatment of the external boundaries of the site together with any other means of enclosure to be erected within the site shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the occupation of the new dwellings hereby permitted.

Reason: To ensure that the boundaries of the site are properly treated so as to secure a satisfactory and safe standard of development in accordance with Policies H1 and S10 of the West Northamptonshire Joint Core Strategy.

6. All planting, seeding or turfing shown on approved drawing numbers (P)03 Rev E and SCH-002 shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner, and which shall be maintained for a period of five years; such maintenance to include the replacement in the current or nearest planting season whichever is the sooner or shrubs that may die are removed or become seriously damaged or diseased with others of similar size and species.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policies H1 and S10 of the West Northamptonshire Joint Core Strategy.

7. The new parking spaces shown on approved plan (P)03 Rev E shall be constructed prior to the first occupation of the dwellings hereby approved and retained thereafter solely for the parking of vehicles.

Reason: To ensure that the proposed development does not prejudice the free flow of traffic or conditions of highway safety in accordance with the requirements of the National Planning Policy Framework.

8. Prior to first occupation of the dwellings hereby approved, full details of the sheds for each property shall be submitted to and approved in writing by the Local Planning Authority. The approved sheds shall be provided on site in full accordance with the submitted details prior to first occupation of the dwellings hereby approved.

Reason: To ensure the provision of adequate facilities in accordance with Policy S0 of the West Northamptonshire Joint Core Strategy.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions or roof alteration/enlargement shall be erected to the dwellings hereby permitted.

Reason: In the interests of residential amenity and to prevent overdevelopment of the site in accordance with Policy E20 of the Northampton Local Plan and Policy H1 of the West Northamptonshire Joint Core Strategy.

10. In the event that unexpected contamination is found at any time when carrying out the development hereby approved, it must be reported immediately to the Local Planning Authority. Development works at the site shall cease and an investigation and risk assessment undertaken to assess the nature and extent of the unexpected contamination. A written report of the findings shall be submitted to and approved by the Local Planning Authority, together with a scheme to remediate, if required, prior to further development on site taking place. Only once written approval from the Local Planning Authority has been given shall development works recommence.

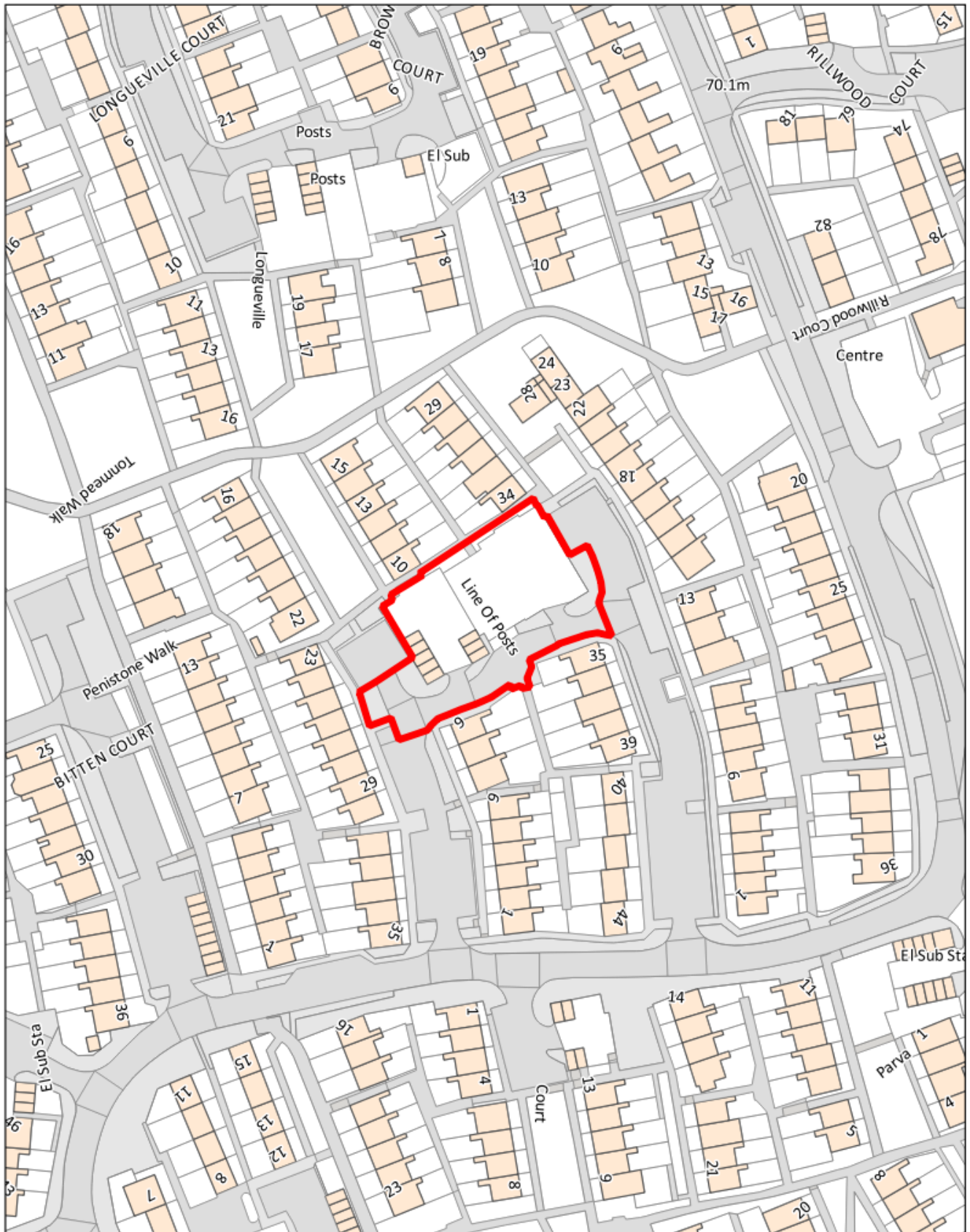
Reason: To ensure the effective investigation and remediation of contaminated land sites and in the interests of health and safety and the quality of the environment in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.

10 LEGAL IMPLICATIONS

- 10.1 The development is CIL liable.

11 SUMMARY AND LINKS TO CORPORATE PLAN

- 11.1 In reaching the attached recommendations regard has been given to securing the objectives, visions and priorities outlined in the Corporate Plan together with those of associated Frameworks and Strategies.



Title: **Lock up garages, Preston Court**

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Date: 11-09-2019

Scale: 1:1,250

Drawn by: -----



PLANNING COMMITTEE: 24th September 2019
DEPARTMENT: Planning Service
HEAD OF PLANNING: Peter Baguley

APPLICATION REF: N/2019/0391

LOCATION: Lock Up Garages, Longueville Court

DESCRIPTION: Demolition of 10no domestic lock up garages and construction of 4no new build units with associated parking spaces

WARD: Brookside Ward

APPLICANT: Northampton Partnership Homes
AGENT: Baily Garner LLP

REFERRED BY: Head of Planning
REASON: Council owned land

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1 RECOMMENDATION

1.1 **APPROVAL** subject to the conditions as set out below and for the following reason:

The proposal would contribute towards the Council’s five year housing land supply and, as part of a balanced assessment, it is considered to be acceptable. As such, subject to conditions, no objections are raised with regards to the requirements of the National Planning Policy Framework, Policies S1, S10, H1, and BN9 of the West Northamptonshire Joint Core Strategy, and Saved Policy E20 of the Northampton Local Plan.

2 THE PROPOSAL

2.1 The application seeks full planning permission for the demolition of 10 existing garages and the erection of 2 pairs of semi-detached properties – 4 new properties in total. 19 parking spaces are also proposed (an increase of 9 above that existing). The proposed semi-detached buildings would be positioned to fall in line with existing terrace rows to the north and south, and each pair would have a width of 9.4 metres, a depth of 9.6 metres and a height of 8.2 metres.

2.2 During the course of the application the proposal has been amended, with the dwellings being rotated 90 degrees to complement the existing pattern of development and with the level of parking provision being increased.

3 SITE DESCRIPTION

- 3.1 The application site comprises a garage court and open hardstanding area within a residential area. The site is located on the southern end of Longueville Court.

4 PLANNING HISTORY

- 4.1 None.

5 PLANNING POLICY

5.1 Statutory Duty

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted West Northamptonshire Joint Core Strategy (2014), and the Northampton Local Plan (1997) saved policies.

5.2 National Policies

The National Planning Policy Framework (NPPF) sets out the current aims and objectives for the planning system and how these should be applied. In delivering sustainable development, decisions should have regard to the mutually dependent social, economic and environmental roles of the planning system. The NPPF should be read as one complete document. However, the following sections are of particular relevance to this application:

Paragraphs 7-12 - Presumption in favour of sustainable development.

Paragraph 60 - Housing needed for different groups in the community.

Paragraph 127 - Create places with a high standard of amenity for existing and future users.

Section 8 - Promoting healthy and safe communities.

Section 9 - Promoting sustainable transport

Section 12 - Achieving well-designed places.

5.3 West Northamptonshire Joint Core Strategy (2014)

The West Northamptonshire Joint Core Strategy (JCS) provides an up to date evidence base and considers the current Government requirements for plan making as it has been prepared in full conformity with the NPPF. Policies of particular relevance are:

Policy S1 - The Distribution of Development

Policy S10 - Sustainable Development Principles.

Policy H1 - Housing

Policy BN9 - Planning for Pollution Control

5.4 Northampton Local Plan 1997 (Saved Policies)

Due to the age of the plan, the amount of weight that can be attributed to the aims and objectives of this document are diminished, however, the following policy is material to this application:

Policy E20 - New Development (Design)

5.5 Supplementary Planning Documents

Northamptonshire Parking Standards (September 2016)

Planning out Crime in Northamptonshire SPG 2004

6 CONSULTATIONS/ REPRESENTATIONS

Comments received are summarised as follows:

- 6.1 **NBC Public Protection** – No objection. Suggest conditions on contaminated land, vehicle charging points, and boilers, and an informative on construction and demolition noise.
- 6.2 **NBC Arboricultural Officer** – Control measures within submitted tree report must be implemented in a timely fashion and properly maintained throughout the duration of the development to prevent harm to the retained trees.
- 6.3 **Northamptonshire Police** – Gate is required between plots 2 and 3. A side window in the side of plot 4 would provide overlooking of the parking. Reservations about the rear boundaries and the space behind being used for congregation. Trellis top to fencing is necessary.
- 6.4 **NCC Highways** – No objection – layout is accepted.
- 6.5 1 petition has been received with 324 signatures. This petition is titled 'Petition to stop Northampton Partnership Homes building new houses in Lumbertubs' and relates to 7 sites. The reason outlined is the concern with the loss of garages due to an existing parking problem, and the exacerbation of this parking problem as a result.
- 6.6 23 letters have been received objecting to the proposal. The concerns raised can be summarised as follows:
- Proposal results in the loss of 18 parking spaces including garages.
 - Proposal results in loss of more parking spaces due to informal parking occurring in area.
 - Current parking issues will be exacerbated.
 - If can't park outside house would have to walk down alleyways which can be unsafe.
 - Question if emergency services could access site.
 - Need of garage for parking due to disability.
 - Concern with loss of trees. Impact on carbon emissions as result of loss of tree.
 - Other areas in estate could be used (*Officer Note: The assessment of the application is on that submitted and not on alternative sites*).
 - Concerns regarding impact during construction time (*Officer Note: The temporary disturbance during construction works is not a material planning consideration for consideration in the assessment of this application*).
 - Object to title of planning application – it is the removal of garages, 10 parking spaces and children play area (hardstanding between garages and car park) (*Officer Note: The description used is an accurate explanation of the proposal*).
 - Residents may have resentment and fight over spaces and need police (*Officer Note: This is not a material planning consideration in the assessment of this application*).
 - NPH refuse to rent out empty garages a loss of income for the Council (*Officer Note: This is not a material planning consideration in the assessment of this application*).
 - Medical centre already full so can't cope with more dwellings.
 - Author of design and access statement is from Birmingham and not local and so cannot know area (*Officer Note: This is not a material planning consideration in the assessment of this application*).
 - Planning officers visited site during day. They should visit at night (*Officer Note: This is not a material planning consideration in the assessment of this application*).
 - Only 8 spaces within existing parking area by trees T11-T14 – Error with plans (*Officer Note: This area is not within the red line of the application site and as such is not under consideration within the assessment of this application*).

7 APPRAISAL

Principle of development

- 7.1 The application site is in a residential area within the urban area of Northampton and therefore development of the site for residential purposes is acceptable in principle under Policy S1 of the Joint Core Strategy.
- 7.2 It is also the case that the Council cannot presently demonstrate a five year housing land supply. Therefore, in accordance with the presumption in favour of sustainable development in Paragraph 11 of the NPPF, development should be permitted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The development of the site for housing would contribute, albeit on a small scale, towards the Council's housing supply with associated social and economic benefits and this therefore weighs in favour of the proposal.

Design

- 7.3 Saved Policy E20 of the Northampton Local Plan and Policy H1 of the Joint Core Strategy place great importance on the quality of design of new developments and is in conformity with the NPPF which advises that planning should always seek to secure high quality design. The application site comprises a garage court set in the middle of a residential estate and would comprise the re-use of brownfield land, which is encouraged under the NPPF.
- 7.4 The application proposes two pairs of semi-detached properties. These dwellings are orientated to match the existing pattern of development in the area and would be two storey with tile hanging at first floor to match the surrounding character. It is considered that the proposed dwellings would complement the existing character and appearance of the area and as such would be acceptable in design terms.

Amenity

- 7.5 Saved Policy E20 of the Northampton Local Plan, Policy H1 of the Joint Core Strategy and the NPPF all seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 7.6 The proposed dwellings would be positioned to fall in line with the blank side elevation of 20 Longueville Court to the south. Due to the position of the proposed dwelling in relation to number 20, and the blank side wall of number 20, it is not considered that the proposal would result in an unacceptable loss of light, overshadowing or privacy to this property.
- 7.7 Plot 1 of the proposed dwellings would fall partially in line with 7 Brownlow Court to the east. With a back to back distance of 22 metres, it is not considered that there would be an unacceptable relationship between these properties.
- 7.8 Plots 2-4 face an existing car park to the east and the proposed dwellings would be separated from neighbouring residential dwellings to the west and north by the existing street scene and parking.
- 7.9 It is considered that the proposal would not result in unacceptable overlooking concerns for any neighbouring properties, and would also not appear overbearing to any neighbouring properties. In line with the above it is considered that the proposal would not have an unacceptable impact upon neighbouring amenity.
- 7.10 It is also the case that the proposed dwelling provides good sized rooms with adequate light for future occupiers, alongside sufficient garden amenity space. As such it is considered that adequate living conditions for future occupiers is provided.

Parking and highway safety

- 7.11 Concern was raised within a petition that there is an existing parking problem in this area and the loss of garages would exacerbate this. Neighbours letters raised additional concerns as to the parking issues in the area.

- 7.12 The Northamptonshire County Council Parking Standards seek 2 on plot parking space per dwelling for 2 bedroom properties. The proposal provides 4 2xbedroom properties and 19 parking spaces. The proposal also provides 1 shed per property which could be used for bicycle storage.
- 7.13 The application site as existing provides 10 garages. It is understood that 8 of these garages are currently occupied and the tenants will be offered replacements within refurbished courts at Old Quarry Court and Rillwood Court. It is the case, however, that the existing garages are not to a size that could be counted as providing existing parking spaces for the site. There are currently 10 formal open parking spaces available on this site. The proposal provides 19 parking spaces, an increase of 9 formal parking spaces. With the proposed dwellings requiring 8 parking spaces, the net increase of formal parking for existing residents is 1 space.
- 7.14 Northamptonshire County Council Highways Department have raised no objection to this proposal and advised that the layout is acceptable.

Other considerations

- 7.15 Northamptonshire Police raised concern with the spaces to the north being unobserved and the potential for people to congregate within the car park to the east of the proposed gardens. With regards to the parking, it is the case that there is an existing garage court with 10 open spaces in this location. The proposed spaces would be overlooked by front and rear windows of neighbouring properties and as such it is not considered that an objection can be raised to this. With regards to the rear garden and the car park behind to the east, it is the case that as existing people could congregate in this car park, which is adjacent existing residential properties. It is not considered that the potential for people to congregate in a car park would form a reason for refusal for this application. A condition requiring details on boundary treatments is proposed in order to ensure trellis topping to the fencing, and for details of gates for plots 2 and 3.
- 7.16 The Council's Environmental Health Officer recommends a condition to address unexpected ground contamination should planning permission be forthcoming.
- 7.17 In addition, the Environmental Health Officer suggests the inclusion of conditions relating to electric vehicle charging points and boilers, and an informative on construction hours. Given the parking arrangements and scale of the development, it is considered that it would not be reasonable to seek such charging points in this instance. In addition, matters relating to the energy efficiency of buildings are addressed under the Building Regulations and the site is not in an air quality management area such that it is not considered that it would reasonable to condition the boilers to be installed in the new properties. As all new properties have to comply with these aspects of the Building Regulations, the proposal complies with Policy S10 of the JCS. With respect to construction hours, the proposal is only for a small-scale development and there are controls under the Environmental Health and Highway legislations to address issues arising from such small construction site should they arise.
- 7.18 A neighbour letter raised concern with the loss of trees. The Arboricultural Officer advises that the impact upon the trees is acceptable and the control measures identified within the submitted tree report must be implemented in a timely fashion and maintained throughout the duration of the development. A condition to this effect is proposed.

8 CONCLUSION

- 8.1 To conclude, the site is in an existing housing area within the urban area of Northampton and the principle of residential development on the site is therefore acceptable under the development plan. The Council also cannot presently demonstrate a five year housing land supply and it is therefore necessary to assess the proposal against the presumption in favour of sustainable development. In this instance, the proposal would comply with the development plan and would contribute towards the Council's housing supply with associated social and economic benefits. Furthermore, no harm has been identified that would significantly and demonstrably outweigh the benefits. Therefore, it is recommended that planning permission is granted subject to conditions.

9 CONDITIONS

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: (P)01, (P)02, (P)03 Rev G, (P)04b Rev A, (P)05b Rev B, (P)06 Rev C.

Reason: For the avoidance of doubt and to accord with the terms of the planning application.

3. Prior to the commencement of construction works on site, details of the existing and proposed ground levels and finished floor levels of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.

Reason: In the interests of residential and visual amenity in accordance with Policy H1 of the West Northamptonshire Joint Core Strategy. This is a pre-commencement condition to ensure timely submission of details.

4. Prior to the construction of the new dwellings hereby approved above ground floor slab level, details of all proposed external facing materials shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity in accordance with Policy H1 of the West Northamptonshire Joint Core Strategy.

5. Notwithstanding the submitted details, prior to the construction of the new dwellings hereby approved above ground floor slab level, full details of the method of the treatment of the external boundaries of the site together with any other means of enclosure to be erected within the site shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the occupation of the new dwellings hereby permitted.

Reason: To ensure that the boundaries of the site are properly treated so as to secure a satisfactory and safe standard of development in accordance with Policies H1 and S10 of the West Northamptonshire Joint Core Strategy.

6. All planting, seeding or turfing shown on approved drawing numbers (P)03 Rev G and SCH-002 shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner, and which shall be maintained for a period of five years; such maintenance to include the replacement in the current or nearest planting season whichever is the sooner or shrubs that may die are removed or become seriously damaged or diseased with others of similar size and species.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policies H1 and S10 of the West Northamptonshire Joint Core Strategy.

7. The new parking spaces shown on approved plan (P)03 Rev G shall be constructed prior to the first occupation of the dwellings hereby approved and retained thereafter solely for the parking of vehicles.

Reason: To ensure that the proposed development does not prejudice the free flow of traffic or conditions of highway safety in accordance with the requirements of the National Planning Policy Framework.

8. Prior to first occupation of the dwellings hereby approved, full details of the sheds for each property shall be submitted to and approved in writing by the Local Planning Authority. The approved sheds shall be provided on site in full accordance with the submitted details prior to first occupation of the dwellings hereby approved.

Reason: To ensure the provision of adequate facilities in accordance with Policy S0 of the West Northamptonshire Joint Core Strategy.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions or roof alteration/enlargement shall be erected to the dwellings hereby permitted.

Reason: In the interests of residential amenity and to prevent overdevelopment of the site in accordance with Policy E20 of the Northampton Local Plan and Policy H1 of the West Northamptonshire Joint Core Strategy.

10. In the event that unexpected contamination is found at any time when carrying out the development hereby approved, it must be reported immediately to the Local Planning Authority. Development works at the site shall cease and an investigation and risk assessment undertaken to assess the nature and extent of the unexpected contamination. A written report of the findings shall be submitted to and approved by the Local Planning Authority, together with a scheme to remediate, if required, prior to further development on site taking place. Only once written approval from the Local Planning Authority has been given shall development works recommence.

Reason: To ensure the effective investigation and remediation of contaminated land sites and in the interests of health and safety and the quality of the environment in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.

11. The development hereby approved shall be undertaken in full accordance with the findings of the 'Arboricultural Impact Assessment and Method Statement Report' 1880.6_Fv2 by MacIntyre Trees, dated July 2019.

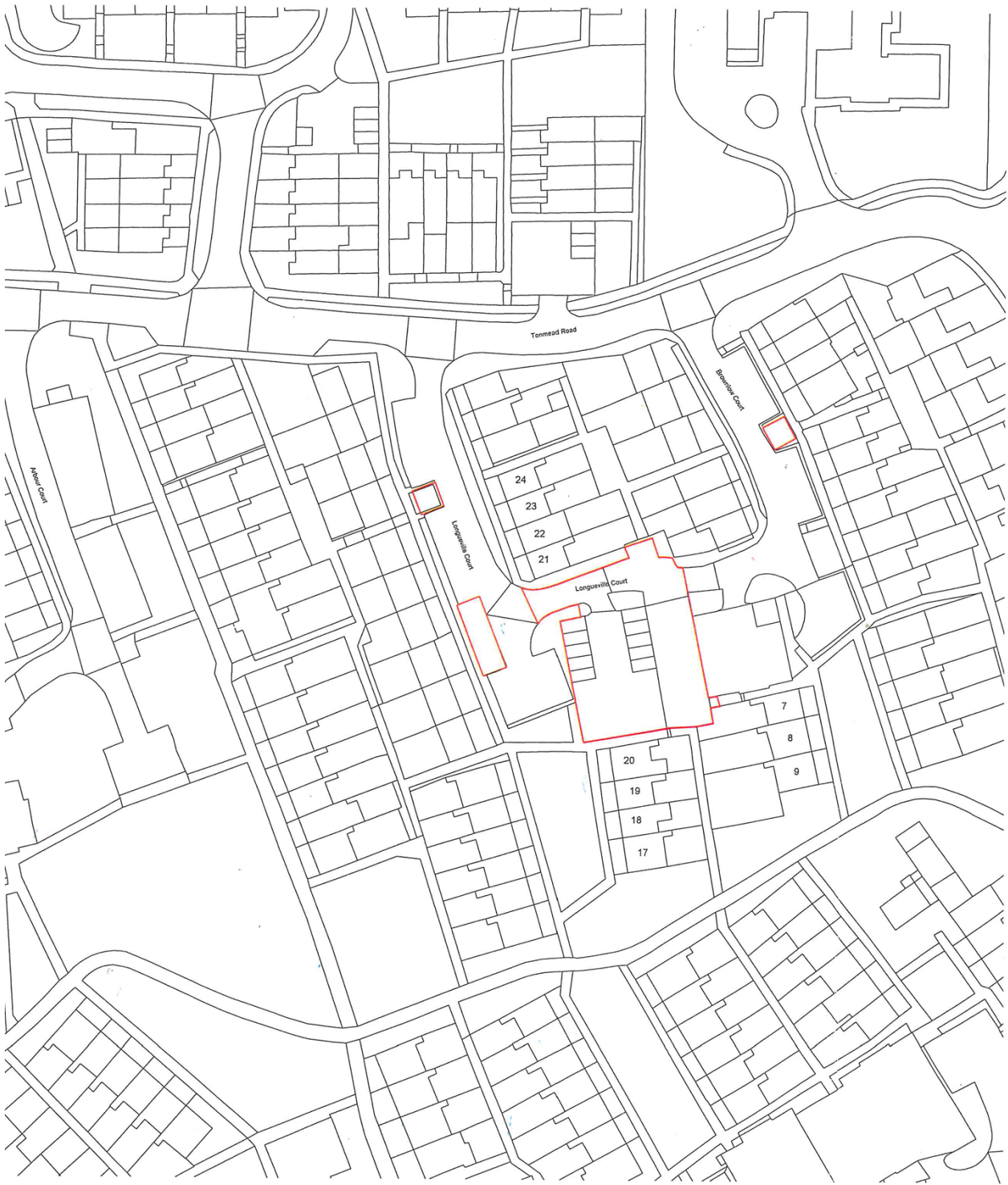
Reason: To ensure appropriate protection of retained trees and in the interests of amenity in accordance with the requirements of Policy S10 of the West Northamptonshire Joint Core Strategy.

10 LEGAL IMPLICATIONS

- 10.1 The development is CIL liable.

11 SUMMARY AND LINKS TO CORPORATE PLAN

- 11.1 In reaching the attached recommendations regard has been given to securing the objectives, visions and priorities outlined in the Corporate Plan together with those of associated Frameworks and Strategies.



Title: **Lock up garages, Longueville Court**

Date: 16-09-2019

Scale: 1:1,250

Drawn by: -----

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PLANNING COMMITTEE: 24th September 2019
DEPARTMENT: Planning Service
HEAD OF PLANNING: Peter Baguley

APPLICATION REF: N/2019/0468

LOCATION: Garage 1 Lock Up Garages, Pell Court

DESCRIPTION: Demolition of 11no domestic lock up garages and construction of 6no new build units

WARD: Brookside Ward

APPLICANT: Northampton Partnership Homes
AGENT: Baily Garner LLP

REFERRED BY: Head of Planning
REASON: Council owned land

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1 RECOMMENDATION

1.1 **APPROVAL** subject to the conditions as set out below and for the following reason:

The proposal would contribute towards the Council's five year housing land supply and, as part of a balanced assessment, it is considered to be acceptable. As such, subject to conditions, no objections are raised with regards to the requirements of the National Planning Policy Framework, Policies S1, S10, H1, and BN9 of the West Northamptonshire Joint Core Strategy, and Saved Policy E20 of the Northampton Local Plan.

2 THE PROPOSAL

- 2.1 The application seeks full planning permission for the demolition of 11 existing garages and the erection of 3 pairs of semi-detached properties – 6 new properties in total. 34 parking spaces are also proposed (an increase of 28 above that existing). The proposed semi-detached buildings would be positioned to fall in line with existing terrace rows to the north and south, and each pair would have a width of 9.4 metres, a depth of 9.6 metres and a height of 8.2 metres.
- 2.2 During the course of the application the proposal has been amended, with the dwellings being rotated 90 degrees to complement the existing pattern of development and with the level of parking provision being increased.

3 SITE DESCRIPTION

- 3.1 The application site comprises a garage court and grassed space located within a residential area. The site is located on the northern end of Pell Court.

4 PLANNING HISTORY

- 4.1 None.

5 PLANNING POLICY

5.1 Statutory Duty

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted West Northamptonshire Joint Core Strategy (2014), and the Northampton Local Plan (1997) saved policies.

5.2 National Policies

The National Planning Policy Framework (NPPF) sets out the current aims and objectives for the planning system and how these should be applied. In delivering sustainable development, decisions should have regard to the mutually dependent social, economic and environmental roles of the planning system. The NPPF should be read as one complete document. However, the following sections are of particular relevance to this application:

Paragraphs 7-12 - Presumption in favour of sustainable development.

Paragraph 60 - Housing needed for different groups in the community.

Paragraph 127 - Create places with a high standard of amenity for existing and future users.

Section 8 - Promoting healthy and safe communities.

Section 9 - Promoting sustainable transport

Section 12 - Achieving well-designed places.

5.3 West Northamptonshire Joint Core Strategy (2014)

The West Northamptonshire Joint Core Strategy (JCS) provides an up to date evidence base and considers the current Government requirements for plan making as it has been prepared in full conformity with the NPPF. Policies of particular relevance are:

Policy S1 - The Distribution of Development

Policy S10 - Sustainable Development Principles.

Policy H1 - Housing

Policy BN9 - Planning for Pollution Control

5.4 Northampton Local Plan 1997 (Saved Policies)

Due to the age of the plan, the amount of weight that can be attributed to the aims and objectives of this document are diminished, however, the following policy is material to this application:

Policy E20 - New Development (Design)

5.5 Supplementary Planning Documents

Northamptonshire Parking Standards (September 2016)

Planning out Crime in Northamptonshire SPG 2004

6 CONSULTATIONS/ REPRESENTATIONS

Comments received are summarised as follows:

- 6.1 **NBC Public Protection** – No objection. Suggest conditions on contaminated land, vehicle charging points, and boilers, and an informative on construction and demolition noise.
- 6.2 **Northamptonshire Police** – Central parking lot is unobserved and there is a lot of exposed fence. Recommend trellis top to fence line. Sheds against fence line provide opportunity to access gardens and crime.
- 6.3 **NCC Ecology** – No objection raised. Raise disappointment that the site's key biodiversity features would be lost with little potential for replacement and the proposal would represent a net biodiversity loss.
- 6.4 **NCC Highways** – No objection subject to 25mm kerb and the marking of stop up area.
- 6.5 1 petition has been received with 324 signatures. This petition is titled 'Petition to stop Northampton Partnership Homes building new houses in Lumbertubs' and relates to 7 sites. The reason outlined is the concern with the loss of garages due to an existing parking problem, and the exacerbation of this parking problem as a result.
- 6.6 12 letters of objection and 1 letter of observation have been received. The concerns raised can be summarised as follows:
 - Area overcrowded and houses squeezed in.
 - Lack of parking in the area and the proposal does not add any parking.
 - High traffic in area unsafe for residents.
 - Existing issue of inconsiderate parking blocking access to houses and this could be exacerbated if more residents in area.
 - Don't see why spaces in turning head would be allowed as told previously couldn't have.
 - Overlooking of neighbouring properties.
 - Don't want to look at building site and then new houses.
 - Question what boundary treatment will be.
 - Want new play area not houses.
 - Bats visible in area and further investigations will be needed. Believe bat survey is inaccurate as bats are in trees nearest footpath for Bitten Court not the garages.
 - Concern existing trees are harming foundations, blocking light to footpaths. Want more trees removed. (*Officer Note: The impact of existing trees on the foundations and light of existing properties is not a material planning consideration in the assessment of this application*).
 - Issue with HIMOs in the area and Council not doing anything (*Officer Note: This is not a material planning consideration in the assessment of this application*).
 - Waste disposal, fly-tipping and general maintenance of the estate is poor. Drains can't cope – blocked with leaves (*Officer Note: This is not a material planning consideration in the assessment of this application*).
 - Believe only 6 houses have received letters of notification on the application, site notices are ignored and so whole estate should be notified (*Officer Note: All properties adjacent the red line of the application site were set a letter of notification. In addition, 4 site notices were displayed around the edge of the site notifying of the application*).
 - Ask whether a BT box will be moved as part of this application (*Officer Note: This is not a material planning consideration in the assessment of this application*).
 - Question why parts of letters are blacked out and accuse censorship (*Officer Note: Parts of neighbour letters are blacked out on the online viewing in compliance with the requirements of Data Protection*).
 - Concerned that parking issues in area only being looked at now and not previously (*Officer Note: This is not a material planning consideration in the assessment of this application*).

- Concern that drilling occurred on site on the 23rd May and Council should notify everyone beforehand (*Officer Note: This drilling was not related to the assessment of the planning application and was not undertaken by the Council's Planning Department*).
- Accuse assessment of application as being underhand as neighbours not notified when officers are visiting. (*Officer Note: It is the case that it is normal for Officers to visit the site without notifying neighbours and not to knock on all neighbours doors to discuss an application. The Officers are on site to assess the application and neighbours are provided the opportunity to submit their comments on the scheme through the planning application process*).
- Concern with address of application – it is titled adjacent 9 Pell Court on plans but should also cover all dwellings it is near. (*Officer Note: The addressed used is to assist in identifying the location of the site. The site plans clearly show the extent of the application site*).

7 APPRAISAL

Principle of development

- 7.1 The application site is in a residential area within the urban area of Northampton and therefore development of the site for residential purposes is acceptable in principle under Policy S1 of the Joint Core Strategy.
- 7.2 It is also the case that the Council cannot presently demonstrate a five year housing land supply. Therefore, in accordance with the presumption in favour of sustainable development in Paragraph 11 of the NPPF, development should be permitted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The development of the site for housing would contribute, albeit on a small scale, towards the Council's housing supply with associated social and economic benefits and this therefore weighs in favour of the proposal.

Design

- 7.3 Saved Policy E20 of the Northampton Local Plan and Policy H1 of the Joint Core Strategy place great importance on the quality of design of new developments and is in conformity with the NPPF which advises that planning should always seek to secure high quality design. The application site comprises a garage court set in the middle of a residential estate and would comprise the re-use of brownfield land, which is encouraged under the NPPF.
- 7.4 The application proposes three pairs of semi-detached properties. These dwellings are orientated to match the existing pattern of development in the area and would be two storey with tile hanging at first floor to match the surrounding character. It is considered that the proposed dwellings would complement the existing character and appearance of the area and as such would be acceptable in design terms.
- 7.5 Concern was raised in a neighbour letter that the proposal appears overcrowded and the houses are squeezed in. It is considered that the application site is of an ample size to accommodate 6 dwellings. Whilst smaller gardens are proposed to the dwellings, this is to accommodate the provision of additional parking for the neighbourhood. It is not considered that the proposed development appears cramped on site.

Amenity

- 7.6 Saved Policy E20 of the Northampton Local Plan, Policy H1 of the Joint Core Strategy and the NPPF all seek to secure a good standard of amenity for all existing and future occupants of land and buildings. A neighbour letter raised concern that the proposal would result in overlooking of neighbouring properties. A further concern raised that neighbours do not want to look at dwellings on this site.

- 7.7 On the western side of the site it is proposed to erect one pair of semi-detached properties. This would be positioned approximately 5 metres from the side blank elevation of 9 Pell Court. Due to this position of the proposed property, and the side elevation of 9 Pell Court being blank, it is not considered that there would be an unacceptable impact upon the neighbouring amenity of this property as a result of this application. This pair of semi-detached properties is set away from neighbouring properties to the east, south, and west by parking and the road.
- 7.8 On the eastern side of the site, two pairs of semi-detached properties are proposed. These again follow the existing pattern of development to fall approximately in line with the row of terraces to the north and south, falling 6 metres from the blank side elevation of 24 Bitten Court to the north, and 14 metres from the blank elevation of 25 Bitten Court to the south. These properties are set away from neighbouring properties to the east due to existing park and the road.
- 7.9 It is considered that the proposal would not result in unacceptable overlooking concerns for any neighbouring properties, and would also not appear overbearing to any neighbouring properties. In line with the above it is considered that the proposal would not have an unacceptable impact upon neighbouring amenity.
- 7.10 It is also the case that the proposed dwelling provides good sized rooms with adequate light for future occupiers, alongside separation between the eastern and western proposed buildings. As such it is considered that adequate living conditions for future occupiers is provided.
- 7.11 It is noted that the garden spaces for the eastern 4 properties are 4 metres long, which is smaller than would normally be expected. Whilst relatively small, it is the case that this estate is characterised by properties with small gardens. There are also a large number of open green spaces within this estate, including a large grassed area immediately to the north. It is also the case that on this estate large numbers of concerns are raised with the lack of parking provision. On balance it has been considered that the ability to provide 14 parking spaces within a central courtyard would justify the relatively smaller gardens provided to these properties.

Parking and highway safety

- 7.12 Concern was raised within a petition that there is an existing parking problem in this area and the loss of garages would exacerbate this. Neighbours letters raised additional concerns as to the parking issues in the area, safety issues due to traffic and existing inconsiderate parking.
- 7.13 The Northamptonshire County Council Parking Standards seek 2 on plot parking space per dwelling for 2 bedroom properties. The proposal provides 6 2 x bedroom properties and 34 parking spaces. The proposal also provides 1 shed per property which could be used for bicycle storage.
- 7.14 The application site as existing provides 11 garages. It is understood that 2 of these garages are currently occupied and one will be offered a replacement in Pell Court and another in Rillwood Court which is closer to their home. It is the case, however that the existing garages are not to a size that could be counted as providing existing parking spaces for the site. There are currently 6 formal open parking spaces available on this site. The proposal provides 34 parking spaces, an increase of 28 formal parking spaces.
- 7.15 Northamptonshire County Council Highways Department have been consulted on this application and have raised no objection subject to suggested alterations which have been undertaken to the proposed site plan. In line with this, it is considered that the proposal would not have an unacceptable impact upon parking or highway safety. With the proposal providing 34 formal parking spaces, an increase of 28 above that existing, it is considered that there is likely to be an improvement to the parking situation in this area as a direct result of this proposal.

Ecology

- 7.16 A neighbour letter raised concern that there were bats on the site. As a result an ecology report was requested. This report advises that there is a negligible potential to support bats on the site,

but recommends a soft demolition approach and that if bats are found on site during demolition, all works must stop and further works must be carried out under a European Protected Species licence from Natural England and a formally agreed mitigation and method statement. Further recommendations are made regarding tree protection, hedgehog gates, and bat/invertebrate boxes.

- 7.17 NCC Ecology were consulted on the submitted ecology report and raised no objection. Concern was, however, raised by NCC Ecology that the tree and grassed area loss on site resulted in a net biodiversity loss.
- 7.18 It is considered that a condition should be attached to any permission requiring details of measures to be put on site to assist the natural ecology, such as bird and bat boxes and hedgehog gates as recommended within the submitted Ecology report. It is considered that with the introduction of such measures on the site, the loss of trees and grass from this site is mitigated such that there is a neutral impact upon biodiversity as a result of this development.
- 7.19 A neighbour letter raised concern that the bat survey is inaccurate. It is the case that the Ecological walk-over survey and daytime bat assessment submitted has been undertaken by a specialist qualified ecologist. With the report having been undertaken by a specialist qualified ecologist, and no evidence provided to demonstrate that the findings are incorrect, it is considered that the results of the submitted report must be accepted as accurate.

Other considerations

- 7.20 Northamptonshire Police raised concern with the proposed layout due to the central car parking area being unobserved. There are a number of properties which overlook this central parking area, and indeed the rear elevations of all six properties offer natural surveillance of this area. As such the creation of the central parking area is not considered unacceptable. Northamptonshire Police also advise that trellis topping to the fencing is required. A planning condition requiring details on boundary treatments is proposed.
- 7.21 The Council's Environmental Health Officer recommends a condition to address unexpected ground contamination should planning permission be forthcoming.
- 7.22 In addition, the Environmental Health Officer suggests the inclusion of conditions relating to electric vehicle charging points and boilers, and an informative on construction hours. Given the parking arrangements and scale of the development, it is considered that it would not be reasonable to seek such charging points in this instance. In addition, matters relating to the energy efficiency of buildings are addressed under the Building Regulations and the site is not in an air quality management area such that it is not considered that it would be reasonable to condition the boilers to be installed in the new properties. As all new properties have to comply with these aspects of the Building Regulations, the proposal complies with Policy S10 of the JCS. With respect to construction hours, the proposal is only for a small-scale development and there are controls under the Environmental Health and Highway legislations to address issues arising from such small construction site should they arise.
- 7.23 A neighbour letter raised concern that they would like a new play area and not houses. The Council must assess the planning application before them, being for 6 new dwellings and parking.

8 CONCLUSION

- 8.1 To conclude, the site is in an existing housing area within the urban area of Northampton and the principle of residential development on the site is therefore acceptable under the development plan. The Council also cannot presently demonstrate a five year housing land supply and it is therefore necessary to assess the proposal against the presumption in favour of sustainable development. In this instance, the proposal would comply with the development plan and would contribute towards the Council's housing supply with associated social and economic benefits.

Furthermore, no harm has been identified that would significantly and demonstrably outweigh the benefits. Therefore, it is recommended that planning permission is granted subject to conditions.

9 CONDITIONS

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: (P)01, (P)02, (P)03 Rev E, (P)04, (P)05 Rev A, (P)06 Rev A.

Reason: For the avoidance of doubt and to accord with the terms of the planning application.

3. Prior to the commencement of construction works on site, details of the existing and proposed ground levels and finished floor levels of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.

Reason: In the interests of residential and visual amenity in accordance with Policy H1 of the West Northamptonshire Joint Core Strategy. This is a pre-commencement condition to ensure timely submission of details.

4. Prior to the construction of the new dwellings hereby approved above ground floor slab level, details of all proposed external facing materials shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity in accordance with Policy H1 of the West Northamptonshire Joint Core Strategy.

5. Notwithstanding the submitted details, prior to the construction of the new dwellings hereby approved above ground floor slab level, full details of the method of the treatment of the external boundaries of the site together with any other means of enclosure to be erected within the site shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the occupation of the new dwellings hereby permitted.

Reason: To ensure that the boundaries of the site are properly treated so as to secure a satisfactory and safe standard of development in accordance with Policies H1 and S10 of the West Northamptonshire Joint Core Strategy.

6. All planting, seeding or turfing shown on approved drawing numbers (P)03 Rev E and SCH-002 shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner, and which shall be maintained for a period of five years; such maintenance to include the replacement in the current or nearest planting season whichever is the sooner or shrubs that may die are removed or become seriously damaged or diseased with others of similar size and species.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policies H1 and S10 of the West Northamptonshire Joint Core Strategy.

7. The new parking spaces shown on approved plan (P)03 Rev E shall be constructed prior to the first occupation of the dwellings hereby approved and retained thereafter solely for the parking of vehicles.

Reason: To ensure that the proposed development does not prejudice the free flow of traffic or conditions of highway safety in accordance with the requirements of the National Planning Policy Framework.

8. Prior to first occupation of the dwellings hereby approved, full details of the sheds for each property shall be submitted to and approved in writing by the Local Planning Authority. The approved sheds shall be provided on site in full accordance with the submitted details prior to first occupation of the dwellings hereby approved.

Reason: To ensure the provision of adequate facilities in accordance with Policy S0 of the West Northamptonshire Joint Core Strategy.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions or roof alteration/enlargement shall be erected to the dwellings hereby permitted.

Reason: In the interests of residential amenity and to prevent overdevelopment of the site in accordance with Policy E20 of the Northampton Local Plan and Policy H1 of the West Northamptonshire Joint Core Strategy.

10. In the event that unexpected contamination is found at any time when carrying out the development hereby approved, it must be reported immediately to the Local Planning Authority. Development works at the site shall cease and an investigation and risk assessment undertaken to assess the nature and extent of the unexpected contamination. A written report of the findings shall be submitted to and approved by the Local Planning Authority, together with a scheme to remediate, if required, prior to further development on site taking place. Only once written approval from the Local Planning Authority has been given shall development works recommence.

Reason: To ensure the effective investigation and remediation of contaminated land sites and in the interests of health and safety and the quality of the environment in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.

11. Prior to first occupation of the dwellings hereby approved, full details of proposed bird and bat boxes and hedgehog gates shall be installed to the development hereby approved. Full details of which shall be first submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided on site in full prior to first occupation of the dwellings hereby approved.

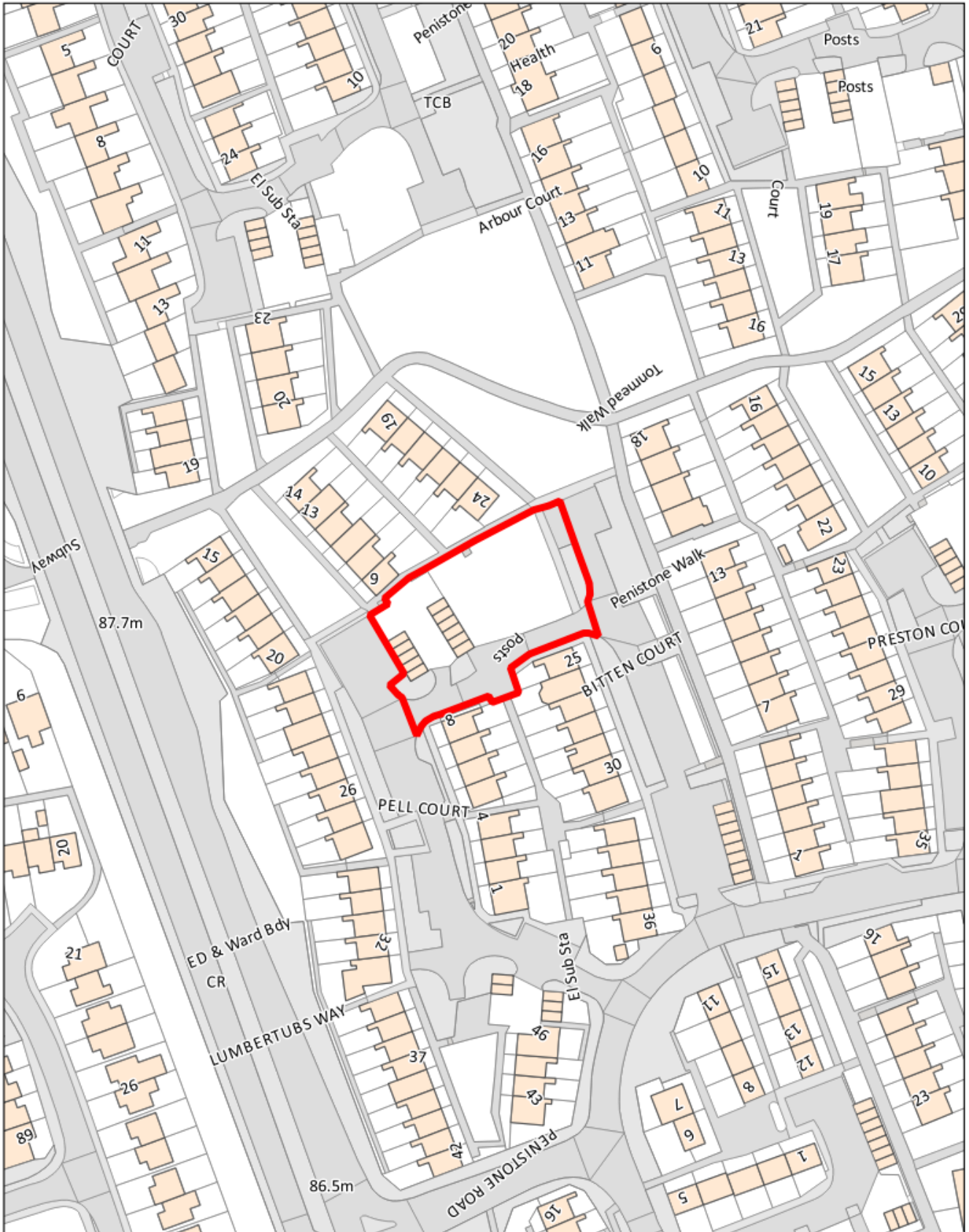
Reason: In the interests of wildlife and nature conservation in accordance with Policy BN2 of the West Northamptonshire Joint Core Strategy. This is a pre-commencement condition to ensure timely submission of details.

10 LEGAL IMPLICATIONS

- 10.1 The development is CIL liable.

11 SUMMARY AND LINKS TO CORPORATE PLAN

- 11.1 In reaching the attached recommendations regard has been given to securing the objectives, visions and priorities outlined in the Corporate Plan together with those of associated Frameworks and Strategies.



NORTHAMPTON
BOROUGH COUNCIL

Title: **Lock up garages, Pell Court**

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Date: 11-09-2019

Scale: 1:1,250

Drawn by: -----



PLANNING COMMITTEE: 24th September 2019
DEPARTMENT: Planning Service
HEAD OF PLANNING: Peter Baguley

APPLICATION REF: N/2019/0693

LOCATION: Lock Up Garages, Thirlmere Avenue

DESCRIPTION: Demolition of 15 no. garages and proposed development of 2 no. dwellings with associated parking (part retrospective) – amendment to planning permission N/2018/1469

WARD: Eastfield Ward

APPLICANT: Northampton Partnership Homes
AGENT: Bonnie Carswell

REFERRED BY: Head of Planning
REASON: Council owned land

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1 RECOMMENDATION

1.1 **APPROVAL** subject to the conditions as set out below and for the following reason:

The principle of residential development on the site for two new dwellings is considered acceptable in an established residential area and would contribute towards the Council's five year housing land supply. The proposed siting, scale and design are considered acceptable and would not have undue impact upon the character and appearance of the surrounding area, neighbouring amenity, trees, security and parking/highway safety. The development is therefore in compliant with the aims and objectives of the National Planning Policy Framework, Policies S1, S3, S10, H1, BN3 and BN9 of the West Northamptonshire Joint Core Strategy, and Saved Policy E20 of the Northampton Local Plan.

2 THE PROPOSAL

2.1 Permission is sought for erection of two, two storey semi-detached properties, each with one bedroom. The properties contain living room/dining room and kitchen, hall and WC on ground floor with bathroom, landing and bedroom above. The proposed dwellings would have rear gardens measuring approximately 7.5 metres long and would be served by two off-road parking space each [with access off](#) Thirlmere Avenue. Each dwelling would be 4.8 metres in width, 7.6 metres in depth and with hipped roofs. 7.5 metres in height.

- 2.2 The proposal is an amendment to a previous planning approval N/2018/1469 granted by the Planning Committee in January 2019. The changes being that the siting of the proposed dwellings have been moved 2.5 metres to the south east, to avoid a sewer under the site. As a result, the proposed rear gardens have been reduced from 10m to 7.5m deep. The house designs remain the same.

3 SITE DESCRIPTION

- 3.1 The site previously consisted of a block of 15 domestic garages located within a primarily residential area. Access is currently taken off Thirlmere Avenue. The site is surrounded by residential properties on all sides, mainly two storey dwellings. The site is not near any conservation areas or any listed buildings and is in a low risk flood zone (flood zone 1). The site is relatively flat.

4 PLANNING HISTORY

- 4.1 N/2018/1469 Permission granted for the erection of two dwellings. This is still extant. The garages have been demolished already.

5 PLANNING POLICY

5.1 Statutory Duty

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted West Northamptonshire Joint Core Strategy (2014) and Northampton Local Plan (1997) saved policies.

6 National Policies

- 6.1 The National Planning Policy Framework (NPPF) sets out the current aims and objectives for the planning system and how these should be applied. In delivering sustainable development, decisions should have regard to the mutually dependent social, economic and environmental roles of the planning system. The NPPF should be read as one complete document. However, the following sections are of particular relevance to this application:

Paragraphs 7-12 - Presumption in favour of sustainable development.

Paragraph 60 - Housing needed for different groups in the community.

Paragraph 127 - Create places with a high standard of amenity for existing and future users.

Section 8 - Promoting healthy and safe communities.

Section 9 - Promoting sustainable transport

Section 12 - Achieving well-designed places.

6.2 West Northamptonshire Joint Core Strategy (2014)

The West Northamptonshire Joint Core Strategy (JCS) provides an up to date evidence base and considers the current Government requirements for plan making as it has been prepared in full conformity with the NPPF. Policies of particular relevance are:

Policy S1 - Distribution of development

Policy S3 - Scale and distribution of housing

Policy S10 - Sustainable Development Principles

Policy H1 - Housing Design, Density and Mix

Policy BN3 - Trees

Policy BN9 - Planning and Pollution Control

6.3 **Northampton Local Plan 1997 (Saved Policies)**

Due to the age of the plan, the amount of weight that can be attributed to the aims and objectives of this document are diminished, however, the following policies are material to this application:

Policy E20 New development (design)

6.4 **Supplementary Planning Documents**

Northamptonshire Parking Standards (September 2016)

Planning out Crime in Northamptonshire SPG 2004

7 **CONSULTATIONS/ REPRESENTATIONS**

Comments received are summarised as follows:

7.1 **Public Protection (NBC)** – No objections subject to conditions relating to land contamination, construction hours and mitigation measures to support the Low Emission Strategy.

7.2 **Highway Authority (NCC)** – No comments to make.

7.3 **Tree Officer (NBC)** - No objections to make.

7.4 **Northants Police** – Commented on previous application. The doors and windows in the dwellings and the sheds need to be designed to reduce opportunities for forced entry / burglaries.

7.5 One neighbour objection received stating impact on traffic generation and pedestrian safety concerns.

8 **APPRAISAL**

Main issues

8.1 The main issues for consideration are the principle of new residential development, impact on the character of the surrounding area, impact on adjacent and proposed residential amenity, security, trees, and highway conditions/ parking.

Principle of residential development

8.2 As planning permission was previously granted on site for two dwellings, the principle of development has already been established. The development would contribute towards the Council's housing supply with associated social and economic benefits.

Design and impact on the appearance and character of the area

8.3 The design of the proposed dwellings is identical to that under previous planning permission N/2018/1469. It is considered that the proposed development would be in keeping with the character of the local area.

Impact on amenity of neighbouring occupiers

8.4 In terms of the amenities of neighbours, the proposed dwellings would back onto the rear gardens of Nos. 221 and 223 Fullingdale Road. With the revised siting of the proposed dwellings, there would still be good separation, with some 28 metres between the rear elevations of the new and existing properties such that the proposal would not adversely affect the amenities of occupiers of properties on Fullingdale Road. The flank wall of the new dwellings would be set in some 7.5 metres from the rear garden boundary of properties on Thirlmere Avenue and 4 metres from the rear garden boundary of properties on Grange Road. Given that the new dwellings would have a

hipped roof form and no first floor flank windows, it is considered that the proposal would not appear unduly prominent or give rise to an unacceptable loss of privacy or reduction in sun or daylight to its side neighbours. However, planning conditions are recommended to prevent the insertion of additional first floor flank windows and remove permitted development rights for extensions and roof alterations.

Amenity of future occupiers

- 8.5 Saved Policy E20 of the Northampton Local Plan and H1 of the Joint Core Strategy all seek to secure a sufficient standard of residential amenity for future occupiers. All habitable rooms would be served by adequate light and outlook and private amenity spaces 7.5 metres long, providing an acceptable level of residential amenity.

Parking and Highways

- 8.6 The County Parking Standards seek 1 on plot parking space per dwelling for 1 bed properties. The proposal is for 2 x 1 bed properties with each house served by two allocated parking spaces and therefore the scheme would exceed the requirements in the Northamptonshire Parking Standards. In addition, the submitted plans also show sheds to serve the new dwelling and these could serve as cycle stores and be secured by condition.
- 8.7 The new houses would utilise an existing access and it is noted that the County Highway Engineer raised no objections to the access arrangements. In terms of the garages that have already been demolished, the applicant confirms that residents are provided with alternative parking spaces elsewhere. Overall, it is considered that the proposal is acceptable on the grounds of parking and highway safety.

Security and Crime Prevention

- 8.8 Northamptonshire Police Crime Advisor commented on the last application that consideration be given to security measures including boundary treatment, surveillance of parking areas and securing of fenestration in accordance with the Northamptonshire Planning Out Crime Guidance. These could be agreed by conditions on any grant of planning permission. The proposed car parking spaces would also benefit from direct surveillance from the proposed side windows in the new dwellings.

Contamination and Environmental Health issues

- 8.9 The Environmental Health Officer has provided guidance regarding the Council's Low Emission Strategy and recommends a condition relating to construction hours. In this respect, matters relating to the energy efficiency of buildings are addressed under the Building Regulations, as all new properties have to comply with these. The proposal complies with Policy S10 of the JCS. With respect to construction hours, the proposal is only for a small scale development and there are controls under the Environmental Health and Highway Legislations to address issues arising from such small construction site should they arise.

Impact on Trees

- 8.10 There are some existing semi-mature trees outside the site close to the southern boundary. The NBC Tree Officer has previously raised no objections and there is no impact on existing trees.

9 CONCLUSION

- 9.1 To conclude, the site is in an existing residential area within the built up area of Northampton and principle of development is acceptable and would contribute to the 5 year land supply. In this instance, the proposal would comply with the development plan and national policy and subject to conditions, no harm has been identified that would significantly outweigh benefits. The proposal is considered acceptable.

10 CONDITIONS

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: P01A, P02A, P03A, P03I, P04B, P05B and P06F.

Reason: For the avoidance of doubt and to accord with the terms of the planning application.

- 2) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority

Reason: To ensure the effective investigation and remediation of contaminated land sites and in the interests of health and safety and the quality of the environment in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.

- 3) Prior to the construction of the new dwellings hereby approved above ground floor slab level, details of all proposed external facing materials shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity in accordance with Policy H1 of the West Northamptonshire Joint Core Strategy.

- 4) Notwithstanding the submitted details, prior to the construction of the new dwellings hereby approved above ground floor slab level, full details of the method of the treatment of the external boundaries of the site together with any other means of enclosure to be erected within the site shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the occupation of the new dwellings hereby permitted.

Reason: To ensure that the boundaries of the site are properly treated so as to secure a satisfactory and safe standard of development in accordance with Policies H1 and S10 of the West Northamptonshire Joint Core Strategy.

- 5) All planting, seeding or turfing shown on the approved plans shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner, and which shall be maintained for a period of five years; such maintenance to include the replacement in the current or nearest planting season whichever is the sooner or shrubs that may die are removed or become seriously damaged or diseased with others of similar size and species.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policies H1 and S10 of the West Northamptonshire Joint Core Strategy.

- 6) The new manoeuvring areas and parking spaces shown on approved plans shall be constructed prior to the occupation of the dwellings hereby approved and retained thereafter.

Reason: To ensure that the proposed development does not prejudice the free flow of traffic or conditions of highway safety in accordance with the requirements of the National Planning Policy Framework.

- 7) Prior to the construction of the sheds shown on the plans hereby approved, full details of the sheds and details of security of the fenestration shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure the provision of adequate facilities in accordance with Policy S0 of the West Northamptonshire Joint Core Strategy.

- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows shall be installed at first floor level in the side elevations of the proposed development.

Reason: To safeguard the privacy of adjoining properties in accordance with Policy H1 of the West Northamptonshire Joint Core Strategy.

- 9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions or roof alteration/enlargement shall be erected to the dwellings hereby permitted.

Reason: In the interests of residential amenity and to prevent overdevelopment of the site in accordance with Policy E20 of the Northampton Local Plan and Policy H1 of the West Northamptonshire Joint Core Strategy.

11 BACKGROUND PAPERS

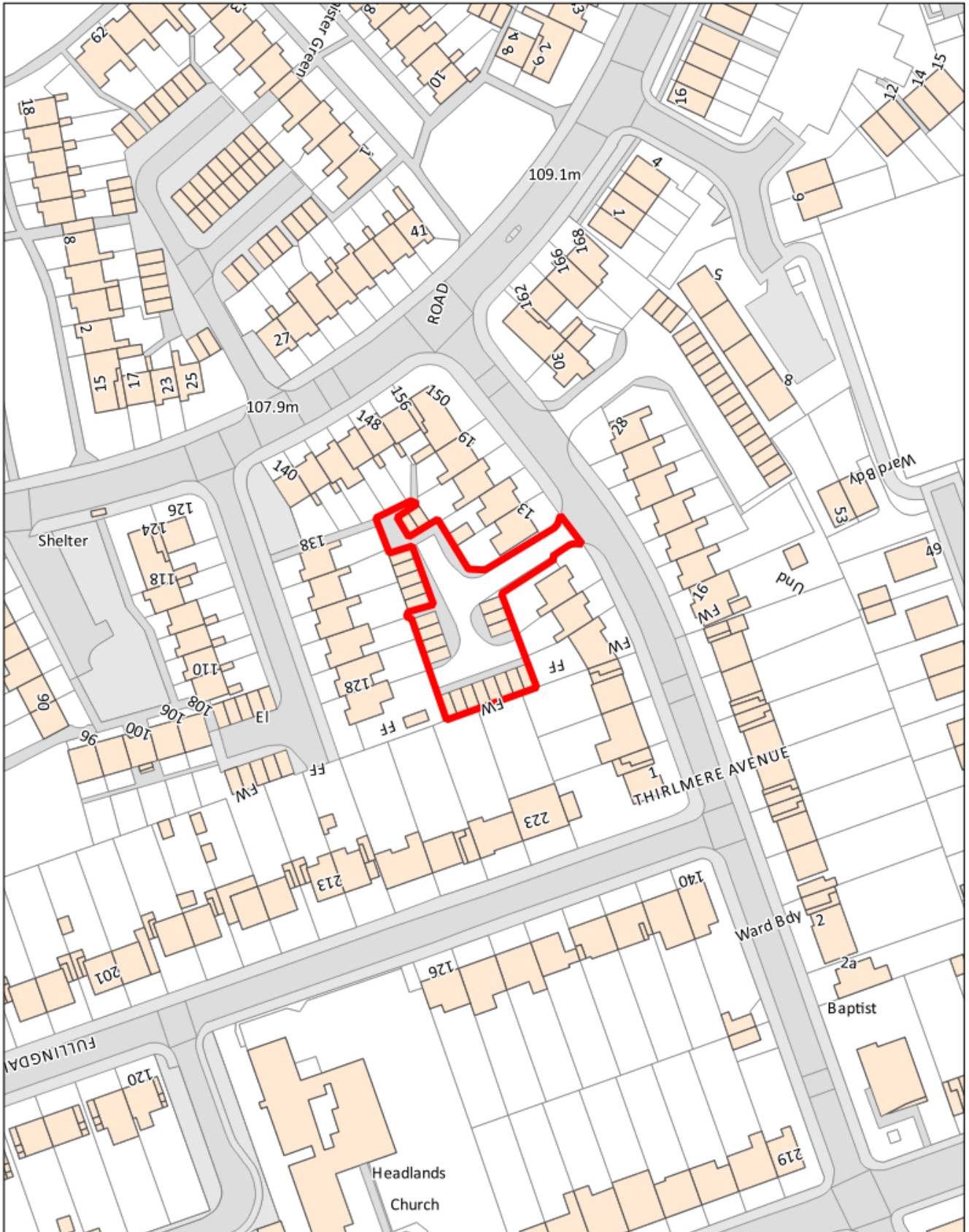
- 11.1 N/2019/0693.

12 LEGAL IMPLICATIONS

- 12.1 The development is CIL liable.

13 SUMMARY AND LINKS TO CORPORATE PLAN

- 13.1 In reaching the attached recommendations regard has been given to securing the objectives, visions and priorities outlined in the Corporate Plan together with those of associated Frameworks and Strategies.



Title: **Lock up garages, Thirlmere Avenue**

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Date: 11-09-2019

Scale: 1:1,047

Drawn by: -----



PLANNING COMMITTEE: 24th September 2019
DEPARTMENT: Planning Service
HEAD OF PLANNING: Peter Baguley

APPLICATION REF: N/2019/0987

LOCATION: Land adjacent to 34 Old Barn Court,

DESCRIPTION: Variation of Condition 2 of Planning Permission N/2018/1509 (Demolition of domestic garages and construction of 2no new dwellings with associated parking) to amend drawings to show revised position of dwellings on site

WARD: Brookside Ward

APPLICANT: Northampton Partnership Homes
AGENT: Baily Garner

REFERRED BY: Head of Planning
REASON: Council owned land

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1 RECOMMENDATION

1.1 **APPROVAL** subject to the conditions as set out below and for the following reason:

The proposed development as amended would have no undue detrimental impact on the amenities of neighbouring occupiers and would not be out of keeping with the character and appearance of the street scene and wider area, and would represent an appropriate use for the site and contribute towards the Borough's housing land supply. The proposed development would therefore comply with Policies S1, S3, S10 and H1 of the West Northamptonshire Joint Core Strategy, Policy E20 of the Northampton Local Plan, Policies H1 and H2 of the Growing Together Neighbourhood Plan and the National Planning Policy Framework.

2 THE PROPOSAL

2.1 The proposal is an application for variation of condition to amend the siting of two previously approved dwellings. These would be moved slightly to the southwest, away from the neighbouring dwelling at 33 Old Barn Court.

3 SITE DESCRIPTION

- 3.1 The site consists of a former site of a small block of two garages. These have now been demolished and redevelopment has commenced as per the previous permission. The surrounding area is comprised of three storey dwellings adjacent on either side. The wider context of the area is largely similar house types other than one block of two storey dwellings with a monopitch roof. The area is of a 1970s design ethos.

4 PLANNING HISTORY

- 4.1 N/2018/1509 – Demolition of domestic garages and construction of 2no new dwellings with associated parking – Approved 23/01/2019.

5 PLANNING POLICY

5.1 Statutory Duty

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted West Northamptonshire Joint Core Strategy (2014), Northampton Local Plan (1997) saved policies, and the Growing Together Neighbourhood Plan.

5.2 National Policies

The National Planning Policy Framework (NPPF) sets out the current aims and objectives for the planning system and how these should be applied. In delivering sustainable development, decisions should have regard to the mutually dependent social, economic and environmental roles of the planning system. The NPPF should be read as one complete document. However, the following sections are of particular relevance to this application:

Section 2 – Achieving sustainable development
Section 5 – Delivering a sufficient supply of homes
Section 12 – Achieving well-designed places.

5.3 West Northamptonshire Joint Core Strategy (2014)

The West Northamptonshire Joint Core Strategy (JCS) provides an up to date evidence base and considers the current Government requirements for plan making as it has been prepared in full conformity with the NPPF. Policies of particular relevance are:

Policy S1 - The Distribution of Development
Policy S10 - Sustainable Development Principles.
Policy H1 - Housing
Policy BN9 - Planning for Pollution Control

5.4 Northampton Local Plan 1997 (Saved Policies)

Due to the age of the plan, the amount of weight that can be attributed to the aims and objectives of this document are diminished, however, the following policies are material to this application:

Policy H6 - Residential development in primarily residential area
Policy E20 - New development

5.5 Supplementary Planning Documents

Northamptonshire Parking Standards (September 2016)
Planning out Crime in Northamptonshire SPG 2004

5.6 Other Material Considerations

Growing Together Neighbourhood Plan

The Growing Together Neighbourhood Plan (Covering Blackthorn, Goldings, Lings and Lumbertubs) was made in April 2017, and now forms part of the development plan for Northampton.

The following policies are relevant to the determination of this proposal:

Policy H1: Housing mix.

Policy H2: Small-scale housing development.

6 CONSULTATIONS/ REPRESENTATIONS

Comments received can be summarised as follows:

- 6.1 **Environmental Health** – No further comments over those already made on application number N/2018/1509.
- 6.2 **Local Highway Authority** – No objections.
- 6.3 At the time of writing this report, the consultation period is ongoing. Therefore any further comments received will be reported to Committee by means of the addendum.

7 APPRAISAL

- 7.1 As an application for a minor material amendment, the issues to consider are whether there would be any change in the impact on the street scene and character of the area, or on the amenities of adjoining occupiers, as a result on the proposed changes.
- 7.2 The proposal would result in an increase in the separation of the proposed dwellings from the neighbouring property to leave a gap of 3.4m, rather than the previous nominal separation of just over 1m.
- 7.3 In respect of the street scene, it is considered that this would not result in a significantly different appearance than the previously consented scheme and as such no adverse impact would result.
- 7.4 In considering the impact on adjoining occupiers, the immediate neighbour at 33 Old Barn Court has only an obscure glazed side window, serving a non-habitable room. As such it was considered under the previous application that no significant impact would have resulted, however the situation would be improved for this neighbour, as more natural light could enter this bathroom.
- 7.5 As re-sited, the proposed houses would now be 15 to 16m from the rear elevation of neighbouring properties at Tyes Court and 6 to 7m from the rear of their gardens. This is considered to still be a sufficient separation to prevent any unacceptable impact on these properties in respect of loss of light or visual dominance.
- 7.6 Submitted plans also show amendments to the internal layout, which would increase the number of bedrooms from three to four, by subdividing an unusually large bedroom. The parking provision of six spaces as previously consented would meet the adopted standard for this number of bedrooms and this increase would not therefore result in any adverse impact. It can be noted also that as this consists of internal works only, the subdivision of this bedroom could have been carried out following completion of the dwellings.
- 7.7 Other details of the development, including garden area, are unchanged from the previous approval.

8 CONCLUSION

- 8.1 The principle of development has been established by the previous planning permission. The proposed amendments to the approved plans would not result in any additional impact when compared to the previously approved scheme and as such are considered to be acceptable.

9 CONDITIONS

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 30597 (P) 03 B, 30597 04 B, 30597 (P) 05 A, 30597 (P) 06 B.

Reason: For the avoidance of doubt and to accord with the terms of the planning application.

- 3) Details of all proposed external facing materials shall be first submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and to ensure that the development will harmonise with its surroundings in accordance with Policy E20 of the Northampton Local plan.

- 4) The parking spaces and manoeuvring area together as shown on approved plans shall be constructed prior to the occupation of the buildings hereby approved and retained thereafter.

Reason: To ensure that the proposed development does not prejudice the free flow of traffic or conditions of highway safety in accordance with the requirements of the National Planning Policy Framework.

- 5) In the event that unexpected contamination is found at any time when carrying out the development hereby approved, it must be reported immediately to the Local Planning Authority. Development works at the site shall cease and an investigation and risk assessment undertaken to assess the nature and extent of the unexpected contamination. A written report of the findings shall be submitted to and approved by the Local Planning Authority, together with a scheme to remediate, if required, prior to further development on site taking place. Only once written approval from the Local Planning Authority has been given shall development works recommence.

Reason: To ensure that risks from land contamination to the future users of the development and neighbouring land are minimised in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.

- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no additional windows shall be installed in the side elevations of the proposed development.

Reason: To safeguard the privacy of adjoining properties in accordance with Policy H1 of the West Northamptonshire Joint Core Strategy.

- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions or outbuildings shall be erected to the dwellings hereby permitted.

Reason: To prevent overdevelopment of the site in accordance with Policy E20 of the Northampton Local plan.

- 8) All trees shown to be retained in the approved plans shall be protected for the duration of the development in accordance with the Macintyre Trees Tree survey and Arboricultural Impact Assessment Report dated October 2018. The integrity of the control measures should be monitored by a competent arboriculturist throughout the development to ensure compliance, and the reports submitted to the Local Planning Authority for verification.

Reason: In order to ensure adequate protection of existing trees on the site in the interests of achieving a satisfactory standard of development and maintaining the amenity of the locality in accordance with Policy E20 of the Northampton Local Plan and the National Planning Policy Framework.

- 9) The external boundaries of the site shall be constructed in accordance with the approved plan prior to the occupation of the buildings hereby permitted and retained thereafter.

Reason: To ensure that the boundaries of the site are properly treated so as to secure a satisfactory standard of development in accordance with Policy E20 of the Northampton local Plan and the National Planning Policy Framework.

- 10) All planting, seeding or turfing comprised in the approved details of landscaping as shown on the approved plans shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner, and which shall be maintained for a period of five years; such maintenance to include the replacement in the current or nearest planting season whichever is the sooner or shrubs that may die are removed or become seriously damaged or diseased with others of similar size and species.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy E20 of the Northampton local Plan and the National Planning Policy Framework.

10 BACKGROUND PAPERS

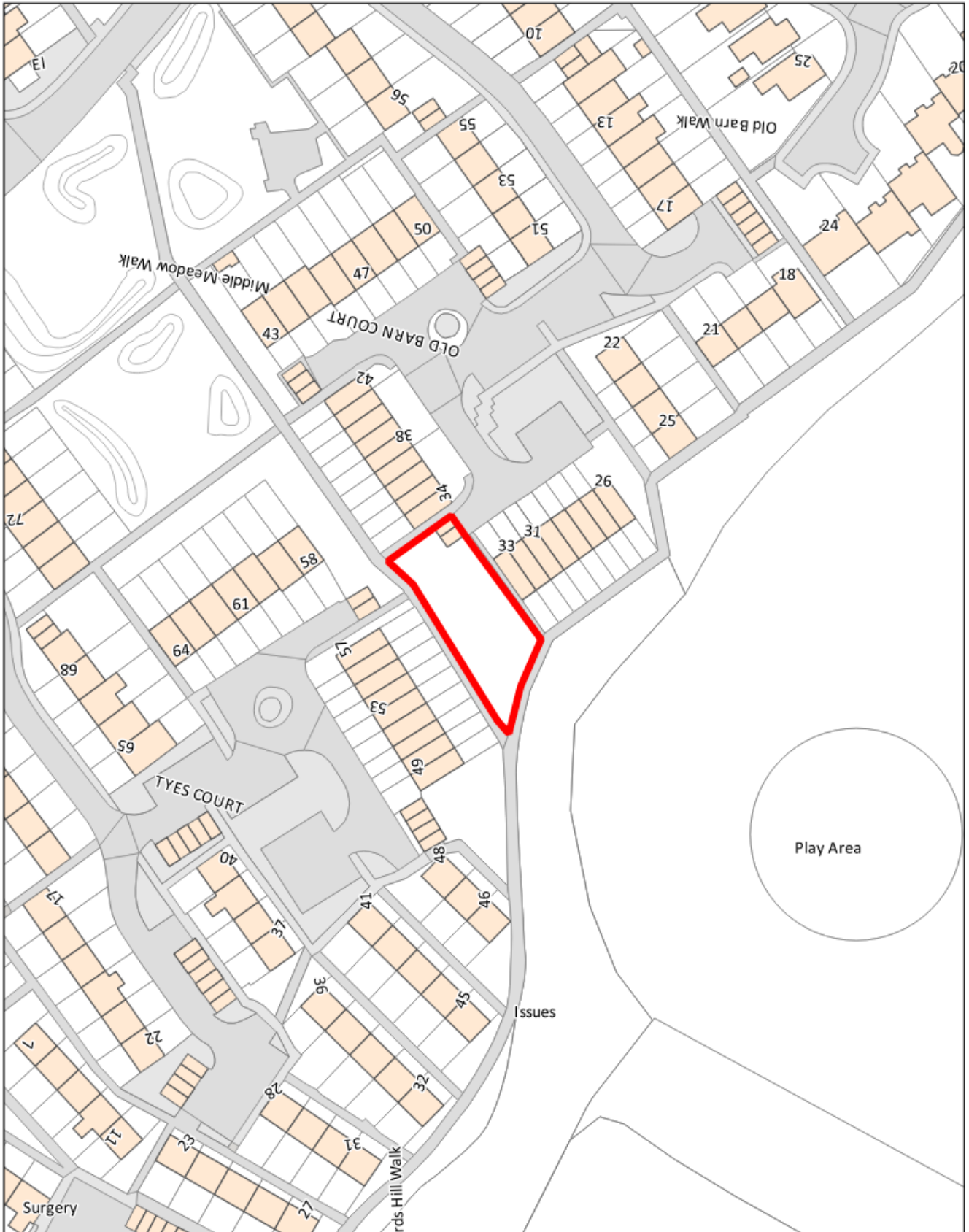
- 10.1 Application files N/2018/1509 and N/2019/0987.

11 LEGAL IMPLICATIONS

- 11.1 The development is CIL liable.

12 SUMMARY AND LINKS TO CORPORATE PLAN

- 12.1 In reaching the attached recommendations regard has been given to securing the objectives, visions and priorities outlined in the Corporate Plan together with those of associated Frameworks and Strategies.



Title: **Land adjacent to 34 Old Barn Court**

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Date: 11-09-2019

Scale: 1:1,039

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