



PLANNING COMMITTEE: 11th February 2014
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Susan Bridge

N/2013/1215: Demolition of existing warehouse and the erection of 13no. two storey houses and 6no. flats with associated parking and open space and new access to site at 2A Brookfield Road

WARD: Kingsley

APPLICANT: Nottingham Community Housing Association
AGENT: Pelham Architects

REFERRED BY: Head of Planning
REASON: Major development and Section 106 agreement required

DEPARTURE: NO

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 APPROVAL IN PRINICPLE subject to the following:

a) The prior finalisation of a Section 106 agreement to secure 100% on site affordable housing, with 10% to be built to mobility standards.

b) The conditions below and for the following reason:

The proposed development would have no undue detrimental impact on the amenities of neighbouring occupiers and would be in keeping with the character and appearance of the area and would enable the removal of a non-conforming commercial use within a primarily residential area as identified in the Northampton Local Plan. The development would provide for 100% affordable housing, for which there is a recognised need. The development would therefore be in accordance with with Policies H6, H17, H32, E20, E40 of the Northampton Local Plan and the National Planning Policy Framework.

- 1.2 It is also recommended that in the event that the S106 legal agreement is not secured within three calendar months of the date of this Committee meeting, delegated authority be given to the Head of Planning to refuse or finally dispose of the application on account of the necessary mitigation measures not being secured in order to make the proposed development acceptable.

2. THE PROPOSAL

- 2.1 Demolition of existing warehouse and the erection of thirteen two storey houses (10 x 2 bedroom and 3 x 3 bedroom) and six one bedroom flats in a three storey block.
- 2.2 A total of 17 off-street car parking spaces will be provided through a new access road from Brookfield Road.

3. SITE DESCRIPTION

- 3.1 The existing site comprises a large single storey warehouse which has been vacant for a number of years.
- 3.2 The surrounding area comprises largely of terraced houses and there is a warehouse located immediately to the east of the site.
- 3.3 Opposite the site is a recently constructed three storey block of flats known as "Poets Court".

4. PLANNING HISTORY

- 4.1 An outline application ref. N/2006/399, with all matters reserved, for residential development on the site was approved in June 2006 by the Planning Committee subject to a S106 agreement, however this was never signed and the application was subsequently disposed of.
- 4.2 A further application was submitted under reference N/2008/0045 for the development of 24no. dwellings. This was again approved by Committee and a Section 106 agreement was completed and the decision being issued on March 2nd 2009. The permission was not implemented and has since expired.

5. PLANNING POLICY

5.1 Development Plan

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 current Development Plan comprises the saved policies of the Northampton Local Plan.

5.2 **National Policies**

National Planning Policy Framework

5.3 **Northampton Local Plan**

E20 – New Development

E19 – Implementing Development

H6 – Housing Development within Primarily Residential Areas

H17 – Housing for people with disabilities

H32 – Affordable housing

5.4 **Supplementary Planning Guidance**

Northamptonshire County Parking Standards SPG 2003

Planning out Crime in Northamptonshire SPG 2004

6. **CONSULTATIONS/ REPRESENTATIONS**

6.1 **County Council Development Management** – Contributions will be required towards education, fire and rescue, libraries and broadband.

6.2 **Police Crime Prevention Design Adviser** – No formal objection, would recommend that all routes to the rear amenity space are gated. Recessed doorways are fine but should not be set back more than 600mm.

6.3 **Environment Agency** – No objections subject to a condition requiring details of main sewage infrastructure on and off site.

6.4 **Environmental Health** – Noise from the relocated substation is a potential issue, further sampling for contamination will be required. Conditions to address this are suggested.

6.5 **Local Highway Authority** – No objections; will require adoption of the access road, footpath and parking. Visibility splays will be required for the parking bays at flats 15 and 16. Parking bays within private land cannot be allocated to a particular flat or the proposal will not fall within the private rented category. (This was clarified as meaning that lower parking standards would apply if the site is used for affordable rather than private housing).

6.6 **Arboricultural Officer** - There are no arboricultural reasons why this application should be refused. It is recommended that a detailed landscaping scheme is conditioned and should include a post planting maintenance programme.

6.7 **Urban Designer** – Concerns raised as to the detail of the design.

6.8 The application was notified to adjoining occupiers and the following representations were received from the adjoining occupier at **2 Brookfield Road**:

- The design of the substation is not shown and question whether the development will blend in with their property.
- The rear corner adjacent to 2 Brookfield Road has been built up, concerned this will result in additional drainage to rear garden.
- the existing large conifers will be removed prior to commencement of building works and requested that a close boarded fence is erected to reduce noise and dust.

7. APPRAISAL

7.1 The issues to consider are the principle of the proposal, the impact of the proposed development in visual terms, the impact on neighbouring occupiers, living conditions for future occupiers and parking.

Principle of the proposal

7.2 The application site is currently occupied by a vacant warehouse building.

7.3 The site is located in a primarily residential area as defined in the Local Plan and therefore residential use of this site is considered acceptable in principle and has been the subject of previous planning permission for residential development. The principle of residential use of this site is therefore well established.

Impact on the street scene

7.4 The site is currently occupied by a large warehouse building, dating from the 1970s, which is a functional building and of no architectural merit. The surrounding area comprises of terraced and semi-detached houses generally of two-storeys high and the residential development of this site would, therefore, be much more in keeping with this character and would enable the removal of the unsightly warehouse building.

7.5 The proposed buildings are generally two-storeys in height and whilst the larger of the building providing the flats would be three storeys, it is considered that this would be in keeping with the general area, within which there are buildings of variant size and height.

7.6 The proposed buildings would be in brick construction with tiled roofs but would be of a contemporary design with areas of render and balconies. The design is intended to take its cues from the surrounding areas, particularly the terraced streets which feature some rendered

properties and some which retain their original brick facing. It is considered that such features add interest to the design.

- 7.7 A substation is proposed at the front of the site adjacent to no. 2 Brookfield Road. Whilst no detailed elevations were submitted, due to the small scale of the structure, it is not considered that the proposed substation would have undue adverse impact on the street scene. Subject to suitable external treatment the proposed structure is considered acceptable. A condition requiring the details of facing materials is proposed.
- 7.8 Trees along the north-western and north-eastern boundaries of the site are shown to be removed. These are large conifers which currently place the neighbouring garden in significant shadow and it is not considered that the retention of these trees is desirable either in terms of the impact on the street scene or on the adjoining occupiers. The general appearance of the site would be improved by suitable alternative landscaping and a condition to this effect is proposed.
- 7.9 Concerns have been raised by the Urban Designer as to the detail of the design. Following further discussion, it has been agreed that these issues can be addressed by means of conditions relating to materials, boundary treatment and details of the proposed substation.

Impact on adjoining occupiers

- 7.10 The application site is adjacent to no. 2 Brookfield Road to the west. The proposed development would have a separate distance of 11m from this house and 7m from the boundary with the house's rear garden.
- 7.11 Currently the garden of this property is overshadowed significantly by the tall conifers on the site. These would be removed and the proposed houses would be set back from the boundary. It is not considered that the proposed development would create unacceptable overshadowing effect on this property.
- 7.12 In respect of overlooking, there would be some impact from the proposed houses on plots 1 to 7, however given that the first floor rooms facing towards this neighbour are the second bedrooms to the houses, this impact would be lessened. Conditions are proposed for suitable boundary treatment and landscaping, which will further offset any adverse impact. Whilst there would be a residual impact, on balance it is considered that the impact on this neighbour would be acceptable, when considered against the existing non-conforming use currently on site.
- 7.13 Plot 8 is closer to the boundary with this neighbouring garden, and has been designed with no first floor windows facing in this direction, other than a single bathroom window. As this is the rear elevation of the house such windows could be installed in the future under permitted

development rights, and a condition preventing this is therefore proposed.

- 7.14 Due to the relatively small size of the gardens and the proximity to the boundary, a condition is proposed preventing any extensions or further outbuildings.
- 7.15 Concerns have been raised by the prospective purchaser of the adjoining property regarding drainage of the site into her garden. In order to address this point a condition is recommended requiring details of a surface water drainage strategy to be submitted for approval.
- 7.16 To the rear of the site are the gardens of houses on Raeburn Road. The proposed houses on Plots 9, 10 and 11 towards the rear of the application site would be separated from the rear boundary with these by a distance of a minimum of 11m, which would place these further from the boundary than the warehouse and would provide sufficient distance to prevent overlooking of the gardens of these neighbours. The houses have long gardens, with the houses being in excess of 25m from the rear boundary, minimising any overlooking between these houses.
- 7.17 The other neighbouring property is a warehouse, which is adjacent to the rear of plots 11 to 16. As this warehouse has a blank wall it would be unaffected by the development, other than by the demolition of the existing warehouse, which forms the boundary of the parking area of these premises. It is considered that this impact can be overcome, by means of a suitable boundary treatment to provide for security, which would be required by condition.
- 7.18 On the opposite side of Brookfield Road is Poets Court, a two-storey block of flats. It is not considered that the occupants of this block would be adversely affected by the proposal and the removal of a non-conforming use would improve the local environment.
- 7.19 The three storey block at the corner of Brookfield road and Chaucer Street has been designed with balconies facing Chaucer Street. These would face along the street and would not affect neighbouring residents as there is a separation distance of over 80m from these properties.
- 7.20 The neighbouring properties at 93 and 96 Junction Road, opposite the proposed flats, would not be affected by overlooking as their windows do not face towards the proposed block.

Living conditions for future occupiers

- 7.21 The proposed flats are considered to provide a good standard of accommodation. The houses would have their own private garden area, of around 35m². Rear private amenity space would be provided for the flats, together with an area of “doorstep play space”.

- 7.22 The majority of the houses and flats are of a conventional layout, however plots 11 and 12 are very close to the boundary with the existing neighbouring warehouse and therefore has been designed with no main windows on the rear elevation and with gardens to the sides. It is considered that these would provide a satisfactory living environment.

Parking

- 7.23 Seventeen parking spaces would be provided on site. This represents less than one space per dwelling, however it is considered that this is sufficient in this location and given that parking standards are set at maxima, it is considered that this level of parking is acceptable.

Contamination of site

- 7.24 Although a desktop study in respect of contaminated land was included with the application, comments from Environmental Health officers indicate concerns with this and a condition requiring a further study is proposed.

Section 106 Contributions

- 7.25 Comments from the County Council Development Management Section request financial contributions for fire and rescue, libraries and broadband. There is no policy basis for such payments and it is not clear how they would conform with the statutory tests set out in CIL Regulation 122.
- 7.26 The County Council has also requested a financial payment towards the provision of primary school education within the vicinity. It is considered that this request would normally satisfy the tests as set out above if the development were to be a conventional private sector development. However, in this case the scheme proposed is not a private development but rather provides entirely affordable accommodation.
- 7.27 Therefore, whilst the houses will be occupied by children, who will require education, these will be drawn from housing waiting lists and therefore these will be children already in education in the Borough and in need of housing. There will, therefore, be no net gain in the requirement for education provision as a result of these children being relocated into more suitable residential accommodation.
- 7.28 Consequently, provided that the applicant enters into a legal agreement to ensure that the entire development would be retained for affordable housing in perpetuity it is not considered that the education payment would be necessary. Therefore it is recommended that the legal agreement secures 100% affordable housing rather than the normal 35% requested. This approach is consistent with other recent decisions of the Council when determining applications of this nature.

8. CONCLUSION

- 8.1 It is considered that the proposed development would represent an enhancement to the street scene due to the removal of a non-conforming use in a residential area, in the form of a derelict warehouse, and would have no detrimental impact on adjoining occupiers..
- 8.2 The proposal would provide for much needed affordable housing, making use of grant funding and contribute towards the Borough's housing land supply.

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: 2116 / P00b, 2116 / P01, 2116 / P02c, 2116/P03b, 2116 / P04b, 2116 / P05b, 2116/P06b, 2116 / P07c, 2116 / P08a, 2116 / P09a,

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

(3) Notwithstanding the submitted plans, prior to the commencement of any work on site full details shall be submitted to the Local Planning Authority setting out the full details of the elevational treatment of the proposed substation which shall be constructed 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) Details and/or samples of all proposed external facing materials, including those to be used in the substation, 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 and to ensure that the development will harmonise with its surroundings in accordance with Policy E20 of the Northampton Local Plan.

(5) No building works which comprise the erection of a building required to be served by water services shall be undertaken in connection with any phase of the development hereby permitted until full details of a scheme including

phasing, for the provision of mains foul sewage infrastructure on and off site has been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until the works have been carried out in accordance with the approved scheme.

Reason: To prevent flooding, pollution and detriment to public amenity through provision of suitable water infrastructure in accordance with the NPPF.

(6) Prior to the commencement of any development, a scheme for the provision and implementation of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and completed fully in accordance with the approved details and the approved implementation programme and maintained thereafter.

Reason: To secure satisfactory drainage of the site and to prevent any adverse impact on adjoining occupiers, in accordance with Policy E20 of the Northampton Local Plan and the NPPF.

(7) Before the commencement of the development hereby permitted a scheme shall be submitted to and approved in writing by the Local Planning Authority which specifies the sources of noise from the proposed electricity substation and the provisions to be made for its control and the approved scheme shall be implemented prior to the commencement of the use hereby permitted and retained thereafter.

Reason: To protect the amenities of nearby occupants from noise and vibration amenity in accordance with the NPPF.

(8) 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 the NPPF.

(9) Full details of the method of the treatment of the external boundaries of the site together with individual plot boundaries shall be submitted to and

approved in writing by the Local Planning Authority, implemented 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.

(10) No development shall take place until a landscaping scheme has been 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 E20 of the Northampton Local Plan.

(11) 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, unless the Local Planning Authority gives written consent to any variation.

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

(12) Notwithstanding the submitted plans pedestrian visibility splays of 2m x 2m shall be provided on either side of parking bays 16 and 17. The splays shall be positioned within the site at right angles to the highway (measured at the highway/site boundary). The visibility splays so described shall be maintained free of any obstruction to visibility exceeding a height of 600mm above the existing ground level.

Reason: In the interest of highway and pedestrian safety, in accordance with the NPPF.

(13) Full details of the security measures to be incorporated into the development, which shall incorporate lockable gates to all rear passageways, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any work on site. The security measures shall be incorporated into the development in accordance with the approved details.

Reason: In the interests of the security of future occupiers of the site, in accordance with Policy E20 of the Northampton Local Plan.

(14) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no additional windows shall be installed in the north-western elevation of Plot 8 of the proposed development without the prior written consent of the Local Planning Authority.

Reason: To safeguard the privacy of adjoining properties in accordance with Policy E20 of the Northampton Local Plan.

(15) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions or other form of enlargement to the residential development hereby permitted, nor erection of porches, outbuildings, storage tanks, gates, fences, walls or other means of enclosure, shall take place without the prior written consent of the Local Planning Authority.

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

10. BACKGROUND PAPERS

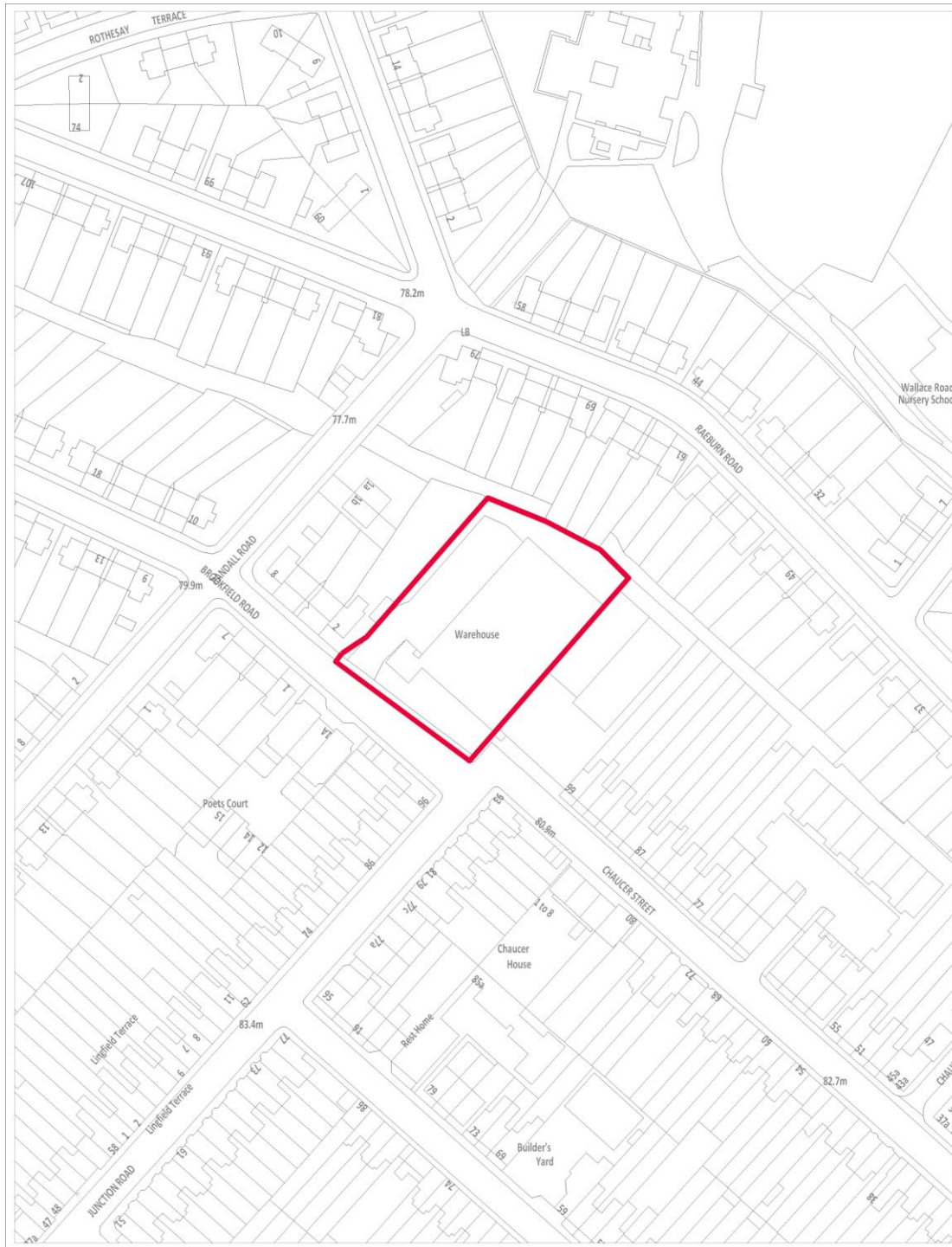
10.1 Application File N/2013/1215

11. LEGAL IMPLICATIONS

11.1 None.

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.



Name: Planning
 Date: 27th January 2014
 Scale: 1:1250
 Dept: Planning
 Project: Committee

Title
2A Brookfield Road

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