



**PLANNING COMMITTEE:** 22<sup>nd</sup> November 2016  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**HEAD OF PLANNING:** Peter Baguley

**APPLICATION REF:** N/2016/1145

**LOCATION:** Garage Premises , 531 Harlestone Road

**DESCRIPTION:** Demolition of garage and dwelling and erection of three houses and three bungalows with associated works including access drive (outline application with all matters reserved except access and layout)

**WARD:** New Duston Ward

**APPLICANT:** Mr Richard Brown  
**AGENT:** Wilbraham Associates

**REFERRED BY:** Councillor M Golby  
**REASON:** Overdevelopment, parking, Neighbourhood Plan

**DEPARTURE:** No

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#### APPLICATION FOR DETERMINATION:

#### 1. RECOMMENDATION

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

The proposed development, on balance, would have no significant detrimental impact on the amenities of neighbouring occupiers and would not be out of keeping with the character of the area. It would represent an appropriate use of the site and would provide for the housing needs of the area. The proposed development would therefore comply with Policies S1, S3, S10 and H1 of the West Northamptonshire Joint Core Strategy, Policies E20, H10 and H11 of the Northampton Local Plan, Policies OP1, H1, H3 and BE1 of the Duston Neighbourhood Plan and the National Planning Policy Framework.

#### 2. THE PROPOSAL

2.1 Outline planning permission is sought for the demolition of the existing garage and dwelling and for the erection of six dwellings. All matters are reserved apart from access and layout. A plan has been submitted showing the layout and indicative plan showing how the dwellings may appear in the street scene.

#### 3. SITE DESCRIPTION

3.1 The existing site is located on the south west side of the A428 Harlestone Road. It comprises a commercial garage, together with a dwelling (no. 531 Harlestone Road), and garden to the rear. The garage consists of a brick built building with workshops, a reception area and first floor offices. To the front of the garage is a forecourt with a canopy above which originally covered the fuel pumps which occupied the site. This area has more recently been used for customer parking. To the rear of the site is the residential dwelling and garden. To the north west and south east of the site are residential properties fronting onto Harlestone Road. To the south and south west of the application site is a recreation ground known as Grafton Park. The site is currently unoccupied and 'for sale'.

#### **4. PLANNING HISTORY**

- 4.1 N/2016/0346 – Demolition of garage and dwelling and erection of three houses and three bungalows with associated works including access drive (outline application with all matters reserved except access and layout) – Refused 7/07/16 due to insufficient parking layout.
- 4.2 N/2015/1088 – Removal of existing forecourt canopy, insertion of first floor windows to front. Demolish existing bungalow and change of use of part of land from bungalow and garden to car parking for 12no. vehicles to serve the commercial garage (re-submission of planning application N/2015/0675) – Approved.
- 4.3 N/2015/0675 – Removal of existing forecourt canopy and erection of a single storey workshop extension to existing garage, new windows to first floor front, demolish existing bungalow and provision of car parking spaces to rear - Withdrawn.
- 4.4 N/2015/0367 – Prior notification for a proposed demolition of bungalow – Prior Approval not required.
- 4.5 PA/2014/0300 – Enquiry regarding demolition of bungalow and erection of workshop.
- 4.6 N/2006/113 – Erection of extension to garage workshop – 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), Northampton Local Plan (1997) saved policies, and emerging Neighbourhood Development Plans where relevant.

##### **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 7 – There are three dimensions to sustainable development. These dimensions give rise to the need for the planning system to perform a number of roles: an economic role, a social role, an environmental role.

Paragraph 14 – Central to the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both planning and decision-taking.

Paragraph 17 – sets out core land-use planning principles, which seek to secure high quality design and a good standard of amenity for existing and proposed occupiers ; encouraging the effective use of brownfield sites; managing patterns of growth to make fullest use of sustainable locations.

Paragraph 35 - sustainable transport – developments should be located and designed where practicable to create safe and secure layouts which minimise conflicts between traffic and cyclists and pedestrians.

Paragraph 47 – requires Local Planning Authorities to meet objectively assessed housing needs for their area and to identify and update a supply of deliverable sites to provide 5-years' worth of housing against these requirements.

Paragraph 49 – Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

Paragraph 50 – To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, should plan for a mix of housing based on current and future demographic trends and the needs of different groups in the community.

Paragraph 53 – Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.

Paragraph 56 – Good design is a key aspect of sustainable development and should contribute to making places better for people.

Paragraph 58 – Planning decisions should aim to ensure that developments respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation.

Paragraph 109 – The planning system should contribute to and enhance the natural and local environment.

Paragraph 203 - Local planning authorities should consider whether otherwise 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.

### 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: Housing Density & Mix & Type of Dwellings – States that development should provide for a mix of house types, sizes and tenures to cater for different accommodation needs. Housing developments will be expected to make the most efficient use of land having regard to the

location and setting of the site, the existing character and density of the local area, accessibility to services and facilities, proximity to public transport routes, the implications of density for affordability and viability, the living conditions provided for future residents, the impact on the amenities of occupiers of neighbouring properties.

Policy S1: The Distribution of Development – in assessing the suitability of sites for development priority will be given to making the best use of previously developed land and vacant under-used buildings in urban or other sustainable locations contributing to the achievement of a West Northamptonshire target of 30% of additional dwellings on previously developed land or through conversions.

Policy S3: Scale and Distribution of Housing Development – requires the construction of approximately 18,870 dwellings in Northampton Borough over the plan period.

Policy S10: Sustainable Development Principles – requires development to satisfy a range of sustainable development principles including through achieving the highest standards of sustainable design; maximising opportunities for reuse and recycling; and promoting walking and cycling and protecting, conserving and enhancing the natural and built environment and heritage assets and their settings.

Policy BN2: Biodiversity – Development that will maintain and enhance existing designations and assets or deliver a net gain in biodiversity will be supported.

Policy BN9: Planning for Pollution Control – development that is likely to cause pollution, either individually or cumulatively, will only be permitted if measures can be implemented to minimise pollution to a level which provides a high standard of protection for health and environmental quality.

#### **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: New Development - will be granted subject to the development being designed, located and used in a manner that ensures adequate standards of privacy, daylight and sunlight.

H10: Backland development - Planning permission for the development of residential backland will not be granted unless it can be shown that the siting and layout of the development will not be detrimental to the character and amenity of the locality and will not cause disturbance to or adversely affect the privacy of adjoining dwellings. This includes existing dwellings within whose curtilage the development is proposed.

H11: Commercial property in primarily residential areas – planning permission will be granted in primarily residential areas for the development of existing commercial property for residential development, either by conversion or redevelopment, so long as the overall effect would be to maintain or improve the appearance and character of the area.

#### **5.5 Supplementary Planning Documents**

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

#### **5.6 Other Material Considerations**

Duston Neighbourhood Plan

At Full Council on 14<sup>th</sup> December 2015 Northampton Borough Council made the Duston Neighbourhood Plan. It now forms part of the Development Plan for Northampton. Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

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

OP1: Sustainable Development Principles – Development should have regard to the vision and objectives set out in the neighbourhood plan and be located to ensure that it does not adversely affect:

1. The amenity of nearby residents;
2. The character and appearance of the local area in which it is located;
3. The social, built, historic, cultural and natural heritage assets of the Parish.

Policy H1: Proposals for the development of existing industrial premises and other sites for residential use will be supported provided that:

- It is demonstrated that retention or improvement of the existing employment land and buildings is not viable;
- Any existing adverse impact on residential amenity is removed and mitigated;
- There are no significant adverse impacts on the transport network.

Policy H3: Meeting the needs of all sectors of the population - Housing developments will be supported where they include a range of house types, including two and three bedroom dwellings. They will also be expected to include an element of single level dwellings to meet the needs of the elderly and people with disabilities.

Policy H4: Smaller infill sites - Development will be supported on sites of up to 5 dwellings on previously developed land and large gardens, subject to adequate amenity, direct frontage access, conservation area requirements being met and provision of natural landscaping.

Policy BE1: Local character areas - New development will be required to respect and relate to the character and context of the area in which it is proposed. Proposals should maintain and, where possible, enhance or improve the character of the area.

## 6. CONSULTATIONS/ REPRESENTATIONS

Comments received are summarised as follows:

- 6.1 **NCC Highways** – State that vehicle to pedestrian visibility splays are required as illustrated in the standing advice and features within these must not exceed 0.6m above footway level.
- 6.2 **NBC Public Protection** – no objections. Suggest conditions regarding transportation noise and contamination. With regard to air quality seeks that the developer provides electric vehicle charging points.
- 6.3 **Councillor Golby** – requests that the application is called in to be considered by Committee for the following reasons:
- Overdevelopment of the site, contrary to policy E20 of the Local Plan and NPPF
  - Duston Neighbourhood Plan - the plan should be considered in all aspects of this application

- 6 proposed houses would be overdevelopment of this site, there is insufficient parking for 6 proposed dwellings and would encourage reduction to 5 or less. In the case of reduction to 5 dwellings or less please refer to policy H4 of the neighbourhood plan.
- Development of this site would require the appropriate removal and cleaning of the brownfield tanks, please refer to policy H1 of the Neighbourhood Plan. Policy H1 would also cover other concerns the committee have regarding the adverse impact on the residential amenity and transport network.
- Concerns over increased traffic movement now that a care/residential home is to be built opposite this site.

6.4 **Duston Parish Council** comments are summarised as follows:

- Refer to Policy H4 of the Neighbourhood Plan
- Consider 6 houses would be an overdevelopment of the site as there is insufficient parking and would encourage a reduction to 5 or less dwellings.
- Refer to Policy H1 of the Neighbourhood Plan and state that development would require removal and cleaning of the tanks on site. This policy also covers other concerns the committee have regarding the adverse impact on residential amenity and the transport network.
- Concerned about increased traffic now that a care home is to be built opposite the site.

6.5 **Site Notice and consultation of neighbouring properties** – comments received from 3 addresses as follows:

**529 Harlestone Road** – No objections.

**533 Harlestone Road** – objects due to loss of light and outlook from bedroom windows and loss of amenity in rear garden and visual impact due to proposed 3 bungalows. Also concerned about additional traffic hazard that development will create in addition to the recently approved 80 bedrooomed nursing home opposite. Requests that planning guidelines and Duston Local Plan are followed and that application is rejected.

**1 Upton Close** – objects to the application referring to policies OP1, H1 and H4 of the Duston Local Plan. States that the plans submitted fail all of Duston's Neighbourhood Plan requirements. Considers the proposal will detrimentally impact no. 533 Harlestone Road with the proposed 3 bungalows directly affecting their visual amenity. States that Duston Local Plan supports 5 units only on a plot and that the housing minister stated that garden development should be resisted.

**7. APPRAISAL**

**Principle of Residential Use**

- 7.1 The NPPF has a presumption in favour of sustainable residential development and encourages the use of brownfield sites and the re-use of commercial buildings for residential use, where there is an identified need for additional housing in the area and no strong economic reasons as to why development would be inappropriate.
- 7.2 The application site is allocated as being within a Primarily Residential Area in the Local Plan, and is within an area which consists primarily of residential accommodation, within which the former use as a vehicle repair workshop represents a non-conforming commercial use.

7.3 The proposal would remove this non-conforming use, and would replace it with residential development. The residential use is considered to be acceptable in principle given the policy allocation. Furthermore, the site is considered to be in a sustainable location with good access to public transport and local facilities. The development of the site for residential use would also contribute towards the Council's 5-year housing supply, and enable the re-development of what has now become a vacant site which would enhance the character and appearance of the area.

### **Layout**

7.4 It is intended to build a terrace of three 2 ½ storey houses to the front of the site and three bungalows to the rear, albeit scale is a reserved matter. The houses to the front will be staggered to mirror the building line of the housing to the south-east. This will mean that the street scene will be continued. An indicative plan has been submitted to show what the street scene might look like. Appearance is a matter reserved for subsequent approval and detailed design proposals would be considered at that stage, however the plan indicates that a terrace of three dwellings could sit comfortably in the street scene with an improvement over the appearance of the existing garage.

7.5 Towards the rear of the site a terrace of three bungalows is proposed. Bungalows are proposed to ensure that there is no direct overlooking of neighbouring properties. Furthermore, the separation distance between the existing and proposed dwellings is acceptable to ensure there will be no significant impacts of overlooking or overshadowing. It should also be noted that the existing dwelling forms backland development, and is in closer proximity to the neighbouring property at No. 533 Harlestone Road than the proposed bungalows. The applicant would be expected to submit suitable details at reserved matters stage to demonstrate that there is no detrimental impact on neighbouring amenity.

### **Highways, Access and Parking**

7.6 Matters relating to access are for determination as part of this application. The existing access arrangement to the site comprises an 'in and out' arrangement with the accesses located at either side of the frontage to Harlestone Road. This serves parking on the garage forecourt and also a driveway located adjacent to the north-western boundary, providing access to the dwelling at the rear, and also to the rear of the garage and a parking area located between the house and the rear of the garage.  
The intention is to close the northern access and to reduce the width of the southern access to 4.5 metres. This access will lead to 13 parking spaces located to the rear of the two storey dwellings and to the front of the bungalows.

7.7 The previous application for the development of the site was refused on highway grounds as the parking layout, which included tandem parking at the front of the site, was considered to be unacceptable. The parking scheme now proposed allows for two additional parking spaces with tandem parking omitted. Although the spaces now proposed will be located to the rear of the site, they will be overlooked by future residents. Furthermore, the parking spaces do not dominate the scheme, and overcome previous highway safety issues. The Local Highway Authority has no objections to the proposal subject to suitable visibility splays being provided and kept clear of obstruction. A condition is recommended to secure this element.

### **Contamination and noise**

7.8 The site is located on the busy A428 Harlestone Road and dwellings to the front of the site are likely to be impacted by road traffic noise. Environmental Health Officers have assessed the proposal and have raised no objection to the application in relation to noise, subject to noise mitigation measures being carried out. They also suggest conditions to deal with land

contamination given the previous use of the site. In the circumstances these are considered to be necessary to protect residential amenity.

### **Residential Amenity**

- 7.9 It is noted that the rear gardens to the properties will be between 9.5 and 12 metres in depth which will provide an acceptable level of amenity for future occupiers. Furthermore there will be a separation distance of between 29 and 31 metres between the dwellings so there will be no issues in terms of overlooking or overshadowing.
- 7.10 With regard to the impact on the amenities of adjoining and nearby occupiers, objections have been received from the occupier of the adjacent property and his representatives with regard to visual and overbearing impact, loss of light and privacy and over development of the site. Given the scale and dimensions of the existing buildings on the site, the existing authorised use and proposed separation distances it is considered that the proposal will not unduly impact on neighbouring residential amenity.

In addition it should be noted that various issues raised would be considered and controlled through an application for reserved matters.

## **8. Other matters**

### **Duston Neighbourhood Plan**

- 8.1 Objections have been received stating that the proposal is not in accordance with the Duston Neighbourhood Plan. This plan generally supports development of previously developed land where it would not have any adverse impact on the character and appearance of the area, and where residential amenity is not adversely affected. Policy H4 relates to smaller infill sites. It states that development will be supported on sites of up to 5 dwellings on previously developed land, and large gardens subject to certain criteria. The proposal is for 6 dwellings on a site 0.16 hectares in area, which represents a density of 37.5 dwellings per hectare. Whilst the number of houses proposed would be more than the 5 dwellings referred to in this policy, the proposal is not overly dense, and it is considered that the layout plan demonstrates that 6 dwellings can be satisfactorily accommodated on the site without undue detriment to neighbouring amenity or highway safety.

### **Parking**

- 8.2 Councillor Golby refers to the Neighbourhood Plan, and states that there is insufficient parking on the site. The proposal is for 6 dwellings, although the number of bedrooms per dwelling is unknown at this stage. The proposal allows for two parking spaces per dwelling with one additional parking space. Given the nature of the development (bungalows and comparatively small terraced housing), and as no objections have been received from the Highway Authority, it is considered that this level of provision is acceptable in this instance. A condition is recommended that would ensure the reserved matters application includes this number of spaces, also specifying the size of space in order to provide certainty that the highway impacts of the scheme will be mitigated.

### **Increase in traffic**

- 8.3 Concerns have been raised about the traffic hazard the proposal will cause now that an 80 bed residential care home has been approved opposite the site (N/2016/0118 refers). It should be noted that currently the application site is lawfully a vehicle mechanic's garage, and this use could continue without planning permission. This would result in a large number of vehicle movements, especially during business hours, accessing and egressing the site. It is not

considered that six dwellings will increase the number of vehicle movements to a point where an objection could be raised on highway safety grounds. The Highway Authority has no objections to the proposal, nor did they object to the proposed development of the care home on the opposite side of the road.

## **9. CONCLUSION**

- 9.1 It is considered that the principle of the land use is acceptable and would remove a non-conforming use in a residential area. The layout plans submitted with the application demonstrate that the proposal would not have a significant impact upon the character of the area, highway safety and the amenities of surrounding properties.

## **10. CONDITIONS**

- (1) Approval of the details of the appearance, landscaping and scale ("the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: This permission is in outline only granted under Article 5(1) of the Town and Country Planning (Development Management Procedure) Order 2015.

- (2) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

- (3) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or, if later, before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

- (4) 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 E20 of the Northampton Local Plan. This condition is required in order to ensure that these details are agreed in a timely manner.

- (5) 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 condition is required pre-commencement in order to agree these details in a timely manner.

(6) 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 and 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.

(7) The development hereby permitted shall include a minimum of 13 on-site car parking spaces, which shall have minimum dimensions of 2.5m x 5m. The car parking shall be provided prior to the first occupation of the development hereby permitted and retained thereafter.

Reason: In the interests of highway safety in accordance with the National Planning Policy Framework.

(8) Vehicle to pedestrian visibility splays of 2m x 2m shall be achieved prior to occupation and any feature within the visibility splay area must not exceed 0.6 metres in height above footway level and must be secured at all times.

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.

(9) Before the commencement of the development hereby permitted a scheme shall be submitted to and approved in writing by the Local Planning Authority for protecting the dwellings from traffic noise. The approved scheme shall be implemented concurrently with the development completed before the first occupation or use of the development and thereafter retained.

Reason: To protect the enjoyment of future occupiers of their dwellings amenity in accordance with Policy BN9 of the Northamptonshire Joint Core Strategy.

(10) 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 dwelling (s) hereby permitted.

Reason: To prevent overdevelopment of the site in accordance with Policy S10 & H1 of the West Northamptonshire Joint Core Strategy.

(11) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plans and drawing no. SK.1319/01D.

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

## **10. BACKGROUND PAPERS**

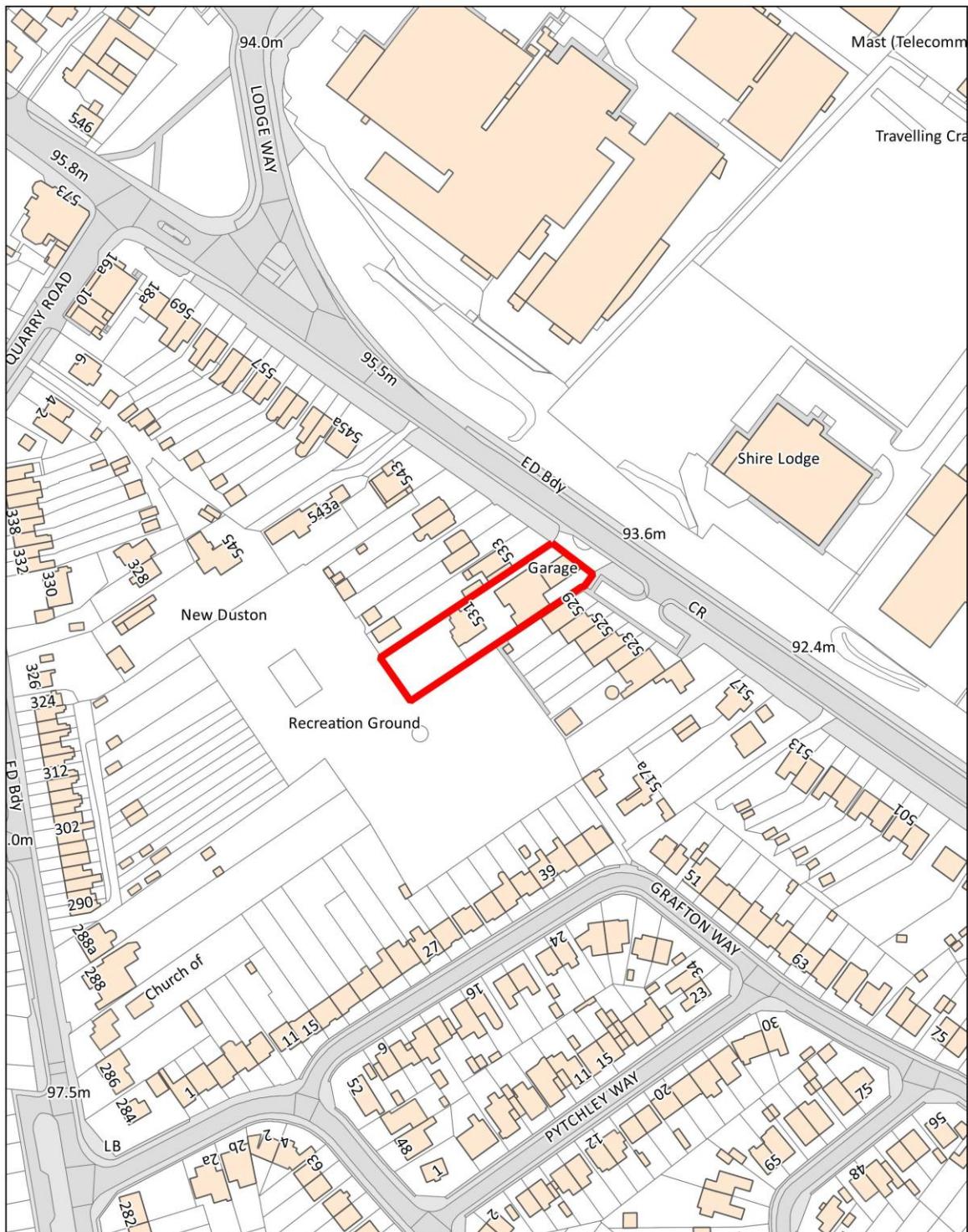
10.1 N/2016/0346

**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: **Garage premises, 531 Harlestone Road**

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Date: 07-11-2016

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