

PLANNING COMMITTEE: 31st July 2018
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Peter Baguley

APPLICATION REF: N/2018/0450

LOCATION: Open Space, Derwent Drive

DESCRIPTION: Development of 8no semi-detached dwellings with associated parking

WARD: Kings Heath 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 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, RC2, BN1, BN2 and BN9 of the West Northamptonshire Joint Core Strategy, and Saved Policies E20 and H10 of the Northampton Local Plan.

2 THE PROPOSAL

- 2.1 The application seeks full planning permission for the erection of eight semi-detached dwellings with associated access drive and parking on part of an area of open space in Kings Heath.
- 2.2 The proposed new semi-detached dwellings would all be 3-bed properties and would each measure 5.8 metres in width, 9 metres in depth and 7.9 metres in height with gabled roofs.
- 2.3 In addition, the proposal includes a new vehicular access drive including turning head measuring 4.8 metres in width, with 24 parking spaces to serve the 8 new dwellings.

3 SITE DESCRIPTION

- 3.1 The application site comprises a grassed area of open space with boundary hedges and a limited number of trees located in a predominantly residential area within Kings Heath. The open space is accessed off Derwent Drive and located within the centre of a perimeter block of housing that fronts onto Derwent Drive, Witham Way, Waveney Way and Park Drive. The site is bounded by hedges to all sides, with the exception of the access from Derwent Drive, and there are a number of existing trees located adjacent to the north western side boundary of the site.

4 PLANNING HISTORY

- 4.1 The following application is currently under consideration to the south west of the application site:

N/2018/0446: Development of 4no semi-detached dwellings with associated parking. Pending consideration at time of drafting report.

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:

Paragraphs 6, 7, 8 and 14 - Presumption in favour of sustainable development.

Paragraph 17 - Core planning principles

Paragraph 32 - Safe and suitable access

Paragraph 49 - Housing applications

Paragraph 50 - Wide choice of high quality homes

Section 7 - Good design

Section 8 - Promoting healthy communities

Section 11 - Conserving and enhancing the natural environment

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 RC2 - Community Needs

Policy BN1 - Green infrastructure

Policy BN2 - Biodiversity

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 E20 - New Development (Design)
Policy H10 - Backland 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 **Planning Policy (NBC)** – The Joint Core Strategy states that a key objective of the strategy is to provide a range of housing. The development proposals (current application together with application N/2018/0446) are for the provision of affordable housing leading to the development of 12 family homes with gardens. The location is suitably sustainable as it is close to public transport links thereby increasing mobility and accessibility and it could enhance employment prospects. Access to local amenities is good. Many families in this locality are restricted to apartment accommodation so the proposal would bring a better housing mix to the area which would benefit growing families. However, Joint Core Strategy Policy RC2 seeks to resist the loss of open space. On balance, the proposal should bring about community benefits that will outweigh the loss of this space. While a replacement facility will not be possible in this locality, the proposal should seek to mitigate the loss by enhancing existing open spaces which are within the accessibility catchment, such as the provision of auxiliary features at Kings Heath Recreation Ground.
- 6.2 **Public Protection (NBC)** – No objections subject to conditions requiring a land contamination assessment, mitigation measures to support the Low Emission Strategy and advisory note regarding construction hours.
- 6.3 **Arboricultural Officer (NBC)** – No objections.
- 6.4 **Highway Authority (NCC)** – Following the receipt of revised plans and information, all outstanding issues have been resolved and the Highway Authority have no further comments to make.
- 6.5 **Police Crime Prevention Design Advisor** – Despite it being a back land development the layout for this site is acceptable in that the car parking is well overlooked from the fronts of dwellings although at something of a remove and the dwellings back onto existing development ensuring a secure rear perimeter. Pleased to note that the rear fence lines will be supplemented with a trellis topping. All doors and windows and gates should be meet security standards and the car parking area should be lit with mast mounted lighting.

Concerned whether the remaining open space is large enough to have a useful defined purpose to prevent it becoming an area of anti-social inappropriate behaviour or the site of fly tipping.

The development constitutes 'back land development' and as such does not benefit from pedestrian or vehicular surveillance from the street and would therefore not comply with the SPG on Planning Out Crime. Normally gates would be sought for such developments and, in the absence of this, the standards of doors and windows is doubly important.

- 6.6 **Four letters of objection** have been received from occupiers of neighbouring properties. These letters include the following points:

- Kings Heath does not need and would not benefit from more housing
- Object to loss of another area of green space in the area / town.
- The area once won an award for its plentiful green spaces.

- The new housing would be located in a children's play park.
- Green spaces should be kept for future generations.
- It is unclear where the children for the new family homes would go to play.
- Object to felling of trees and boundary hedges.
- The park is regularly used by local residents.
- Gardens backing onto the park are currently not overlooked and are secure.
- Proposal would cause parking, traffic and associated noise and pollution in an already congested and heavily populated area.
- Lack of infrastructure to support more houses such as shops.
- Bollards have been installed across the access to site following the unauthorised occupation of the area by caravans.
- Concerned that development may cause damage to neighbouring properties.

6.7 In addition, a letter has been received querying whether existing boundary fences would be affected by the proposals.

7 APPRAISAL

Principle of development

7.1 The proposed location of the housing would comply with Policy S1 of the Joint Core Strategy, which details that development should be concentrated primarily in and adjoining the principal area of Northampton.

7.2 However, the Council cannot presently demonstrate a five year housing land supply. Therefore, in accordance with the presumption in favour of sustainable development in paragraph 14 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.

Open Space

7.3 The site comprises a relatively large area of open space serving Kings Heath. Policy RC2 of the Joint Core Strategy relates to open space and seeks to resist the loss of open space unless it can be demonstrated that:

- There is evidence that improvements can be made through the provision of a replacement facility of equal or better quality taking into account accessibility; or
- The proposal will bring about community benefits that outweigh the loss of the facility; or
- Having regard to the relevant open space study, the space is surplus or is little used.

7.4 In addition, Paragraph 74 of the NPPF also seeks to protect against the unjustified loss of open space.

7.5 In this instance, the proposal would result in the loss of a large proportion of the existing open space and it is also noted that another application is currently under consideration (reference N/2018/0446) that would result in the loss of the remaining narrow strip of the open space to the south western side. However, whilst the existing open space is clearly used by some members of the community as a recreational and amenity resource, it does not contain any play or recreation facilities. In addition, the open space is also subject to poor surveillance, being located in the centre of a perimeter block of housing enclosed by rear boundaries including tall hedges, and thus is particularly vulnerable to anti-social behaviour and crime such that its quality is limited. Furthermore, a sizeable area of open space would be retained within the site and this would include the existing mature trees within the site. In addition, the retained area of open space would benefit from good surveillance from the new houses such that it would provide a safer area of open space from a crime perspective than the existing situation.

- 7.6 As part of a balanced assessment, it is considered that the community benefits arising from the proposed eight new family homes would outweigh the loss of open space in this instance. It is noted that the Planning Policy Team in their consultation response are suggesting that mitigation for the loss of open space by enhancements to existing open spaces elsewhere should be sought. However, as the community benefits are considered to outweigh the loss of open space, it is considered that enhancements elsewhere would not be necessary or reasonable. Furthermore, and in any event, it is noted that NPH are in the process of undertaking landscaping improvements across the Kings Heath area as part of their Strategic objective to “Deliver and maintain high quality homes and estates”.

Layout and Design

- 7.7 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. In addition, Saved Policy H10 of the Northampton Local Plan seeks to resist backland development unless it can be shown that the development would not be detrimental to the character of the locality or the amenity of neighbours. The supporting text for this backland policy indicates that the purpose of this policy is to address new housing in the suburban areas of the town that have exceptionally long rear gardens.
- 7.8 The application site comprises an area of open space located within the centre of a perimeter block of housing and thus would not result in the loss of residential garden land. The new semi-detached dwellings would be located at either end of the open space, and would help to provide more secure boundaries to neighbouring properties within the perimeter block and also overlook the parking and remaining area of open space, such that a gated development is not considered necessary; although it is recommended that a lighting scheme is submitted to ensure that the car park is a safe environment. In addition, the linear layout of the houses would reflect the pattern of development in the area and they would be set in from the boundaries of the site such that the development would not appear cramped. Furthermore, the new houses would have a two storey scale and a gabled roof form to reflect the appearance of properties in the locality. As such, no objections are raised to the proposed dwellings with respect to the character and amenity of the area.

Residential amenity

- 7.9 Saved Policy E20 of the Northampton Local Plan, Policy H1 of the Joint Core Strategy and the Core Planning Principles in the NPPF all seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 7.10 In terms of the amenities of neighbours, the rear gardens of properties on Derwent Drive and Waveney Way would back onto the side elevations of the new houses and parking associated with the development. However, these existing gardens vary in depth between 14-19 metres, with the new houses also set well in from the site boundaries and only having a two storey scale, such that there would be good separation between these existing dwellings and the new development. In addition, the proposals also seek to retain the existing boundary hedges, which would help to screen the development from neighbours. The new houses would benefit from flank windows, however these would be limited to ground floor level and staircase windows only. As such, and subject to conditions preventing the insertion of first floor windows, it is considered that the proposal would not give rise to an unacceptable impact with regards to the amenities of neighbouring properties on Derwent Drive and Waveney Way. .
- 7.11 In respect of the amenities of neighbours on Park Drive and Witham Way, these existing dwellings are located over 50 metres away from the boundaries of the site and therefore would not be adversely affected by the proposed development.
- 7.12 Turning to the amenities of future occupiers of the new dwellings, all habitable rooms would be served by windows and landscaped strips are proposed to the frontages of the new houses to

provide a buffer area to parking spaces and this can be secured by condition. The dwellings would all have private rear gardens of at least 11 metres in depth, which would provide adequate outdoor amenity space for family homes and an acceptable separation to the proposed houses to the southwest of the site that are currently under consideration by the Council under application N/2018/0446. In addition, the submitted plans detail provisions for bins to be stored in rear gardens. As such, subject to conditions, it is considered that the proposal would afford an acceptable standard of amenity for future occupiers of the site.

- 7.13 Overall, it is considered that the proposal would not give rise to an unacceptable impact with regard to the amenities of neighbours and would afford an acceptable standard of amenity for future occupiers of the site.

Parking and highway safety

- 7.14 A new access drive with turning head would be created to serve the new houses and the development would also benefit from 24 parking spaces. The Parking Standards seek 2 parking spaces per 2/3 bed dwelling, which equates to 16 parking spaces for the proposed development. Therefore, the scheme would exceed the Parking Standards, with one visitor space also provided per dwelling. In addition, the County Highway Engineer has assessed the safety of the parking and access arrangements for the scheme and raises no objections.
- 7.15 The submitted plans show sheds to serve each dwelling and these could serve as cycle stores and be secured by condition.
- 7.16 Overall, it is considered that the proposal is acceptable on the grounds of parking and highway safety.

Other considerations

- 7.17 The Council's Environmental Health Officer recommends a ground contamination condition should planning permission be forthcoming.
- 7.18 In addition, the Environmental Health Officer suggests the inclusion of conditions relating to electric vehicle charging points and boilers, and also an advisory note relating to hours of working, with a CEMP also requested by neighbouring residents. However, given the parking arrangement, 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 houses. With respect to construction hours and a CEMP, the proposal is only for a small-scale development and there are controls under the Environmental Health and Highway legislation to address issues arising from such small construction site should they arise. Furthermore, should any damage to neighbouring properties during the construction process then this would be a civil matter and outside the scope of the planning legislation.
- 7.19 Policies BN1 and BN2 seek to safeguard existing green infrastructure and biodiversity. The Green Infrastructure Plan 2016 identifies the open space part of the site as forming part of Northampton's Green Infrastructure Network and classifies the site as comprising a Component H: Urban Open Space, which covers parks and playing fields. Furthermore, it details that Urban Open Spaces (and their associated trees, lakes and grassland) function as 'green lungs' within the urban area of Northampton. However, the site comprises a grassed area of open space and is therefore limited in terms of biodiversity, with the existing boundary hedges and trees to be retained as part of the proposal and with a meaningful area of grassed open space. Furthermore, much of the open space affected by the development would become garden land and thus would still be able to operate as "green lungs" for Northampton. As such, subject to a landscaping scheme, no objections are raised on ecology and green infrastructure grounds.

8 CONCLUSION

- 8.1 To conclude, the Council 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 respect, the principle of residential development on the former garage court part of the site is acceptable under the development plan and the redevelopment of this brownfield land is encouraged under the NPPF, with the proposal also contributing to the Council's five year housing land supply. The proposal would however result in the loss of a large part of an area of open space, but a meaningful area of open space would remain and this limited harm is considered to be outweighed by the benefits to the community of providing housing to contribute to the Council's five year housing land supply. Furthermore, subject to conditions, no other 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)03D, (P)04, (P)05, (P)06D.

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

3. The construction of the development hereby permitted shall not 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. Pre-commencement condition to ensure details are agreed in a timely manner and to ensure a satisfactory standard of development.

4. 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.

5. Prior to the construction of the development hereby permitted, 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. Pre-commencement condition to ensure details are agreed in a timely manner and to ensure a satisfactory standard of development.

6. Notwithstanding the submitted details, prior to the commencement of development hereby permitted, an Arboricultural Report detailing the tree protection measures for all the trees and hedges to be retained as part of the development shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be constructed in accordance with the approved tree and hedge protection details.

Reason: In the interests of the character and appearance of the locality and biodiversity in accordance with Policies H1, BN1, BN2 and S10 of the West Northamptonshire Joint Core Strategy. Pre-commencement condition to ensure details are agreed in a timely manner and to ensure a satisfactory standard of development.

7. Prior to the construction of the development 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.

8. Prior to the construction of the development 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 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.

9. Prior to the construction of the development hereby approved above ground floor slab level, a detailed scheme of hard and soft landscaping for the site shall be submitted to and approved in writing by the Local Planning Authority. 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 dwellings 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 biodiversity and to secure a satisfactory standard of development in accordance with Policies H1, BN1, BN2 and S10 of the West Northamptonshire Joint Core Strategy.

10. Prior to the construction of the development hereby permitted above ground floor slab level, full details of all external lighting within the 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 and retained thereafter.

Reason: In the interests of appearance of the locality, residential amenity, and crime prevention in accordance with Policies H1 and S10 of the West Northamptonshire Joint Core Strategy.

11. Prior to the construction of the sheds shown on the plans hereby approved, full details of the sheds 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 S10 of the West Northamptonshire Joint Core Strategy.

12. The parking spaces and manoeuvring areas 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.

13. 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 window(s) 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.

14. 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 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 BACKGROUND PAPERS

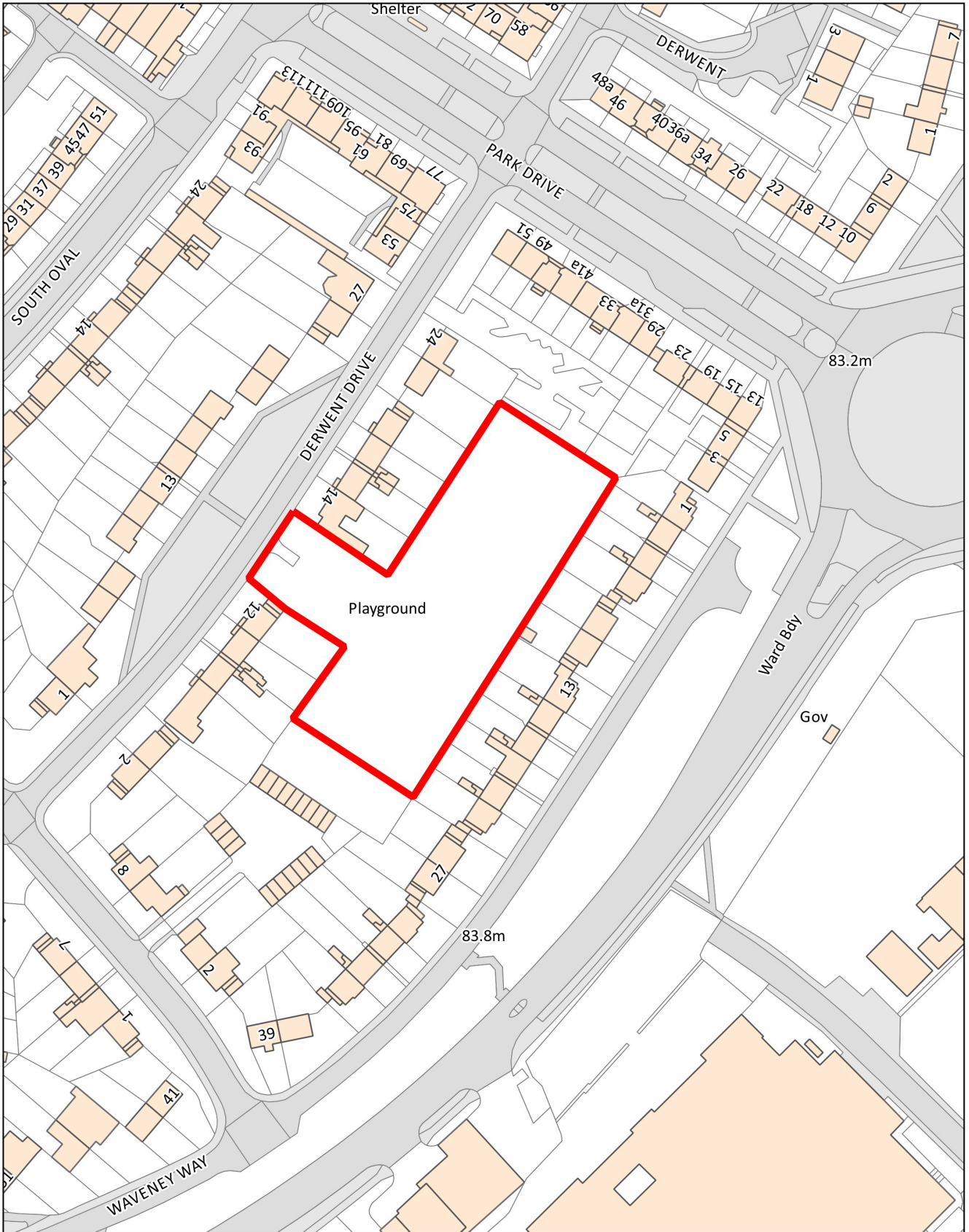
- 10.1 N/2018/0446.

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.



 <p>NORTHAMPTON BOROUGH COUNCIL</p>	<p>Title: Open Space, Derwent Drive</p>	<p>Date: 05-07-2018</p>
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