



PLANNING COMMITTEE: 31st July 2013
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Peter Baguley

APPLICATION REF: N/2018/0923

LOCATION: Lock Up Garages, West Oval

DESCRIPTION: Development of 4no 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 principle of residential development on the site for new dwellings is considered acceptable in a residential area and would contribute towards the Council's five year housing land supply. As part of a balanced assessment, it is considered that the proposal would have an acceptable impact upon the character and appearance of the surrounding area, neighbouring amenity and highway safety. The development is therefore compliant with the requirements of the National Planning Policy Framework, Policies S1, S10, H1, 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 four dwellings with associated parking on a former garage court site in Kings Heath.
- 2.2 The proposed new dwellings would comprise 3 x 3 bed terraced houses and 1 x 1 bed bungalow. The terraced houses would be located to the south eastern part of the site and the bungalow would be located to the south western part of the site. The block of terraced houses would measure 17.3 metres in width, 9 metres in depth and 8 metres in height with a gabled roof. The bungalow would measure 9 metres in both width and depth, with a hipped roof measuring 4.9 metres in height.

2.3 In addition, the proposal includes 11 parking spaces to serve the 4 new dwellings.

3 SITE DESCRIPTION

3.1 The application site is in a residential area and comprises a former garage court site set to the rear of residential houses fronting West Oval, Witham Way, Heath Green, and Heathville. It is currently being used as a construction compound associated with the refurbishment works being undertaken in Kings Heath by Northampton Partnership Homes (NPH). The site is accessed from a private road running between the side of No. 1 West Oval and rear of No. 19 Witham Way and has a forked layout.

4 PLANNING HISTORY

4.1 N/2018/0451: Development of 6no semi-detached dwellings with associated parking. Withdrawn.

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

Paragraph 111 - Brownfield land

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 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 objections subject to conditions requiring a land contamination assessment, mitigation measures to support the Low Emission Strategy and advisory note regarding construction hours.
- 6.2 **Arboricultural Officer (NBC)** – No comments to make.
- 6.3 **Highway Authority (NCC)** – No comments to make.
- 6.4 **Two neighbour letters of objection** have been received. These letters include the following points:
- Proposal would result in loss of access from back gate. This gate has been relied upon for over 10 years to provide access to bus stop.
 - Development would affect saleability of property.
 - Proposal would affect enjoyment of land at adjacent property.
 - Development would severely impact on the right to light.
 - The scheme will impact on neighbours' ability to develop their own properties.
 - Development will increase levels of anti-social behaviour.

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 The Council cannot however 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.

Layout and design

- 7.1 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.
- 7.2 The application site comprises a former garages court site set in the middle of a perimeter block of houses. Therefore the proposal would not result in the loss of residential garden land and would comprise the re-use of brownfield land which is encouraged under the NPPF. The new terraced

houses would be located in the larger south eastern portion of the site and would be set well in from the side boundaries with a two storey scale to reflect the massing of neighbouring properties. The new bungalow would be in the narrower southern western portion of the site and, whilst it would be closer to the side boundaries of the site than the terraced houses, it would only be single storey in scale and would have a shallow hipped roof form such that it would not appear unduly cramped. Furthermore, there would only be limited views of the new bungalow in the streetscene. As such, no objections are raised to the proposed development with respect to the character and amenity of the area.

Residential amenity

- 7.3 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.
- 7.4 In terms of the residential amenities of neighbours, the new terraced houses would be set in over 4 metres from their side boundaries with properties on Witham Way and Heathville and would only have a ground floor and staircase windows to the side elevations. Furthermore, the rear outlook from the nearest property on Heathville (No. 3) is angled away from the new terrace houses. In addition, whilst Nos. 9, 11 and 13 Witham Way would look onto the flank elevation of the new terraced houses, these neighbouring properties have 14 metre rear gardens. As such, and subject to conditions preventing the insertion of first floor flank windows and removing permitted development rights for extensions, it is considered that the proposal would not give rise to an unacceptable impact with regards to the amenities of these neighbours.
- 7.5 The rear of the proposed terraced houses would be some 20 metres from the rear of No. 4 Heath Green, with the nearest new dwelling (Plot 1) to No. 4 having a rear garden depth of 12 metres. In addition, Plot 1 would be offset from the two storey element of No. 4. As such, and subject to a condition removing permitted development rights for extensions, it is considered that the proposal would not give rise to an unacceptable impact with regards to the amenities of this neighbouring property.
- 7.6 The new bungalow would have a 10 metre deep rear garden but would be located closer to its side boundaries with properties on West Oval and Heathville than the new terraced houses. However, this new dwelling would only be single storey in scale, with a shallow pitched roof and subject to a condition removing permitted development for extensions, it is considered that it would not have an unacceptable impact with regards to the amenities of this neighbouring property.
- 7.7 Turning to the amenities of future occupiers of the new dwellings, all habitable rooms would be served by windows and a landscape strip is proposed to the frontage of the site to provide a buffer area to the parking and this can be secured by condition. The dwellings would all have private rear gardens of at least 10 metres in depth and the submitted plans also 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.
- 7.8 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

- 7.9 The application proposals would be served off the existing private access drive and would benefit from 11 car parking spaces. The Parking Standards seek 1 parking per 1 bed dwelling and 2 parking spaces per 2/3 bed dwelling, which equates to 7 parking spaces for the proposed development. Therefore, the scheme would exceed the Parking Standards, with one visitor space also provided per dwelling. The development would also benefit from a generous manoeuvring area to serve the parking including a turning head and the County Highway Engineer has assessed the scheme and raises no objections.

- 7.10 The submitted plans show sheds to serve each dwelling and these could serve as cycle stores and be secured by condition.
- 7.11 Overall, it is considered that the proposal is acceptable on the grounds of parking and highway safety.

Other considerations

- 7.12 The Council's Environmental Health Officer recommends a ground contamination condition should planning permission be forthcoming.
- 7.13 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. However, given the parking court arrangement and that only four dwellings are proposed, 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 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, the proposal is only for a small scale development and there are controls under the Environmental Health legislation to address such matters should issues arise.
- 7.14 It is noted that neighbouring residents have raised various comments regarding matters that are not planning considerations and/or fall outside the scope of the planning legalisation rights such as rights of access, right to light, and the effect of the development on property values.
- 7.15 As the consultation period does not expire until the 26th of July, any additional comments received will be reported to the Committee via the addendum.

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. However, 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 instance, the proposal would comply with the development plan and would contribute, albeit on a small scale, towards the Council's housing supply with associated social and economic benefits. Furthermore, subject to conditions, 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)01A, (P)03E, (P)004A, (P)05A, (P)06A, (P)07A, (P)08D, and S11-004A03.

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. 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.

7. 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 building 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.

8. 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 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.

9. 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 S0 of the West Northamptonshire Joint Core Strategy.

10. The parking spaces and manoeuvring areas shown on approved plans shall be constructed prior to the occupation of the building 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.

11. 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.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) 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 visual and residential amenity and in accordance with Policy H1 of the West Northamptonshire Joint Core Strategy.

10 BACKGROUND PAPERS

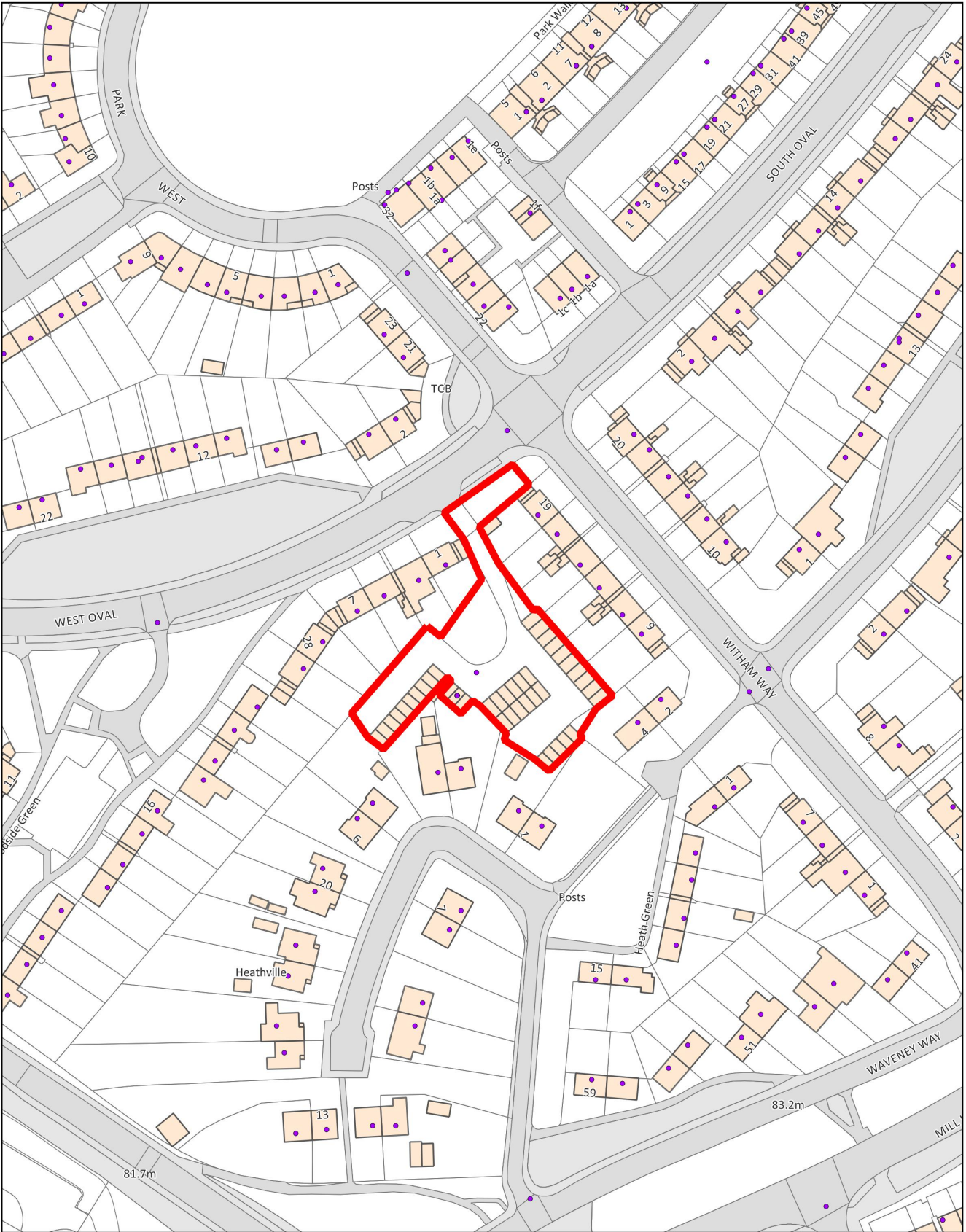
- 10.1 N/2018/0451.

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: **Lockup Garages, West Oval**

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