

**PLANNING COMMITTEE:** 22<sup>nd</sup> January 2019  
**DEPARTMENT:** Planning Service  
**HEAD OF PLANNING:** Peter Baguley

**APPLICATION REF:** N/2018/1469

**LOCATION:** Lock Up Garages, Thirlmere Avenue

**DESCRIPTION:** Demolition of existing garages and construction of 2no new dwellings with associated parking

**WARD:** Eastfield Ward

**APPLICANT:** Northampton Partnership Homes  
**AGENT:** Baily Garner

**REFERRED BY:** Head of Planning  
**REASON:** Council owned land

**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 proposal would contribute towards the Council's five year housing land supply and, as part of a balanced assessment, it is considered to be acceptable. As such, subject to conditions, no objections are raised with regards to the requirements of the National Planning Policy Framework, Policies S1, S10, H1, and BN9 of the West Northamptonshire Joint Core Strategy, and Saved Policies E20 and H10 of the Northampton Local Plan.

### **2 THE PROPOSAL**

- 2.1 The application seeks full planning permission for the demolition of seven existing garages and the erection of two dwellings with associated parking.
- 2.2 The proposed dwellings would comprise semi-detached one bed properties with hipped roofs. Each dwelling would 4.6 metres in width, 7.4 metres in depth and 7.5 metres in height.
- 2.3 In addition, the proposal includes the creation of 4 parking spaces to serve the new properties.
- 2.4 The scheme has been amended following its submission to introduce a hipped roof form and improve the separation to properties on Thirlmere Avenue.

### **3 SITE DESCRIPTION**

- 3.1 The application site comprises part of a garage court that it is located in a residential area within the Eastfield ward. It is accessed by vehicles from Thirlmere Avenue and also includes a pedestrian link to Grange Road.
- 3.2 The application specifically relate to the southern half of the garage court and is neighboured by Nos. 5-11 (odd) Thirlmere Avenue to the eastern side, Nos. 221 and 223 Fullingdale Road to the southern rear and Nos. 128-132 (even) Grange Road to the western side.

### **4 PLANNING HISTORY**

- 4.1 N/2018/0680: Development of 2no flats over garages and 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 Withdrawn.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 7-12 - Presumption in favour of sustainable development.

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

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

Section 8 - Promoting healthy and safe communities.

Section 9 - Promoting sustainable transport

Section 12 - Achieving well-designed places.

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

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

Policy S1 - The Distribution of Development

Policy S10 - Sustainable Development Principles.

Policy H1 - Housing

Policy BN9 - Planning for Pollution Control

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

Due to the age of the plan, the amount of weight that can be attributed to the aims and objectives of this document are diminished, however, the following 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 **Public Protection (NBC)** – No objections subject to conditions relating to land contamination, construction hours and mitigation measures to support the Low Emission Strategy.
- 6.2 **Highway Authority (NCC)** – No comments regarding original scheme.
- 6.3 **Northants Police** - These houses do not address the street and are not visible from the public domain so do not benefit from passing surveillance and any capable guardianship from others. Furthermore there is a well-used pedestrian route across the parcel of land which provides the necessary anonymity for anyone with criminal intent to be legitimately in the space making challenge by residents difficult. Northants Police do not consider this to be an appropriate location for residential development as it does not comply with the SPG on Planning out Crime. If permission is granted because the need for housing overrides the crime considerations then the doors and windows in the dwellings and the sheds need to be designed to reduce opportunities for forced entry / burglaries.
- 6.4 **Two neighbour letters of objection** were received to the application as originally submitted. These letters include the following points:
- Calm and peaceful atmosphere of area will be disrupted.
  - The area is a village; flats are not a good idea in such an area and will result in the loss of the village feel.
  - Proposal will reduce privacy and security
  - Plans do not recognise the access needs and practices of neighbouring residents; historically neighbours have been able to park near their gardens and it necessary for neighbouring residents to park close to properties due to disabilities.
  - Nature of boundary treatments for the site are not clear; garage walls should be replaced by brick walls.
- 6.5 A further **three neighbour letters of objection** were received in response to the amended plans. These letters include the following points:
- Revised plans still show boundary walls to be replaced by fences, the boundaries should have a like for like replacement and NPH should liaise with neighbours regarding boundary treatments.
  - Revised plans also do not address the issue of the loss of the ability to park near rear access gates, which is a necessity due to the mobility issues of neighbours.
  - Revised plans still raise privacy and security concerns for neighbours.
  - Parking in the area is already a problem and surrounding roads are not wide enough to accommodate on street parking.
  - Proposal will reduce parking for residents and visitors to existing properties through the loss of garages and areas of parking to the rear of properties.
  - Pressure for on street parking needs to be considered in light of the other garage applications in the locality.
  - Arboricultural report accuracy unclear and there has been no engagement by NPH with neighbours regarding pruning or other tree related works.
  - Concerns relating to construction works including security and disturbance issues.
  - Question whether the amount of work is cost effective for only two small dwellings.
  - Negative impact on property values.

## 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 11 of the NPPF, development should be permitted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The development of the site for housing would contribute, albeit on a small scale, towards the Council's housing supply with associated social and economic benefits and this therefore weighs in favour of the proposal.

## **Layout and design**

- 7.3 Saved Policy E20 of the Northampton Local Plan and Policy H1 of the Joint Core Strategy place great importance on the quality of design of new developments and is in conformity with the NPPF which advises that planning should always seek to secure high quality design. 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.
- 7.4 The application site comprises a garages court 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.
- 7.5 The new dwellings would be located in the southern portion of the garage court and comprise a pair of semi-detached houses. The proposed houses would be set in from the side and rear boundaries of the site and would be two storey to reflect the scale of neighbouring properties. The new properties would have hipped roof forms to reduce the massing of the building and, whilst the immediate neighbours have gabled roofs, properties in the locality include a variety of roof forms such that the new dwellings would not appear unduly prominent in the streetscene. The neighbouring properties to the rear of the site benefit from trees in their rear gardens and the submitted Arboricultural Report indicates that none of these trees are high quality or need to be removed to facilitate the proposal. The Arboricultural Report does suggest that the trees will need slight pruning to clear boundaries and that care should be taken during demolition to avoid unnecessary root impacts, although no special measures are needed to protect these trees. As such, no objections are raised to the proposed development with respect to the character and amenity of the area.

## **Residential amenity**

- 7.6 Saved Policy E20 of the Northampton Local Plan, Policy H1 of the Joint Core Strategy and the NPPF all seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 7.7 In terms of the amenities of neighbours, the proposed dwellings would back onto the rear gardens of Nos. 221 and 223 Fullingdale Road, with some 30 metres between the rear elevations of the new and existing properties such that the proposal would not adversely affect the amenities of occupiers of properties on Fullingdale Road. The flank wall of the new dwellings would be set in some 7 metres from the rear garden boundary of properties on Thirlmere Avenue and 4 metres from the rear garden boundary of properties on Grange. As such, and given that the new dwellings would have a hipped roof form and no first floor flank windows, it is considered that the proposal would not appear unduly prominent or give rise to an unacceptable loss of privacy or reduction in sun or daylight to its side neighbours. However, this is subject to conditions

preventing the insertion of first floor flank windows and removing permitted development rights for extensions and roof alterations.

- 7.8 Turning to the amenities of future occupiers of the new dwellings, all habitable rooms would be served by windows with good levels of outlook. In addition, it is considered that the amount of outdoor amenity space would be appropriate for the type of dwelling and that there would be adequate provisions for bin storage. As such, it is considered that the proposal would afford an acceptable standard of amenity for future occupiers of the site.
- 7.9 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**

- 7.10 The County Parking Standards seek 1 on plot parking space per dwelling for 1 bed properties. The proposal is for 2 x 1 bed properties with each house served by two allocated parking spaces and therefore the scheme would exceed the requirements in the Parking Standards. In addition, the submitted plans also show sheds to serve the new dwelling and these could serve as cycle stores and be secured by condition.
- 7.11 The new houses would utilise an existing access and it is noted that the County Highway Engineer raised no objections to the access arrangements for the scheme as originally submitted. Furthermore, the manoeuvring arrangements for the new parking spaces in the amended scheme are an improvement on the original scheme. It is acknowledged that a pair of parallel parking spaces is not an ideal solution from a convenience and security perspective, however the proposal would improve the safety of the garage court through the introduction of surveillance and custodians. In addition, the proposal includes a ground floor flank window overlooking the parking spaces. As such, on balance, it is considered that two pairs of tandem parking spaces is not objectionable in this instance.
- 7.12 Overall, it is considered that the proposal is acceptable on the grounds of parking and highway safety.

### **Other considerations**

- 7.13 The Council's Environmental Health Officer recommends a condition to address unexpected ground contamination should planning permission be forthcoming.
- 7.14 In addition, the Environmental Health Officer suggests the inclusion of conditions relating to electric vehicle charging points, boilers, and construction hours. However, given the parking arrangements and scale of the development, it is considered that it would not be reasonable to seek such charging points in this instance. In addition, matters relating to the energy efficiency of buildings are addressed under the Building Regulations and the site is not in an air quality management area such that it is not considered that it would be reasonable to condition the boilers to be installed in the new properties. 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 legislations to address issues arising from such small construction sites should they arise.
- 7.15 The concerns of the Police Crime Prevention Design Advisor regarding the principle of the location of the dwellings in a parking court are noted. However, rear boundaries of properties that back onto the car park are currently subject to limited surveillance from the upper floors of neighbouring properties and the proposal would introduce surveillance and custodianship to the northern part of the garage court from the ground floor windows in the new dwellings. Therefore, the proposed development would provide some benefits to existing residents from a crime perspective. In any event, it is considered that the harm identified by the Crime Prevention Design Advisor would be significantly outweighed by the benefits arising from the provision of housing.

- 7.16 It is noted that neighbours have raised a query regarding boundary treatments following the demolition of the garages. The submitted plans show the garages to be replaced by close boarded fences, however existing boundary treatments onto the garage court are brick walls and it is considered that any boundary treatments for rear gardens that are visible from the public realm should be brick walls to match and this matter can be addressed by condition.
- 7.17 In addition, it is noted that a third party has raised concerns that the proposal would result in neighbouring residents no longer being able to park near their rear gardens. However, rights of access are not a planning consideration. Notwithstanding this, it is noted that pedestrian access to rear gardens would be maintained as part of the application and, in any event, all the properties that back onto the garage court have front elevations onto the surrounding street such that the proposal would not unacceptably impact on the access arrangements for neighbouring properties.

## **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: 01A, 02A, 03F, 04B, 05B, and 06D.

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

3. 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.

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

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

5. Notwithstanding the submitted details, prior to the construction of the new dwellings hereby

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

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

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

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

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

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

8. 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.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no 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.

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 roof alteration/enlargement shall be erected to the dwellings hereby permitted.

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

INFORMATIVE: The applicant's attention is drawn to the comments of the Police Crime Prevention Design Advisor regarding mitigation measures that should be incorporated into the development to reduce opportunities for forced entry into the new properties.

## **10 BACKGROUND PAPERS**

- 10.1 N/2018/1469.

## **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.

