

**PLANNING COMMITTEE:** 19<sup>th</sup> February 2019  
**DEPARTMENT:** Planning Service  
**HEAD OF PLANNING:** Peter Baguley

**APPLICATION REF:** N/2018/1539

**LOCATION:** Lock Up Garages, Newby Court

**DESCRIPTION:** Construction of 1no new bungalow with associated parking

**WARD:** Eastfield Ward

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

**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 proposed development would have no undue detrimental impact on the amenities of neighbouring occupiers and would not be out of keeping with the character and appearance of the street scene and wider area, would represent an appropriate use for the site and contribute towards the Borough's housing land supply. The proposed development would therefore comply with Policies S1, S3, S10 and H1 of the West Northamptonshire Joint Core Strategy, Policy E20 of the Northampton Local Plan, Policies H1 and H2 of the Growing Together Neighbourhood Plan and the National Planning Policy Framework.

#### **2 THE PROPOSAL**

2.1 The proposal is for the construction of a one bedroom bungalow on an area of open space as well as the creation of 11 replacement parking spaces for the area.

#### **3 SITE DESCRIPTION**

3.1 The site consists of an area of open space at the rear of established dwellings, and also a row of parking spaces which serve these dwellings. Access to this area is via Greenfield Avenue.

3.2 There is an existing tree located to the north of the site.

## **4 PLANNING HISTORY**

4.1 N/2018/0681 - Development of 3no dwellings with associated parking – Withdrawn.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), Northampton Local Plan (1997) saved policies, and the Growing Together Neighbourhood Plan.

### **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:

Section 2 – Achieving sustainable development  
Section 5 – Delivering a sufficient supply of homes  
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 S3 - The Scale and Distribution of Housing 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 policy is material to this application:

Policy E20 - New development

### **5.5 Supplementary Planning Documents**

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

### **5.6 Other Material Considerations**

Growing Together Neighbourhood Plan

The Growing Together Neighbourhood Plan (Covering Blackthorn, Goldings, Lings and Lumbertubs) was made in April 2017, and now forms part of the development plan for Northampton.

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

Policy H1: Housing mix.

Policy H2: Small-scale housing development.

## **6 CONSULTATIONS/ REPRESENTATIONS**

Comments received are summarised as follows:

- 6.1 **Environmental Health** – No objections subject to a conditions requiring a noise assessment, action being taken in the event of unexpected contamination being found, electric vehicle charging points, low emission boilers and control of construction hours.
- 6.2 **Arboricultural Officer** – The arboricultural report identifies the single red horse chestnut tree within the site as being of merit and well worthy of retention and therefore protection from avoidable harm during the proposed development. Provided that the measures specified in the report are implemented in a timely fashion and properly maintained throughout the duration of the development to seek to prevent harm to the retained tree then no adverse comment to make. The integrity of the control measures should be monitored by a competent arboriculturist throughout the development to ensure compliance, and the reports submitted to the Local Planning Authority for verification.
- 6.3 **Local Highway Authority** – Due to the layout of the area, it does not lend itself to be adopted highway. It is therefore recommended that the highway is stopped up in line with the back of the footpath on Greenfield Avenue. Because of the distance from what would be the highway, it is necessary to track a fire appliance to ensure that it can turn within the area. If this cannot be achieved, then a sprinkler system within the property will be required.
- 6.4 Representations received from the occupiers of 4 nearby properties, making the following points in summary:
- Garages are blocked by inconsiderate parking, this will be made worse if the grass area is not available for parking.
  - Access to the rear of properties will be severely restricted.
  - Entrance door would be better on the side, would be safer for the tenant
  - Parking proposed is inadequate for the area.
  - Concerned about impact during development.

## **7 APPRAISAL**

- 7.1 The main issues for consideration are principle of new residential development, impact on the character of the surrounding area, impact on adjacent and proposed residential amenity and highway conditions.

### **Principle of residential development**

- 7.2 The NPPF supports well-designed sustainable housing development that provides a good standard of amenity for existing and proposed occupiers. The JCS seeks to ensure development is located primarily in the principal urban area within easy access of facilities and encourages the use of previously developed land having regard to achieving high quality design in keeping with the character of the surrounding area.
- 7.3 Policy H1 of the Growing Together Neighbourhood Plan states that proposals for new developments should provide a mix of types of homes, whilst Policy H2 states that proposals for small scale housing developments will be supported, and identifies redundant garage sites as suitable for such developments.

- 7.4 The principle of the development of the site for residential use would be acceptable as the land is situated within a residential area. The development of the site for residential use would also contribute to the Council's 5-year housing land supply. Therefore, in accordance with the presumption in favour of sustainable development in Section 2 of the NPPF, development should be permitted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. Subject to acceptable design, consideration of parking provision and impact on amenity, the principle of residential development is considered to be in accordance with the above policy requirements.

### **Layout and design**

- 7.5 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.
- 7.6 The application site comprises a small area of green space and a parking area, in a residential area. The redevelopment of the site 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.
- 7.7 The proposal is for a single bungalow. Neighbouring premises are two and three storeys, however it is considered that the proposed dwelling would be in keeping with the general residential character of the area and would not detract from the street scene.

### **Residential amenity**

- 7.8 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.
- 7.9 In terms of the residential amenities of neighbours, the bungalow would be located behind the rear gardens of existing houses at 12 – 18 Cartmel Place. A separation of between 12.5m and 14m would be provided between these houses and the side wall of the proposed bungalow and there would be no side facing window on this elevation. On this basis, it is considered that there would be no adverse impact on the occupiers of these houses as a result of overlooking or overshadowing.
- 7.10 The proposal would lead to the loss of a small area of green space. However, as the site is adjacent to a large park this would not in itself have a significant impact on existing residents.
- 7.11 In terms of the amenities for future occupiers of the new dwelling, the layout of the bungalow is considered to be acceptable, with all rooms being of appropriate size and provided with adequate outlook. A garden area of over 70 square metres would be provided.

### **Parking and highway safety**

- 7.12 At present the site provides parking for approximately 17 cars, including space within a retained garage block. The proposal includes 17 spaces (including the garages) although no specific spaces identified to be allocated to the proposed bungalow. This would represent a small shortfall in parking provision, however the wider area is well catered for and it is not considered that this would result in a significant impact in this regard and that the provision of additional housing would outweigh any adverse impact. It can be noted that no objection in this regard has been made by the Local Highway Authority.
- 7.13 Comments from the LHA do state that the highway will need to be stopped up as it could not continue as adopted highway following the development. An appropriate condition is proposed. The LHA also refer to the need to track a fire appliance within the site and provide a sprinkler system if this cannot be accommodated. Building Control was consulted and confirmed that the site would be able to meet the requirements for fire service access. Notwithstanding the

comments from the LHA, this is a matter which can be dealt with more appropriately under the Building Regulations.

### **Other matters**

- 7.14 Comments from Environmental Health refer to the need for a hours of construction work to be controlled, in order to protect neighbouring residents. Due to the small scale of the development it is not considered that it would not be reasonable to require this by condition, in this instance. These comments also refer to a requirement for electric vehicle charging points and a low emission boiler. There is no dedicated parking space in this instance making electric vehicle charging difficult to achieve, whilst there is also no policy basis to require this or low emission boilers.
- 7.15 The one existing tree to the north would be retained and an appropriate condition will be imposed in relation to tree root protection during the course of construction period.

## **8 CONCLUSION**

- 8.1 The proposed development is acceptable and would provide a good standard of accommodation for future occupants whilst having no adverse impact on the amenities of adjoining occupiers in accordance with Development Plan Policy and the NPPF.

## **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: 30429 (P) 03 E, 30429 (P) 04, 30429 (P) 05, 30429 (P) 06 C.

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

- 3) Details of all proposed external facing materials shall be first submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and to ensure that the development will harmonise with its surroundings in accordance with Policy E20 of the Northampton Local plan.

- 4) The parking spaces and manoeuvring area as shown on approved plans shall be constructed prior to the occupation of the building hereby approved and following the making of a Highway Stopping Up Order in relation to existing highway status of the site.

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.

- 5) In the event that unexpected contamination is found at any time when carrying out the development hereby approved, it must be reported immediately to the Local Planning Authority. Development works at the site shall cease and an investigation and risk assessment undertaken to assess the nature and extent of the unexpected contamination. A written report of the findings shall be submitted to and approved by the Local Planning Authority, together with a scheme to remediate, if required, prior to further development on site taking place. Only once written approval from the Local Planning Authority has been given shall development works recommence.

Reason: To ensure that risks from land contamination to the future users of the development and neighbouring land are minimised, in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.

- 6) 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 dwellings hereby permitted.

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

- 7) The tree shown to be retained in the approved plans shall be protected for the duration of the development in accordance with the Macintyre Trees Tree survey and Arboricultural Impact Assessment Report ref. 1775 Nwb\_Rev.4 dated November 2018. The integrity of the control measures shall be monitored by a competent arboriculturist throughout the development to ensure compliance, and the reports submitted to the Local Planning Authority for verification.

Reason: In order to ensure adequate protection of existing trees on the site in the interests of achieving a satisfactory standard of development and maintaining the amenity of the locality in accordance with Policy E20 of the Northampton Local Plan and the National Planning Policy Framework.

- 8) The external boundaries of the site shall be constructed in accordance with the approved plans prior to the occupation of the building hereby permitted and retained thereafter.

Reason: To ensure that the boundaries of the site are properly treated so as to secure a satisfactory standard of development in accordance with Policy E20 of the Northampton Local Plan and the National Planning Policy Framework.

- 9) All planting, seeding or turfing comprised in the approved details of landscaping as shown on the approved plans 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 Policy E20 of the Northampton Local Plan and the National Planning Policy Framework.

## **10 BACKGROUND PAPERS**

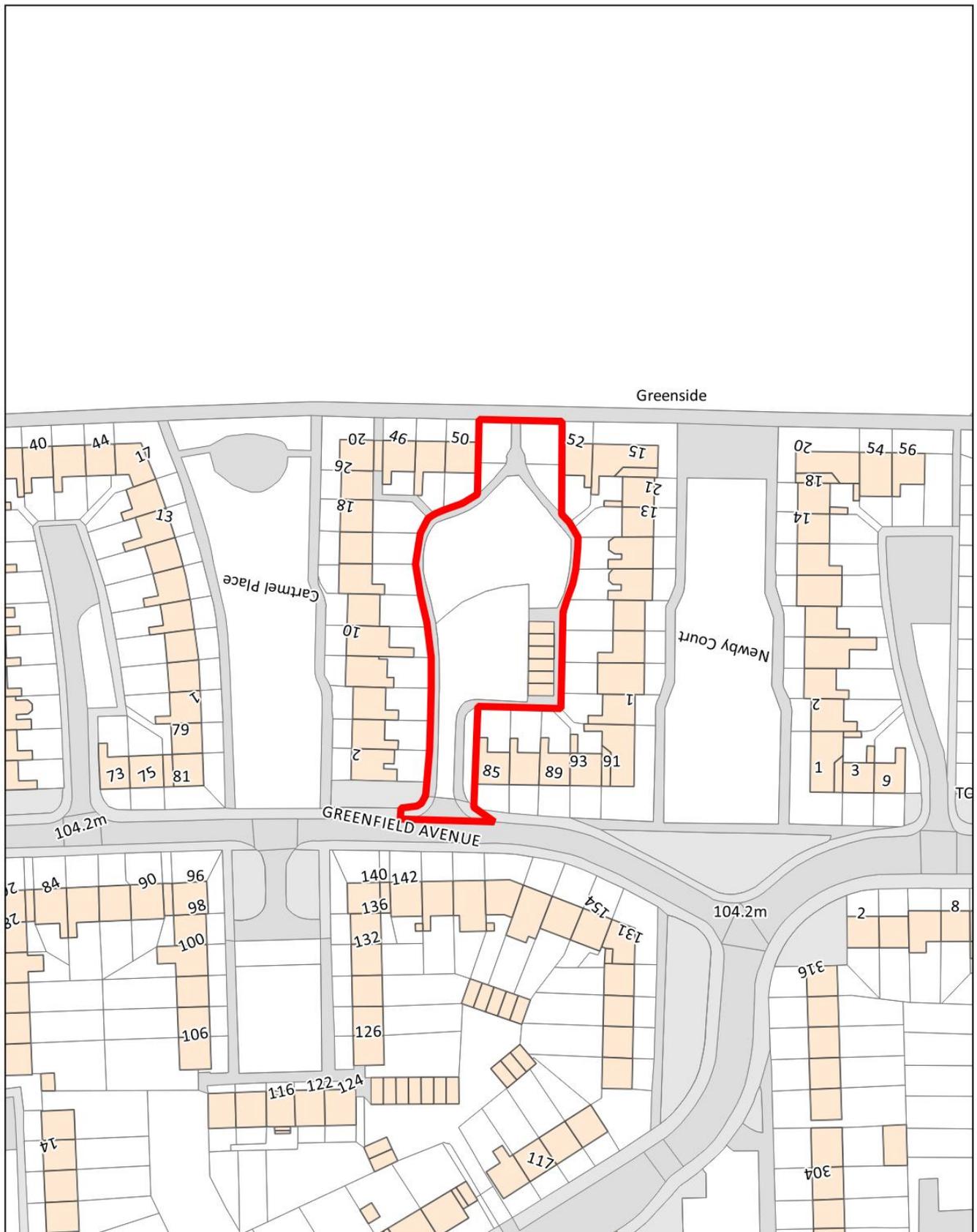
- 10.1 Application file N/2018/1539.

## **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: **Newby Court, Lock up garages**

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Scale: 1:1,000

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