

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

**APPLICATION REF:** N/2019/0321

**LOCATION:** Lock Up Garages, Connaught Street

**DESCRIPTION:** Demolition of 11no domestic garages and erection of 1no new build bungalow

**WARD:** Castle 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 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 Policy E20 of the Northampton Local Plan.

#### **2 THE PROPOSAL**

2.1 The application seeks full planning permission for the demolition of 11 existing garages and the erection of 1 bungalow. The proposed bungalow would have a width of 9.2 metres, a depth of 9 metres and a height of 4.9 metres. The application site is located within the Boot and Shoe Quarter Conservation Area.

2.2 During the course of the application the proposal has been amended, with the dwelling being repositioned such that the existing trees can be retained on site.

#### **3 SITE DESCRIPTION**

- 3.1 The application site comprises a garage court within a residential area. The site is located on the north-western side of Connaught Street at the junction with Charles Street.

## **4 PLANNING HISTORY**

- 4.1 None.

## **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 the 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 policy is 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 **NBC Public Protection** – No objection. Suggest conditions on contaminated land and noise mitigation.
- 6.2 **NBC Arboricultural Officer** – No objection. Request condition that the development is undertaken in accordance with the submitted tree report.
- 6.3 **NBC Conservation** – No objection to the revised plans which show that the highway trees on Connaught Street, which contribute to the appearance of the Conservation Area, are to be retained.
- 6.4 **Northamptonshire Police** – No objection.
- 6.5 **NCC Highways** – No observation or comments to make.
- 6.6 2 letters have been received objecting to the proposal. The concerns raised can be summarised as follows:
- Loss of parking facilities – area is already bad and the loss of garages and addition of a new dwelling is likely to add to the parking needs.
  - Believe it would be better to repair/renovate the existing garages to provide safe and secure parking.
  - Loss of garages discriminates against disabled users and replacement closer is needed.
  - Garage needed for the storage of electric bicycles, mobility scooters and as a recreation area, and the loss would mean items have to be parked on the road – with crime safety issues.
  - Proposed residential property will be surrounded by industrial buildings. This raises potential for friction between future occupants and existing business owners/tenants.
  - Site is industrial location with noise and chemical contamination.
  - Area is subject to drug crime and poor lighting and would be unsafe for future occupants.
  - Existing trees should be removed as cracks garages and are used to climb into site.
  - There are other sites that could be developed for housing (*Officer Note: This is not a material planning consideration in the assessment of this application*).
  - There is an existing large sewer under the application site – unsafe and expensive to build on (*Officer Note: This is not a material planning consideration in the assessment of this application*).
  - Corner floods annually (*Officer Note: The application site is not located within a flood zone*).

## 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 It is also the case that the Council cannot 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.

### Design and the impact upon the Conservation Area

- 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. The application site

comprises a garage court set in the middle of a residential estate and would comprise the re-use of brownfield land, which is encouraged under the NPPF.

- 7.4 The application proposes one bungalow. The proposed bungalow would be positioned to face Connaught Street in line with the character of the area, with a side garden to the south-west. A 1.8 metre brick wall is proposed to the boundary of the bungalow and garden, which is in character with the surrounding area. During the course of the application, the proposal has been amended to re-position the dwelling to ensure that the existing trees can be retained on site. This is in direct response to concerns raised by the Council's Conservation Officer and Arboricultural Officer that the existing trees on site are of a positive contribution to the Conservation Area and should be retained.
- 7.5 With the proposed dwelling having been re-positioned to ensure the retention of the existing trees on site, with the bungalow facing Connaught Street, and with the use of a brick wall to enclose the garden, it is considered that the proposal would be acceptable in design terms.

### **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 The proposed bungalow is not immediately bordered by any residential properties, and as such would not have an unacceptable impact upon neighbouring amenity.
- 7.8 The proposed dwelling provides good sized rooms with adequate light for future occupiers, alongside sufficient garden amenity space. As such it is considered that adequate living conditions for future occupiers is provided.

### **Parking and highway safety**

- 7.9 Concern was raised within neighbour letters that there is an existing parking problem in this area and the loss of garages would exacerbate this.
- 7.10 The Northamptonshire County Council Parking Standards seek 1 on plot parking space per dwelling for 1 bedroom properties. No parking is provided for the proposed bungalow. This is due to the retention of the existing trees on site being an important element of any redevelopment of this site. On balance, it is considered that the retention of the trees that contribute to the Conservation Area would outweigh the requirement for one parking space. The proposal provides 1 shed which could be used for bicycle storage.
- 7.11 The application site as existing provides 11 garages. It is understood that 3 of these garages are currently occupied and the tenants will be offered replacements within refurbished garages at Deal Court. It is the case, however, that the existing garages are not to a size that could be counted as providing existing parking spaces for the site. As such the existing parking provision on site would be assessed as being 0. With the proposed 1 bedroom bungalow not being provided with any parking, there is a shortfall of 1 parking space as a result of this development.
- 7.12 Northamptonshire County Council Highways Department have been consulted on this application and have raised no objection to the proposal. With the importance of retaining the existing trees on site, to the benefit of the character and appearance of the Conservation Area, and with no Highway objection, it is considered that the provision of no parking for this development is, on balance, acceptable.
- 7.13 Concern was raised within a neighbour letter as to the loss of the use of existing garages for the storage of items, including mobility scooters and bikes. Concern was raised that the use of these garages for this storage is essential in connection with a disability, and a replacement garage

would not be of any use unless nearer to home as, due to disability, the occupier would not be able to walk any further.

- 7.14 Whilst it is understood that it is useful to be able to use the garages for storage, garages are provided for the parking of vehicles and the loss of storage space would not outweigh the benefit of providing a new dwelling on this site. It is understood that NPH have been in discussions with the tenant in question to discuss options going forward.

### **Other considerations**

- 7.15 Concern was raised in a neighbour letter as to the position of the dwelling surrounded by industrial units, with the resultant noise and contamination.
- 7.16 The Council's Environmental Health team were consulted on this application and raised no objection to the application subject to conditions to address ground contamination and noise mitigation should planning permission be forthcoming. It is considered reasonable to attach such conditions.
- 7.17 Concern was raised in a neighbour letter that the area is a high crime area. Northamptonshire Police were consulted on the application and raised no objection to the revised scheme.
- 7.18 A neighbour letter raised that the existing trees on site should be removed. The Council's Arboricultural Officer and Conservation Officer both raised during the course of the application the importance of retaining the trees on site and as such it is considered that these trees should be retained. The Council's Arboricultural Officer has advised that the impact upon the trees from the proposal is acceptable and the control measures identified within the submitted tree report must be implemented in a timely fashion and maintained throughout the duration of the development. A condition to this effect is proposed.

## **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. The Council also 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 towards the Council's housing supply with associated social and economic benefits. Furthermore, 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)01, (P)02, (P)03 Rev E, (P)04 Rev B, (P)05 Rev D, (P)06 Rev E.

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

3. Prior to the construction of the new dwelling hereby approved above ground floor slab level, details of all proposed external facing materials for the dwelling and the materials for the brick wall 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.

4. All planting, seeding or turfing shown on approved drawing numbers (P)03 Rev E 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.

5. Prior to first occupation of the dwelling hereby approved, full details of the shed shall be submitted to and approved in writing by the Local Planning Authority. The approved shed shall be provided on site in full accordance with the submitted details prior to first occupation of the dwelling hereby approved.

Reason: To ensure the provision of adequate facilities in accordance with Policy S10 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 roof alteration/enlargement shall be erected to the dwelling 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.

7. No development shall take place until a desktop study, including a site walkover, in respect of possible contaminants within the site is completed and the need for a site investigation is determined. 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 prior to the commencement of development.

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.

8. Any site investigation found to be required under Condition 7 shall be carried out and the results shall be used to produce a method statement for any remedial works and a phasing programme, which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

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.

9. All remedial works found to be required under Condition 8 shall be fully implemented in accordance with the approved method statement and phasing programme. Confirmation of the full implementation of the scheme and validation reports shall be submitted to and approved in writing by the Local Planning Authority within 2 weeks of completion.

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.

10. 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 in accordance with the requirements of Condition 8 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition 8 and submitted to and approved in writing by the Local Planning Authority. Following a completion of measures identified in the approved remediation scheme a verification report must be prepared and submitted to and approved in writing by 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.

11. Prior to the commencement of development, full details of a sound insulation and ventilation scheme to protect the development from external noise shall be submitted to and approved in writing by the Local Planning Authority and the approved details shall be implemented prior to the occupation of the dwelling hereby permitted and retained thereafter.

Reason: In the interests of residential amenity and to secure a satisfactory standard of development in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy. This is a pre-commencement condition to ensure timely submission of details.

12. The development hereby approved shall be undertaken in full accordance with the findings of the 'Arboricultural Impact Assessment and Method Statement Report Rev 2' 18106.4\_Fv2 by MacIntyre Trees, dated August 2019.

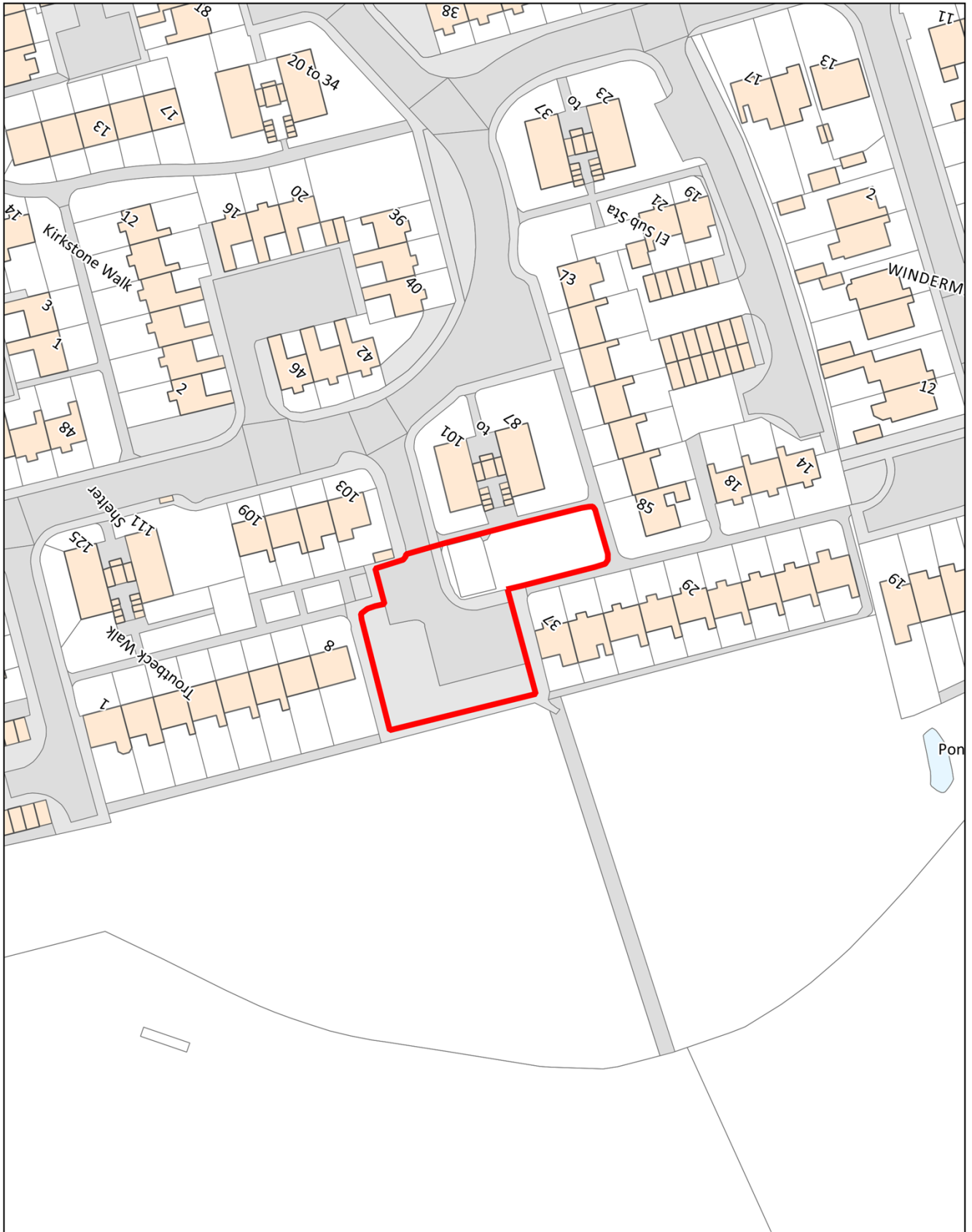
Reason: To ensure appropriate protection of retained trees and in the interests of amenity in accordance with the requirements of Policy S10 of the West Northamptonshire Joint Core Strategy.

## **10 LEGAL IMPLICATIONS**

- 10.1 The development is CIL liable.

## **11 SUMMARY AND LINKS TO CORPORATE PLAN**

- 11.1 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.



**NORTHAMPTON**  
BOROUGH COUNCIL

Title: **Lock up garages, Connaught Street**

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