

**PLANNING COMMITTEE:** 17<sup>th</sup> March 2020  
**DEPARTMENT:** Planning Service  
**DIRECTOR OF PLANNING:** Peter Baguley

**APPLICATION REF:** N/2019/0783

**LOCATION:** Land to rear of 44 East Paddock Court  
**DESCRIPTION:** Development of 4no residential units with associated parking  
**WARD:** Brookside Ward

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

**REFERRED BY:** Director of Planning and Sustainability  
**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 erection of a terrace of 4 2-bed properties with associated parking. The proposed row of terraces would have a total width of approximately 20.1 metres, a depth of 9.3 metres and a height of 8 metres.
- 2.2 14 car parking spaces are proposed with access to the parking area from Hayeswood Road. Due to the change in site levels, the proposed row of terraces would have a broken ridge line, with the properties stepping down to the south. The dwellings would be finished in bricks with a concrete tile roof.

#### **3 SITE DESCRIPTION**

- 3.1 The application site comprises a grassed area to the south of Hayeswood Road, and to the west of properties on East Paddock Court. Land levels vary considerably on the site, with the land undulating throughout. Neighbouring properties to the east of the site are set higher than neighbouring properties to the south of the site.
- 3.2 To the west of the site is existing play equipment. This play equipment falls outside of the application site and is unaffected by this proposal.

## **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, vehicle charging points, and boilers, and an informative on construction and demolition noise.
- 6.2 **NBC Arboricultural Officer** – No objection to the proposal on tree-related grounds. Tree constraints plan identifies a suitable alignment for a protective barrier fence during construction.
- 6.3 **Northamptonshire Police** – Proposed layout complies with crime prevention guidance with parking overlooked and dwellings visible from the road. Concern raised with alleys in the area and request that alley to rear is accessible only by occupiers of the development. Advise that fence line should be supplemented with a trellis topping and sheds away from fence line. Advise that sheds should be secure.
- 6.4 **NCC Highways** – No objection. Request a condition that development is built in accordance with P03 Rev I and an informative advising of the need for a S184 licence.
- 6.5 2 letters have been received objecting to the proposal. The concerns raised can be summarised as follows:

- Believe bungalows would be better as a number of elderly people in the area need bungalows.
- Privacy concerns as proposed dwellings very close to rear of existing dwellings on East Paddock Court.
- Family homes will bring more noise pollutions for existing residents.
- Access difficult to rear of existing properties as a result of development.
- Concern alleys will become rat-runs for criminal activities.
- Loss of green space for children to play on.
- Concerns for children safety from new access road.
- Concern as to safety during building works, with workers potentially parking on the road and the impact upon bus routes and the nearby school.
- Question how wide the path is to the rear of the properties (east of the site).

## 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

- 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 grassed piece of land in the middle of a residential estate.

- 7.4 The application proposes 4x2 bedroom dwellings. The proposed dwellings would form a terrace which is positioned sideways to Hayeswood Road. Blank walls forming the end of a row of terraces fronting Hayeswood Road is a character seen within this area, and as such the position of the proposed row of terraces is considered acceptable in design and layout terms. The proposed terrace is two storey with gable end roofs, and steps down in height to the south to accommodate land levels. It is considered that the proposed dwellings would complement the existing area and as such the proposed terrace is acceptable in design terms.

### **Amenity**

- 7.5 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.
- 7.6 The application site had varied land levels, and 41-44 East Paddock Court to the east are set at a higher level than 34-40 East Paddock Court to the south. Due to the varying land levels, level plans would be requested through condition to ensure a suitable relationship.
- 7.7 With regards to 41-44 East Paddock Court to the east, there would be a separation distance of approximately 21 metres between the rear wall of the proposed dwellings and the closest wall of 41-44 East Paddock Court (the conservatory at 43 East Paddock Court), which is considered to be a sufficient separation distance. It is not considered, therefore, that the proposed dwellings would result in unacceptable overlooking or loss of light to these existing residential properties.
- 7.8 With regards to 34-40 East Paddock Court to the south, the proposed dwellings would largely fall in line with the rear elevations of 37 and 38 East Paddock Court. A separation distance of approximately 20 metres is retained between the side wall of the proposed terrace row, which does not contain windows at first floor, and the rear elevation of 37 and 38 East Paddock Court. With a good separation distance, it is not considered that the proposed dwellings would result in unacceptable overlooking or loss of light to these existing residential properties.
- 7.9 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**

- 7.10 The Northamptonshire County Council Parking Standards seek 2 on plot parking spaces per dwelling for 2-bedroom properties, and as such 8 parking spaces would be required for this development. 14 parking spaces are proposed within this application, providing 6 parking spaces above that required. In line with the Northampton Parking SPD, 4 EV charging points would be required as part of this development through condition.
- 7.11 Concern was raised within neighbour letters as to the safety of the access to this site. Northamptonshire County Council Highways Department have been consulted on this application and have raised no objection to the proposal. As such it is considered that the proposal is acceptable with regards to highway safety.

### **Other considerations**

- 7.12 The Council's Environmental Health Officer recommends a condition to address unexpected ground contamination should planning permission be forthcoming.
- 7.13 In addition, the Environmental Health Officer suggests the inclusion of a condition relating to boilers, and an informative on construction hours. Matters relating to the energy efficiency of

buildings are addressed under the Building Regulations and it would not be reasonable to condition the boilers to be installed in the new properties. With respect to construction hours, 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 site should they arise.

- 7.14 Northamptonshire Police recommend that the shed is secure and the fence has flimsy trellis topping. Details on the proposed shed and boundary treatments are requested through condition.

## **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)03 Rev I, (P)04 Rev C, (P)05 Rev B, (P)06 Rev D, (P)07 Rev G.

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

3. Prior to the construction of the new dwellings hereby approved above ground floor slab level, details of all proposed external facing materials for the dwellings 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. Prior to the commencement of construction works on site, 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. This is a pre-commencement condition to ensure timely submission of details.

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 and retained thereafter.

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 (P)03 Rev I and SCH-002 shall be carried out in the first planting and seeding seasons following the occupation of the buildings 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 of trees and shrubs that may die or 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. Prior to first occupation of the dwellings hereby approved, full details of the sheds for each property shall be submitted to and approved in writing by the Local Planning Authority. The approved sheds shall be provided on site in full accordance with the submitted details prior to first occupation of the dwellings hereby approved.

Reason: To ensure the provision of adequate facilities in accordance with Policy S0 of the West Northamptonshire Joint Core Strategy.

8. 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.

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 additional windows shall be installed in the side elevations of the properties hereby approved.

Reason: To safeguard the privacy of adjoining properties in accordance with Policy H1 of the West Northamptonshire Joint Core Strategy (2014).

10. 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 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. The new parking spaces shown on approved plan (P)03 Rev I shall be constructed prior to the first occupation of the dwellings hereby approved and retained thereafter solely for the parking of vehicles.

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.

12. Prior to the commencement of the development hereby approved, an arboricultural method statement shall be submitted to and approved in writing by the Local Planning Authority. The submitted statement shall include details of tree protection measures for trees on neighbouring sites. The development shall be undertaken in full accordance with the details approved.

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. This is a pre-commencement condition to ensure timely submission of details.

13. Full details of a minimum of 4 electric vehicle charging points (1 per unit) for the units hereby approved 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 and fully implemented prior to the first occupation of the dwellings hereby permitted and retained thereafter.

Reason: To ensure the provision of adequate facilities in accordance with the Northampton Parking Standards Supplementary Planning Document (2019).

#### INFORMATIVE

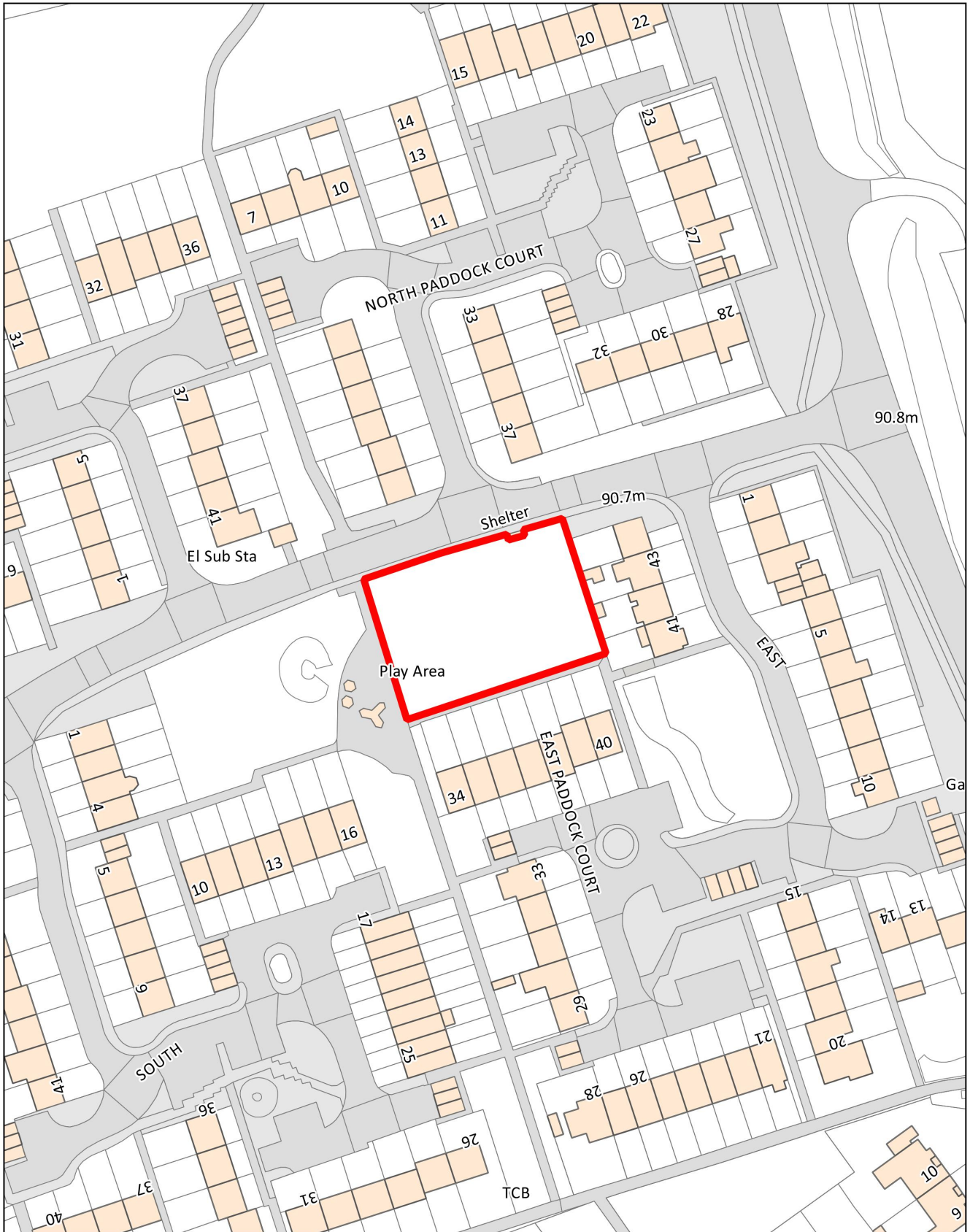
1. The applicant is reminded of the need to apply to Northamptonshire Highways Regulations to a Section 184 licence for the vehicle crossover.

### **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: **Land to rear of 44 East Paddock Court**

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Date: 04-03-2020

Scale: 1:1,047

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