

**PLANNING COMMITTEE:** 1<sup>st</sup> September 2020  
**DEPARTMENT:** Planning Service  
**DIRECTOR OF PLANNING:** Peter Baguley

**APPLICATION REF:** N/2020/0648

**LOCATION:** Garage 1 Lock Up Garages, Stenson Street

**DESCRIPTION:** Demolition of existing lock-up garages and development of 2no semi-detached dwellings with associated parking

**WARD:** St James 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 demolition of 25 garages and the erection of 2x2 bedroom dwellings with garages at ground floor level. 4 external parking spaces would also be provided.
- 2.2 The proposed building would be approximately 12.6 metres wide, 10.3 metres deep, and 9.77 metres to ridge height.
- 2.3 The application site is located within Flood Zone 3.

### **3 SITE DESCRIPTION**

- 3.1 The application site comprises a garage court which is currently fenced off with no access to the existing garages on site. The site is located to the southeast of Farmfoods, a food shop, the building of which is located immediately up to the site boundary. To the south-west of the site is the car park for a public house. To the north-east, and over the road to the south-east are residential properties. The area is a mixture of commercial and residential properties.

## **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.

Section 14 – Climate change and flooding.

### **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 BN7 - Flood risk

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**

Northampton Parking SPD (2019)

## 6 CONSULTATIONS/ REPRESENTATIONS

Comments received are summarised as follows:

- 6.1 **NBC Public Protection** – No objection. Request conditions on contamination, EV charging, boilers, and construction noise.
- 6.2 **Northamptonshire Police** – No objection. Happy with proposed trellis topping to fencing, advise that sheds should be secured, the development should comply with building control regulations, lighting should be provided, and landscaping to stop flytipping will be needed.
- 6.3 **NBC Arboricultural Officer** - No objection provided tree measures within the Tree Survey and Arboricultural Impact Assessment and Method Statement Report, dated April 2020, from MacIntyre Trees are implemented and maintained to protect the trees from accidental harm during the works.
- 6.4 **NCC Highways** – No objections. Request condition requiring development to be undertaken in accordance with the submitted plans.
- 6.5 **Environment Agency** – Request conditions requiring development to be undertaken in accordance with the submitted flood risk assessment, that the ground floors shall be used for the purposes outlined and no habitable accommodation, and the removal of permitted development rights.
- 6.6 **Local Lead Flood Authority** – No comment.
- 6.7 Letters have been received from 1 neighbouring property. The comments can be summarised as follows:
- Support demolition of garages and construction of 2 new dwellings – area has been hot spot for criminal activity.
  - Concern regarding drainage issues on site – existing drains blocked.
  - Would not want any trees to be removed.
  - Ask if house design will be similar to the surrounding houses.
  - Are garages wide enough to accommodate modern vehicles and will occupants use garage to park in or for storage. Removal of garage doors may assist in ensuring these are used.
  - Question which parts of the road will remain double yellow lines and how the parking behind the public house will be affected. (*Officer comment: The proposal does not alter the parking within the public house or existing parking restrictions*).
  - Question whether bollard partition in centre of street will remain. (*Officer comment: The proposal does not alter the existing bollard split in the street*).
  - Fox den potentially behind garages. (*Officer comment: Foxes are not a protected species and as such this is not a material planning consideration within the assessment of this application*).
  - Impact of houses on internet service. (*Officer comment: This is not a material planning consideration*).

## 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. 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.

### **Flood Risk**

- 7.2 The application site is located within Flood Zone 3, an area at high risk of flooding. In line with this, under the NPPF, a Flood Risk Assessment (FRA), Sequential Test and Exception Test are required within this application.
- 7.3 The submitted Sequential Test and Exception Test identify that the site is in need of re-development due to high crime issues within the vacant garage court, that affordable housing is needed, that the site is previously developed, and of remaining garage courts identified, all are already planned for development. The submitted Flood Risk Assessment identifies measures to ensure the development would not increase flood risk elsewhere.
- 7.4 The proposed dwellings have been designed to ensure that there is no habitable accommodation at ground floor level, with the ground floor forming garages only and with staircase access to the habitable accommodation as first and second floor. The proposal also reduces the level of hardstanding on this site through the creation of gardens and soft landscaping.
- 7.5 The Environment Agency have been consulted on this proposal and do not raise an objection subject to conditions requiring development to be undertaken in accordance with the submitted FRA, that the ground floors shall be used for the purposes outlined and no habitable accommodation, and the removal of permitted development rights. These are considered reasonable to attach.

### **Design**

- 7.6 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.
- 7.7 The application proposes a pair of semi-detached properties. These properties would face side-on to the street scene with a depth of approximately 10.3 metres along the street scene. The building would have a width of approximately 12.6 metres and would have a ridge height of 9.77 metres. The proposed properties would be three storey in appearance, with habitable accommodation at first and second floors.
- 7.8 Stenson Street is largely characterised by terrace rows of two storey properties on the north-eastern half of the street, and commercial units on the south-western half of the street. Views of the large food store to the north-west are also easily visible. As such the character of the area is one of variety.
- 7.9 The application proposes a three storey building due to flooding issues, which is larger than characteristic of the residential properties in Stenson Street. Whilst of a larger character than the residential properties in Stenson Street, it is not considered that the size of the building would be unacceptable. This is due to the varied nature of the street scene with commercial properties and the large food store. It is also considered that the proposal would improve the appearance of the existing garage court, which is of a poor quality. As such, on balance, it is considered that the design of the proposal would be acceptable.

### **Amenity**

- 7.10 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.
- 7.11 To the north-west and south-west of the site are commercial properties. To the south-east of the site across Stenson Street is a terrace row of residential properties. The side elevation of unit 2 fronts Stenson Street and provides a door and window to a staircase at ground floor, a window to the staircase and two windows to a living room at first floor, and two windows to a bedroom at second floor. With these windows overlooking the street scene of Stenson Street and the front elevations of the terrace properties to the south-east, it is not considered that there would be an unacceptable overlooking issue between these properties. It is also not considered that the proposal would result in overshadowing or loss of light to these neighbouring properties, due to a separation distance of over 15 metres.
- 7.12 To the north-east of the application site are the rear elevations and gardens of a terrace row of residential properties fronting Greenwood Road. The front elevation of the proposed residential properties would face towards these existing properties, with two front doors and garage doors at ground floor level, two windows serving stairwells and two windows serving kitchen/diners at first floor, and two windows serving bedrooms and two windows serving dressing rooms at second floor. These windows are positioned approximately 27.5 metres from the rear elevations of properties on Greenwood Road, and 21.4 metres from the boundary for the rear gardens. The separation distance between these properties is considered sufficient to ensure that there would not be an unacceptable impact upon the neighbouring properties with regards to overlooking, overshadowing or loss of light.
- 7.13 In line with the above, it is considered that the proposal would not have an unacceptable impact upon neighbouring amenity.
- 7.14 It is also the case that the proposed dwellings provide good size rooms with adequate light for future occupiers, alongside sufficient garden amenity space. Whilst the food shop building is up to the boundary of the site, the building has been positioned sideways on to this building to ensure that unit 1 is provided with acceptable living conditions.

### **Parking and highway safety**

- 7.15 The Northamptonshire County Council Parking Standards and the Parking SPD seek 2 on plot parking spaces per dwelling for 2 bedroom properties. The proposal provides 2x2 bedroom properties. Two parking spaces are provided internally for each property within the garages, plus a further four parking spaces externally.
- 7.16 The application site as existing comprises a garage court with 25 garages, however this court is fenced off with no access to the area. As such the existing parking provision must be assessed as nil. The application proposes two dwellings with an overprovision of parking for these units at four spaces each, two within a garage and two externally.
- 7.17 Northamptonshire County Council Highways Department have been consulted on this application and have raised no objection to the scheme. In line with this, it must be considered that the proposal would not have an unacceptable impact upon parking or highway safety as a result of the development.
- 7.18 In line with the Council's Parking SPD, two electric vehicle charging points will be required as part of this development. This will be required through condition. Due to the flood risk of the area, these will need to be provided internally within the garages at a high level.
- 7.19 A neighbour letter raised concern as to whether the garages were wide enough for parking and whether they would be used for parking. The application also provides four external parking spaces for the new properties which is sufficient for the parking requirement for this development.

## **Crime**

- 7.20 The Northamptonshire Police have been consulted on the proposal and raised no formal objection to the scheme, however it was recommended that the fencing to the proposed garden area has trellis topping to deter climbing. Details of the boundary treatments will be required through condition to ensure this.
- 7.21 Northamptonshire Police advise that the lighting scheme should be able to provide a uniform level of illumination with a minimum level of 0.2Uo. A condition requiring details of lighting will be attached.
- 7.22 The Police advise that the green space behind the cars should be heavily landscaped to prevent informal games of football or the dumping of fly tipped rubbish. A condition requiring details of landscaping will be attached.
- 7.23 The Police advise that the sheds within the rear gardens will need to be to a secured to a high standard, should have no windows, and internally should have a security rated anchor point for bikes/ Lawn mowers/strimmers etc. All new doors and windows should meet the requirements building control.

## **Trees**

- 7.24 The Council's Tree Officer advises that there is no objection to the scheme provided the tree measures within the Tree Survey and Arboricultural Impact Assessment and Method Statement Report, dated April 2020, from MacIntyre Trees are implemented and maintained to protect the trees from accidental harm during the works. A condition will be attached with regards to this.

## **Other considerations**

- 7.25 The Council's Environmental Health Officer recommends a condition to address unexpected ground contamination should planning permission be forthcoming and it is considered reasonable to attach this.
- 7.26 In addition, the Environmental Health Officer suggests a condition on boilers, and an informative on construction hours. 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 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.

## **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: 31517-BGL-A1-00-DR-A-4200-P-01-D7 Rev 01, 31517-BGL-A1-XX-DR-A-1400-P-00-D7, 31517-BGL-A1-00-DR-A-1401-P-01-D7 Rev 02, 31517-BGL-A1-00-DR-A-1100-P-03-D7, 31517-BGL-A1-00-DR-A-1200-P-00-D7 Rev \.

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

3. Prior to the construction of the building 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.

4. Notwithstanding the submitted details, prior to the construction of the building 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 flats 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.

5. Prior to first occupation of the development hereby approved, 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 agreed within the approved scheme 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 of plants, shrubs and trees that may die are removed or become seriously damaged or diseased with others of similar size and species. The approved hard landscaping scheme shall be carried out prior to first occupation and retained thereafter.

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.

6. Prior to first occupation of the dwellings hereby approved, full details of the sheds 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.

7. The tree protection measures within the Tree Survey and Arboricultural Impact Assessment and Method Statement Report, dated April 2020, from MacIntyre Trees reference 1993\_Fv1, shall be provided on site prior to any construction works commencing, and retained in accordance with the submitted details for the duration of the construction works on this site.

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.

8. Full details of a minimum of 2 electric vehicle charging points (1 per unit) for the units hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the dwellings hereby permitted (these details shall be for charging points within the garages at a high level due to flood risk). Development shall be carried out in accordance with the approved details and fully implemented prior to the development being first brought into use and retained thereafter.

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

9. The new parking spaces shown on approved plan 31517-BGL-A1-00-DR-A-1100-P-03-D7 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.

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 development shall be carried out in accordance with the submitted flood risk assessment (ref: DSA Ref 20/38741/05, Revision 02, dated 14<sup>th</sup> August 2020) and the following mitigation measures it details:

- Living and sleeping accommodation to be on the first and second floors only.
- Garages and lobby only on the ground floor (non-habitable accommodation).

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

12. The ground floor of the properties hereby approved shall be used as garage and lobby only as annotated on approved drawings 31517-BGL-A1-00-DR-A-1200-P-00-D7, and for no other habitable accommodation.

Reason: In accordance with the details of the application and to ensure that there is no sleeping or vulnerable living accommodation on the ground floor, in order to protect the inhabitants of the property from the risk of flooding in accordance with the NPPF.

13. 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, to reduce the risk and impact of flooding, and to prevent overdevelopment of the site in accordance with the NPPF, Policy E20 of the Northampton Local Plan and Policy H1, BN7 and BN9 of the West Northamptonshire Joint Core Strategy.



14. 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 front (north-eastern) or side (south-eastern or north-western) elevations of the approved dwellinghouses.

Reason: To safeguard the privacy of adjoining properties in accordance with Policy H1 and BN9 of the West Northamptonshire Joint Core Strategy (2014).

15. Prior to the occupation of the development hereby approved, the existing access point shall be permanently closed (and the highway reinstated) in a manner to be approved in writing by the Local Planning Authority, and, notwithstanding the provisions of Class B of Part 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 no further points of access shall be created thereafter.

Reason: To confine access to the permitted point in order to ensure that the development does not prejudice the free flow of traffic or conditions of highway safety along the neighbouring highway in accordance with the requirements of the National Planning Policy Framework.

16. Prior to first occupation, full details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and retained thereafter.

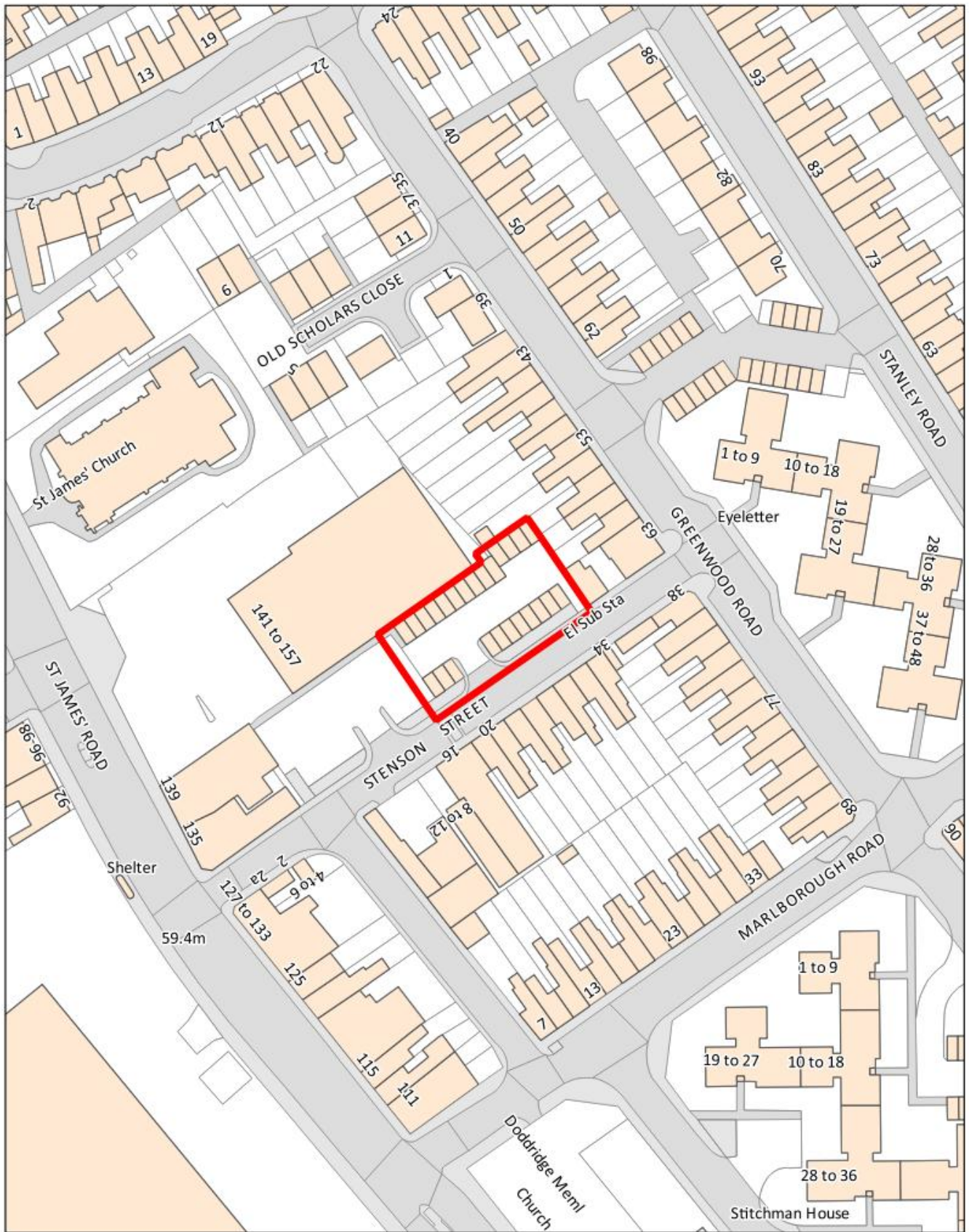
Reason: In the interests of residential and visual amenity in accordance with Policy H1 of the West Northamptonshire Joint Core Strategy.

## **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.



Title: **Garage 1, LU garages at Stenson St.**

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Date: 17-08-2020

Scale: 1:1,000

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