

PLANNING COMMITTEE: 10th May 2016
DIRECTORATE: Regeneration, Enterprise and Planning
DIRECTOR: Steven Boyes

APPLICATION REF: N/2015/1077

LOCATION: Discount Tyre & Exhaust Ltd, 11 - 13 Ruskin Road

DESCRIPTION: Demolish existing garage and replace with 14no two-bed and 4no one-bed flats with car parking (outline application with all matters reserved)

WARD: Sunnyside Ward

APPLICANT: Mr Gibbes
AGENT: Mr Gibbes

REFERRED BY: Director of Regeneration, Enterprise and Planning
REASON: Major application requiring S106 agreement

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 APPROVAL IN PRINCIPLE subject to:

1.1.1 The prior completion of a S106 Agreement to secure:

- i) 35% on site affordable housing;
- ii) A payment towards the provision of and/or enhancements and maintenance of public open space within the vicinity of the site;
- iii) A scheme for the provision of construction worker training opportunities and a payment towards the operation of this programme; and
- iv) The Council's monitoring fee subject to the Director of Regeneration, Enterprise and Planning being satisfied the monitoring fee is necessary and of an appropriate scale.

1.1.2 The Conditions set out in Paragraph 9 below and for the following reason:

The proposed development represents an acceptable use of the land and is complementary towards the surrounding land uses. Subject to conditions, it is considered that a satisfactory standard of development would be created with a neutral impact on the amenities of surrounding properties. The development is therefore in conformity with the requirements of the National

Planning Policy Framework; Policies S1, S10, H1 and H2 of the West Northamptonshire Joint Core Strategy and Policy E20 of the Northampton Local Plan.

- 1.2 It is also recommended that in the event of the Section 106 Legal Agreement not being completed within three calendar months of this Committee meeting, in addition to being able to grant planning permission as recommended above, the Director of Regeneration, Enterprise and Planning be given delegated authority to either refuse or finally dispose of the application (at his discretion) on account that the necessary mitigation measures have not been secured in order to make the proposal acceptable in line with the requirements of Policies INF1 and INF2 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

2. THE PROPOSAL

- 2.1 The proposal is made in outline form with all matters reserved for future consideration. As a consequence, the primary matter for consideration in this application is whether the principle of erecting up to 18 flats in this location is acceptable. In the event of an approval, future applications would be submitted to cover matters such as design, layout, access and landscaping.

3. SITE DESCRIPTION

- 3.1 The application site currently consists of a commercial garage for cars sales and vehicle repairs. The building on site is of a functional style of architecture. The surrounding buildings are generally in use for residential accommodation and are generally two storeys in height. The majority of parking demand in the vicinity of the site is met through on-street provision. Whilst the building is currently used for commercial purposes, the site is allocated in the Northampton Local Plan as being suitable for residential accommodation.
- 3.2 The site is in close proximity to the Kingsthorpe Local Centre, which contains a number of businesses and commercial activities. In addition, a number of public transport routes are available, which ensures that the area is well connected with the wider environs.

4. PLANNING HISTORY

- 4.1 None relevant.

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.

5.3 Paragraph 49 requires proposals for housing should be encouraged within the context of promoting sustainable development. The same paragraph also states that in instances where a five year housing land supply cannot be demonstrated (which is the case in Northampton), any relevant development management policies cannot be considered to be up to date. Paragraph 14 requires that in instances where the development plan is silent or out of date, the overarching aim of providing sustainable development should be used to determine planning applications.

5.4 In terms of providing additional housing, planning proposals should provide a variety of housing types in order to meet the wide range of differing needs for housing (paragraph 50). In design terms it is required that the planning decision proactively supports sustainable development, mitigating impacts on amenity and facilitating mixed uses (paragraph 17).

5.5 **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:

5.6 Policy S1 of the JCS states that new developments will be concentrated primarily in and adjoining the existing principal urban area of Northampton. Policy S3 requires the construction of approximately 18,870 houses within Northampton Borough over the plan period and Policy S4 requires the provision of about 28,470 new dwellings within the Northampton Related Development Area (NRDA) between 2011 and 2029. This figure has been calculated to satisfy the West Northamptonshire Objectively Assessed Housing Needs.

5.7 Policy S10 requires that new developments be located where services and facilities can be accessed by walking, cycling or public transport.

5.8 Policy H1 requires that a mixture of house types are provided, which should be of varying sizes, types and tenures. Policy H2 requires that at least 35% of developments of 15 or more dwellings should be made available for occupation as affordable housing. Policy S10 encourages sustainable development through incorporating measures to increase safety and security. To further encourage sustainable development.

5.9 In addition to these matters, Policy INF1 requires that developments provide sufficient infrastructure to mitigate the impacts of development, which is in addition to Policy INF2 that requires a reliable mechanism for the provision of such infrastructure.

5.10 **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, some policies are material to the determination of this application including Policy E20 states that new buildings should be of an appropriate design; and Policy T12 necessitates that new developments have sufficient manoeuvring space for commercial vehicles.

5.11 **Supplementary Planning Documents**

Northamptonshire County Parking Standards SPG 2003

6. **CONSULTATIONS/REPRESENTATIONS**

Comments received are summarised as follows:

6.1 **Anglian Water** – No objections.

- 6.2 **Highway Authority (NCC)** – Make observations regarding the design of the access and the size of car parking spaces.
- 6.3 **Lead Local Flood Authority (NCC)** – No objections, subject to conditions relating to drainage provision and on-going maintenance.
- 6.4 **Northamptonshire Police Crime Prevention Design Advisor** – Make observations regarding the type of doors and windows and appropriate types of boundary treatments.
- 6.5 **16 Boughton Green Road** – Object due to a loss of privacy in addition to drainage problems in the vicinity. It is also considered that the development would generate excessive noise.
- 6.6 **Construction Future** – Request S106 obligation to secure training opportunities with appropriate funding.

7. APPRAISAL

Principle of Development

- 7.1 Whist it is recognised that the proposed development would result in the loss of a commercial unit, it is considered that as the current land use does not comply with the allocation of the Local Plan, the site's redevelopment for residential uses, which is complimentary to the surrounding area, is acceptable. In addition to this point, it is noted that the development would contribute (albeit on a small scale) to meeting the established need for housing in the Borough.

Drainage and Contamination

- 7.2 Given the nature and scale of the proposed development and its current use as a commercial facility, conditions are recommended that would ensure suitable drainage systems are put in place and that the potential occurrence of contamination is investigated and remediated where necessary.

Design and Impact

- 7.3 As the application is made in pure outline form, no firm details of the siting and design of the building have been submitted; however, the indicative parameters demonstrate that the proposed quantum of development can be accommodated within a two storey building. This therefore ensures that the future residential development would be reasonably harmonious with the prevailing character of the surrounding area and would not form an incongruous or overbearing feature. In order to provide certainty of this, conditions are recommended that would place limitations on the maximum number of units and the height of the building. The detailed consideration of the design of the development would also address the points raised by Northamptonshire Police's Crime Prevention Design Advisor.
- 7.4 By reason of the aforementioned controls over building height, it is considered that the development would have a neutral impact on the amenities of neighbouring properties in terms of considerations such as light, outlook and privacy.
- 7.5 In order to create a good standard of development, it is considered that the design of the building should be enhanced over the parameters submitted with the planning application; however this would be a matter reserved for future consideration.

Parking and Access

- 7.6 It is recognised that the majority of demand for car parking spaces in the vicinity is currently predominantly met through on-street provision. The indicative plans indicate that 20 off-street parking spaces would be provided within the development. Given the nature of the development (i.e. comparatively small flats of between one and two bedrooms) and as no objections have been received from the Highway Authority, it is considered that this level of provision is acceptable and a condition is recommended that would ensure the resultant reserved matters application includes this number of spaces. This condition would also specify the minimum size of the spaces in order to provide complete certainty that the highway impacts of the scheme will be mitigated.
- 7.7 It is noted that the Highway Authority have made a number of observations regarding the design of the access. As access has been referred for future consideration, these are not matters that need to be considered as part of this planning application as this would be addressed through the consideration of any subsequent Reserved Matters application.

S106 Obligations

- 7.8 By reason of the scale and type of development, a Section 106 Legal Agreement is required. The Community Infrastructure Levy Regulations specify three key legal tests in ascertaining whether a particular obligation can be requested. These specify that obligations should be:
- i) Necessary to make the development acceptable in planning terms;
 - ii) Directly related to the development; and
 - iii) Fairly and reasonably related in scale and kind to the development.
- 7.9 By reason of the development being for more than 15 dwellings, 35% of the development would be secured for occupation on affordable tenures. This would assist in creating a varied form of development where dwellings are made available on a variety of tenures in line with the requirements of the NPPF.
- 7.10 In addition to this matter, financial contributions would also be secured for the provision of off-site open space and for construction worker training opportunities. This ensures compliance with the requirements of the Council's Developer Obligations Supplementary Planning Document.

8. CONCLUSION

- 8.1 It is considered that the principle of the land use is acceptable and would remove a non-conforming use in a residential area; the indicative parameters submitted with the application demonstrate that the proposal would have a neutral impact upon the character of the area, highway safety and the amenities of surrounding properties.

9. CONDITIONS

1. Approval of the details of the access, appearance, landscaping, layout and scale ("the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: This permission is in outline only granted under Article 5(1) of the Town and Country Planning (Development Management Procedure) Order 2015.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

3. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or, if later, before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

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 E20 of the Northampton Local Plan. This condition is required in order to ensure that these details are agreed in a timely manner.

5. No development shall take place until a desk top study in respect of possible contaminants within the site is completed and a site investigation has been designed. 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. The site investigation and appropriate risk assessments shall be carried out and the results shall be used to produce a method statement for the necessary remedial works (and a phasing programme), which shall be submitted to and approved in writing by the Local Planning Authority. All remedial works shall be fully implemented in accordance with the approved method statement and phasing programme. Confirmation of the full implementation of the scheme and validation report(s) shall be submitted to the Local Planning Authority within 2 weeks of completion (or within 2 weeks of completion of each respective phase).

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. This condition is required in order to agree these details in a timely manner.

6. 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 and 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.

7. No development shall take place until a detailed design of surface water drainage scheme for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development should be submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed and shall be retained thereafter.

Reason: To reduce the risk of flooding both on and off site by ensuring the satisfactory means of surface water attenuation and discharge from the site in accordance with the requirements of the

National Planning Policy Framework. This condition is required in order to ensure that these details are agreed in an appropriate timescale.

8. No development shall take place until a detailed scheme for the ownership and maintenance for every element of the surface water drainage system proposed on the site has been submitted to and approved in writing by the Local Planning Authority and the maintenance plan shall be carried out in full prior to the first occupation of the development hereby permitted and shall be retained thereafter.

Reason: To ensure the future maintenance of drainage systems associated with the development. This condition is required in order to ensure that these details are agreed in a timely manner.

9. The development hereby approved shall not exceed more than 18 flats.

Reason: For the avoidance of doubt and to ensure a neutral impact upon the surrounding area in accordance with the requirements of the National Planning Policy Framework.

10. The development hereby permitted shall not exceed 9m in height.

Reason: In the interests of residential amenity in accordance with the requirements of the National Planning Policy Framework.

11. The development hereby permitted shall include a minimum of 20 on-site car parking spaces, which shall have minimum dimensions of 2.4m x 4.8m. The car parking shall be provided prior to the first occupation of the development hereby permitted and retained thereafter.

Reason: In the interests of highway safety in accordance with the National Planning Policy Framework.

10. BACKGROUND PAPERS

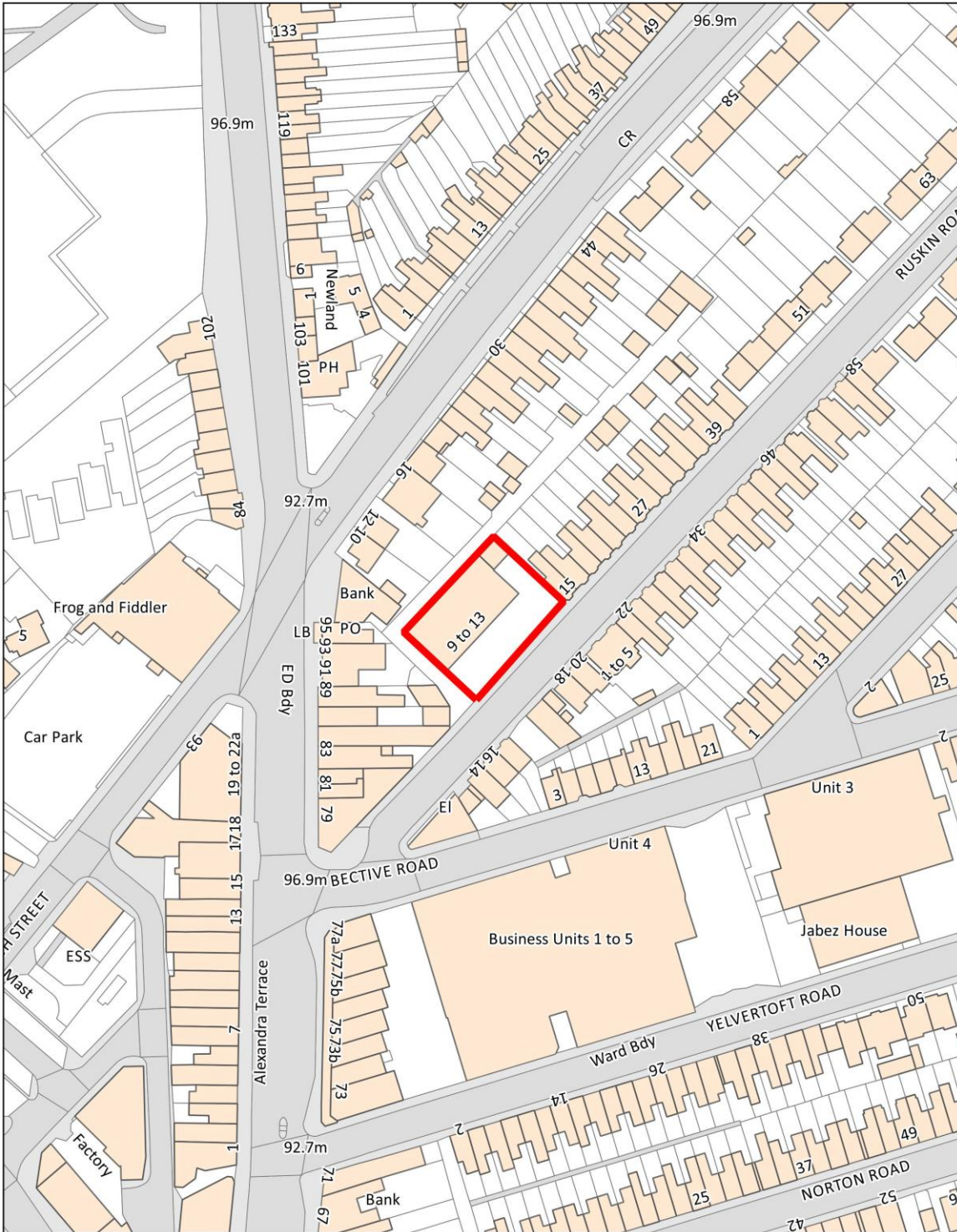
- 10.1 N/2015/1077.

11. LEGAL IMPLICATIONS

- 11.1 None.

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: 11-13 Ruskin Road

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