

PLANNING COMMITTEE: 25 July 2017
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Peter Baguley

APPLICATION REF: N/2016/1439

LOCATION: The Silver Cornet Public House, 21 Welland Way

DESCRIPTION: Outline planning permission with all matters reserved for construction of 14 no. 3 bedroom dwellings

WARD: Kings Heath Ward

APPLICANT: Mr Ashraf Uddin Razzaque
AGENT: Fox Architectural Design

REFERRED BY: Head of Planning
REASON: Part Council owned land

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

- 1.1 **APPROVAL** subject to conditions as set out below and for the following reason:
- 1.2 The principle of residential development for the site for up to 14 dwellings is considered acceptable and would contribute towards the Council's 5-year housing supply. Subject to the conditions below, the development would result in the effective reuse of this vacant site and would have a neutral impact upon the character of the area, adjacent residential amenity and highway conditions in accordance with the aims and objectives of the National Planning Policy Framework, Policies SA, S3, S10, H1 and BN7 of the West Northamptonshire Joint Core Strategy and Policy E20 of the Northampton Local Plan.

2. THE PROPOSAL

- 2.1 The application seeks outline planning permission, with all matters reserved for the erection of 14 x 3 bedroom dwellings. The submitted indicative layout shows the dwellings positioned facing outwards towards Welland Way, South Oval and Park Walk with associated parking for 17 vehicles. The main vehicular access to the site would be from Welland Way to a courtyard providing parking for 10 vehicles to the rear. In addition 5 parking spaces would have direct frontage onto Welland Way and 2 would have direct frontage onto South Oval. There are no parking restrictions within the area.

3. SITE DESCRIPTION

- 3.1 The application site is located on the corner of South Oval and Welland Way on the Kings Heath Estate. The site was formerly occupied by the Silver Cornet Public House, however this has since been demolished and the site has remained derelict for over 10 years. The site is bounded by Welland Way to the north, South Oval to the east, an unnamed access road that leads to the rear of the adjacent residential flats to the south and Park Walk, a pedestrian walkway that links Park Crescent East and Park Square, to the west. Beyond Park Walk is Kings Heath Park. The surrounding area primarily consists of residential accommodation of a variety of scales and types.

4. BACKGROUND/PLANNING HISTORY

- 4.1 The application site is one of two former public house sites located on the Kings Heath Estate. The other former Morris Man public house site was granted planning permission in 2013 (N/2013/0048 refers) for the erection of 15 dwellings. The site, which is almost identical to the current application site has since been developed.
- 4.2 The current application site was granted planning permission for the erection of 8 dwellings and 4 flats in 2006 (N/2006/0272 refers). An extension of time to implement the planning permission was granted in 2012 (N/2012/0028). Despite this, the site has remained undeveloped and derelict and has been a source of constant complaints to Enforcement Officers and Northamptonshire Police for anti-social behaviour and fly tipping.
- 4.3 The current application was submitted in October 2016 and followed an application for pre-application advice submitted in 2015 (ENQ/2015/1359).

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:

Paragraph 14 advises that at the heart of the NPPF is a presumption in favour of sustainable development.

Paragraph 17 advises on the need to seek secure high quality design and a good standard of amenity for existing and future occupants. In doing this planning should also take into account the differing roles and characters of areas. The same paragraph also encourages the development of previously developed sites.

Paragraph 34 requires developments that are likely to generate a significant amount of movement be located in positions where the need to travel is minimised.

Paragraph 47 requires Local Planning Authorities to meet objectively assessed housing needs for their area and to identify and update a supply of deliverable sites to provide 5-years' worth of housing against these requirements.

Paragraph 49 advises that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites.

Paragraph 50 advises on the need to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, planning for a mix of housing based on current and future demographic trends and the needs of different groups in the community.

Paragraph 53 advises that Local Planning Authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.

Paragraph 56 advises that good design is a key aspect of sustainable development and should contribute to making places better for people.

Paragraph 58 seeks to ensure that planning decisions aim to ensure that developments respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation.

Paragraph 103 states that when determining planning applications, care should be taken to ensure that flood risk is not increase elsewhere and that priority should be given to the use of sustainable urban drainage systems.

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 SA: Presumption in Favour of Sustainable Development – advises on taking a positive approach towards development proposals that reflects a presumption in favour of sustainable development and approving applications that accord with development plan policies unless material considerations indicate otherwise.

Policy S3: Scale and Distribution of Housing Development – provision will be made for about 18,870 dwellings during the plan period 2011 to 2029.

Policy S10: Sustainable Development Principles – development will achieve the highest standards of sustainable design incorporating safety and security considerations; protect, conserve and enhance the natural and built environment; enhance biodiversity and reduce the fragmentation of habitats; and minimise pollution from noise, air and run off.

Policy H1: Housing Density and Mix and Type of Dwellings – advises that new housing development should provide for a mix of house types, sizes and tenures to cater for different accommodation needs making the most efficient use of the land having regard to the location and setting of the site, existing character and density, accessibility to services and public transport, the living conditions of future residents, and impact on the amenities of neighbouring occupiers.

Policy BN7: Flood Risk – all new development proposals should demonstrate there is no increased risk of flooding to existing properties.

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 policies are material to this application:

Policy E20 – the design of any new building should adequately reflect the character of its surroundings in terms of layout, siting, form, scale and use of appropriate materials.

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 **NCC Highways** – object to the application as the proposal does not provide 2 on plot parking spaces per dwelling. Also state that rear parking courts are not accepted as they are underutilised by residents. Make general comments about the requirement for access widths and visibility splays.

6.2 **NCC Lead local Flood Authority** – following the receipt of amended details, no objection subject to a condition for the submission of a surface water drainage scheme for the site.

6.3 **Environment Agency** – no objection subject to a condition for the submission of a mains foul water drainage scheme for the site.

6.4 **Crime Prevention Design Advisor** - following the receipt of amended details, no objection subject to satisfactory boundary treatment and surveillance and lighting of the rear courtyard.

7. **APPRAISAL**

Principle

7.1 Both the NPPF and the JCS have a presumption in favour of sustainable residential development. The application site is located on a residential estate which contains schools, shops, community centres and a church, all within walking distance. In addition the site is within walking distance of the Heathfield Way Industrial Estate and is served by three bus services with a bus stop almost opposite the site on South Oval.

7.2 By reason of the site's sustainable location, it is considered that the principle of developing this site for residential purposes is acceptable. The proposal would also allow for the appropriate re-use of this previously developed and now unused site, in a manner that is complementary to the existing land uses.

7.2 The proposed development proposes the provision of 14 dwellings, which is a density that is consistent with the prevailing character of the environs of the application site. The proposal includes the provision of 17 off-street car parking spaces, which is considered to be an appropriate provision given the location and scale of the proposed dwellings.

7.3 Details of access, layout, appearance, scale and landscaping would be considered at reserved matters stage, the consideration of which would seek to ensure the development is in accordance

with policy and appropriate to the surroundings. The indicative layout indicates that the site could accommodate up to 14 dwellings without leading to any unacceptable impacts on adjacent residential amenity. In addition the proposal would provide sufficient private amenity space and it has been configured so that the dwellings overlook the proposed access and parking court providing appropriate surveillance. As such, it is not considered that the development of the site would lead to any unacceptable adverse impact on residential amenity.

- 7.4 The residential development of the site would contribute towards the Council's 5-year housing supply, and in view of the above considerations, the principle of residential development is considered acceptable and in accordance with policy requirements.

Highway Impacts

- 7.5 Although the site has been vacant for a number of years, it should be recognised that it was previously used as a public house. As a consequence of this, the former use of the site would have attracted a significant amount of traffic. It is not considered therefore that the development of the site for residential purposes would pose any unduly significant impact on the highway network.
- 7.6 The Highway Authority has referred to the 2016 Parking Standards stating that two parking spaces per dwelling should be provided for houses with 2/3 bedrooms. The application was submitted following pre-application advice given in 2015 when it was indicated that one space per dwelling would be acceptable in this location. The proposal provides 14 spaces plus 3 visitor spaces which therefore represents a shortfall of 14 spaces according to current standards.
- 7.7 In response to this, the site is within a sustainable location in close proximity to local services, public open space, employment sites and public transport routes. Due to the constraints in the size of the site the only mechanism to improve the ratio of dwellings to car parking spaces would be to reduce the number of dwellings within the development. The applicant has indicated that this approach would not be viable. Furthermore the applicant has submitted a highway report which has analysed census data and car ownership for houses in the Kings Heath Ward. The report has concluded that the proposed development would not have a significant adverse impact upon the highway network. Requiring additional parking spaces on site would reduce the likelihood of delivering an effective housing land supply and would leave a vacant site, which has been a longstanding site for anti-social behaviour, undeveloped.
- 7.8 The Highway Authority has also stated that rear parking courts are not accepted. The development at the former Morris Man site features a rear courtyard and the current scheme is based on that development. The indicative plan indicates that the rear parking area would benefit from a good degree of natural surveillance from the first floor windows of the entire development. Furthermore, the applicant has proposed that the area features a 2m high brick wall on the southern boundary and electronic entrance gates which would make this private space secure. For these reasons the proposal is considered to be satisfactory.

Other Matters

- 7.9 Amended drainage details have been received addressing the concerns raised by the Lead Local Flood Authority. Conditions requiring the submission and approval of a detailed surface water drainage scheme and mains foul water drainage are proposed to ensure appropriate drainage for the site and that the development does not lead to any increased risk of flooding arising from drainage to surrounding properties and sites.

8. CONCLUSION

- 8.1 In conclusion it is considered that, on balance, the proposed development represents the efficient and sustainable use of this previously developed site. It reflects the character of its surroundings and would contribute towards meeting the established need for housing within Northampton. The proposal is considered to be in accordance with the relevant planning policies and guidance and is therefore recommended for approval.

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. The development hereby permitted shall be carried out in accordance with the following approved plan: 16-20-P-L Revision A (Site Location Plan).

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

5. The residential development of the site hereby permitted shall be for a maximum of 14 dwellings only.

Reason: To accord with the terms of the planning application and to ensure a satisfactory standard of development and in the interests of the amenity of the occupiers of adjacent residential properties in accordance with Policies S10 and H1 of the West Northamptonshire Joint Core Strategy.

6. Details of all proposed external facing materials shall first 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 and to ensure that the development will harmonise with its surroundings in accordance with Policy E20 of the Local Plan and Policy S10 of the West Northamptonshire Joint Core Strategy.

7. Full details of the method of the treatment of the external boundaries of the site together with individual plot boundaries shall first be submitted to and approved in writing by the Local Planning Authority, implemented prior to the first occupation of the buildings 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 H1 of the West Northamptonshire Joint Core Strategy and Policy E20 of the Northampton Local Plan.

8. Full details of all external lighting shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented prior to the first occupation of the development hereby permitted and retained thereafter.

Reason: The details are required pre-commencement to ensure a satisfactory standard of development in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy.

9. Details of existing ground and proposed levels in relation to the adjoining sites and proposed finished floor levels for the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to commencement. The development shall be carried out in accordance with the approved details.

Reason: The details are required pre-commencement to ensure a satisfactory standard of development and in the interests of adjacent residential amenity in accordance with Policies S10 and H1 of the West Northamptonshire Joint Core Strategy.

10. Before construction commences, a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, shall be submitted to the Local Planning Authority for approval in writing.

The details of the scheme shall include:

- i) Designs, diameters, invert and cover levels and gradients. In addition, the assessment shall include dimensions of all elements of the proposed drainage system: pipes, inspection chambers, outfalls/inlets and attenuation basins.
- ii) BRE 365 compliant infiltration testing to confirm that such a method of surface water disposal is / is not viable. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

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 Policy BN7 of the West Northamptonshire Joint Core Strategy. This is a pre-commencement condition to ensure timely submission of details.

11. No development shall take place until a scheme for the maintenance and upkeep of the proposed surface water drainage system has been submitted to and approved in writing by the Local Planning Authority. The maintenance plan shall be carried out in full thereafter. The scheme shall include details of any drainage elements that will require replacement within the lifetime of the proposed development.

Reason: In order to ensure that the drainage systems associated with the development will be maintained appropriately and in perpetuity, to reduce risk of flooding due to failure of the drainage system in accordance with the requirements of Policy BN7 of the West Northamptonshire Joint Core Strategy. This condition is required to agree such details in a timely manner.

12. No building works which comprise the erection of a building required to be served by water services shall be undertaken until full details of a scheme for the provision mains foul water drainage on and off the site has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the details hereby approved. No building shall be occupied until the works have been carried out in accordance with the approved scheme.

Reason: To prevent flooding, pollution and detriment to public amenity through provision of suitable water infrastructure in accordance with Policy BN7 of the West Northamptonshire Joint Core Strategy.

10. BACKGROUND PAPERS

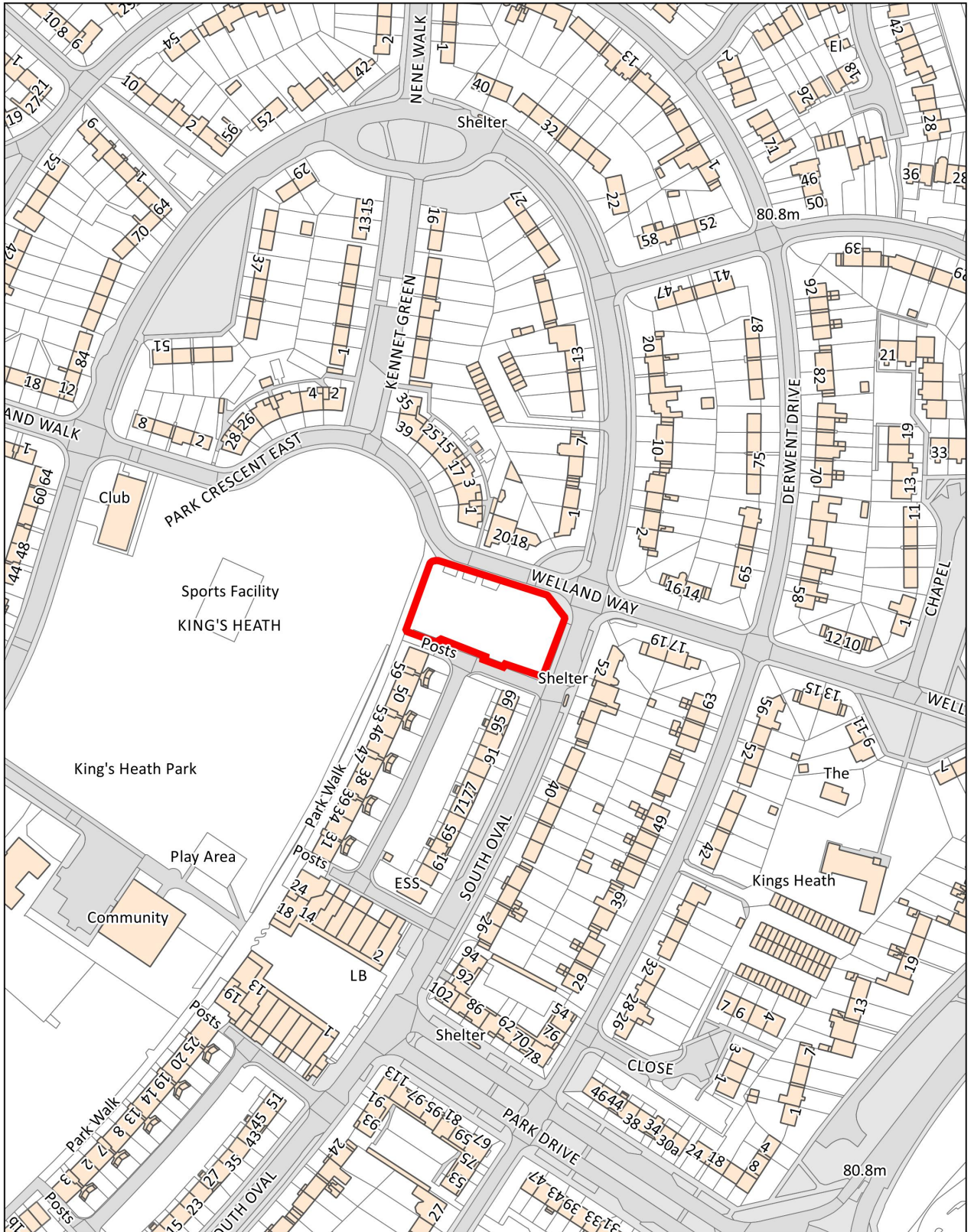
10.1 N/2016/1439, ENQ/2015/1359, N/2006/0272

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: **The Silver Cornet Public House, 21 Welland Way**

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Scale: 1:2,000

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