

**PLANNING COMMITTEE:** 10<sup>th</sup> April 2018  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**HEAD OF PLANNING:** Peter Baguley

**APPLICATION REF:** N/2018/0191 and N/2018/0267

**LOCATION:** Former Lock Up Garages , Lower Bath Street

**DESCRIPTION:** Variation of Condition 8 of Planning Permission N/2016/0769 (Demolition of 43 garages, erection of 14 dwellings with associated gardens, parking and access ways) to allow for site compound area to be located over 7 parking spaces to the eastern boundary to allow for the safe construction of approved dwellings for approximately 6 months

And

Temporary change of use from ancillary residential space to site compound area for surrounding residential development (retrospective)

**WARD:** Castle Ward

**APPLICANT:** Northampton Partnership Homes  
**AGENT:** rg+p Ltd

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

**DEPARTURE:** No

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## **APPLICATIONS FOR DETERMINATION:**

### **1. RECOMMENDATION**

#### **Planning Application N/2018/0191**

1.1 **APPROVAL** subject to the conditions as set out below and for the following reasons:

The proposed variation of condition would not render the development as previously approved unacceptable due to the limited period during which the parking area would be unavailable, which would not have a significant impact on highway safety and amenity or on the amenities of future occupiers of the development in accordance with the National Planning Policy Framework.

#### **Planning Application N/2018/0267**

1.2 **APPROVAL** subject to the conditions as set out below and for the following reasons:

The temporary use of the land as a site compound would have no significant adverse impact on the amenities of adjoining and nearby occupiers or the highway network, subject to the proposed conditions and given the temporary nature of the proposal. The proposal thereby complies with Policy BN9 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

## **2. THE PROPOSAL**

- 2.1 The proposal is for the temporary use of an area intended for car parking to serve the newly constructed dwellings off Scarletwell Street as a site compound for the construction works in respect of residential development in the surrounding area.
- 2.2 Two related applications have been submitted including an application for a change of use to a site compound for a temporary period (N/2018/0267) and a further application (N/2018/0191) for a variation of condition in relation to Planning Permission N/2016/0769, which is necessary due to the fact that the compound is on an area intended for residential parking, which is required by condition to be available prior to the occupation of the dwellings. As the new dwellings have now been occupied, the parking spaces would not be available for a temporary period for up to six months.

## **3. SITE DESCRIPTION**

- 3.1 The application site was formerly a garage site but is now part of the construction compound in relation to residential development in the area. The specific piece of land where the site compound is would form 7 car parking spaces to serve the new dwellings off Scarletwell Street.
- 3.2 Currently there are some portable buildings on site with access from Lower Bath Street.

## **4. PLANNING HISTORY**

- 4.1 N/2016/0769 - Demolition of 43 garages, erection of 14 dwellings with associated gardens, parking and access ways – Approved 01/11/16.

## **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), Northampton Central Area Action Plan (2013) and Spring Boroughs Neighbourhood Plan.

### **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 49 - presumption in favour of sustainable development for housing applications  
Paragraph 56 – requiring good design

### 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 S3: Scale and Distribution of Housing Development  
Policy S10: Sustainable Development Principles  
Policy H1: Housing Density and Mix and Type of Dwellings  
Policy H2: Affordable Housing  
Policy BN9: Planning and Pollution Control

### 5.4 **Northampton Central Area Action Plan 2013**

The Central Area Action Plan (CAAP) provides specific planning policy and guidance for the town centre and adjoining areas where significant regeneration and investment is proposed in the period up to 2026 and is in conformity with the objectives of the NPPF. Relevant policies include:

Policy 1 – Promoting Design Excellence  
Policy 24 – Spring Boroughs

### 5.5 **Supplementary Planning Documents**

Northamptonshire County Parking Standards SPG 2003  
Planning out Crime in Northamptonshire SPG 2004

### 5.6 **Other Material Considerations**

#### Spring Boroughs Neighbourhood Plan

The Spring Boroughs Neighbourhood Plan was made in April 2016, and now forms part of the development plan for Northampton.

The following policies are relevant to the determination of this proposal:

Policy OP1 – Sustainable Development Principles  
Policy OP2 – Family Housing  
Policy OP5 – Streets, Movement and Parking  
Policy AB2 – Central Spring Boroughs

## 6. **CONSULTATIONS/ REPRESENTATIONS**

Comments received are summarised as follows:

6.1 **NCC Highway Authority** – No objection to the change of use to a site compound area, provided it is temporary.

6.2 **NBC Public Protection** - In order to ensure noise is minimised from operations of the site the following should be taken into account. Use of generators on site should be restricted to normal site working times, which are anticipated to be Monday – Friday 07:30 to 18:00 and Saturdays 08:00 to 13:00. Materials delivered to site should take place during normal site working hours outlined above. Ideally power to the site office and welfare facilities should be connected to the mains supply.

- 6.3 One letter of objection was received from a neighbouring business, making the following points:
- Existing business would be left with no parking.
  - Have lost income and customers due to the situation.

## **7. APPRAISAL**

- 7.1 The issues to consider in respect of the change of use application relate to the potential impact of the site compound and associated activities on residents of the area around the site.
- 7.2 The site compound was originally created in relation to the construction works for the development of new dwellings off Scarletwell. This is one of the Northampton Partnership Homes projects to regenerate Spring Boroughs. The site was meant to be cleared following substantial completion of the dwellings and would be converted into 7 parking spaces to serve the dwellings, as stipulated by planning condition. Although the new dwellings are now near completion and ready for occupation, the contractors are still involved in other building works in nearby sites and the use of the compound is still necessary for a temporary period of up to 6 months. The Committee should note that the constructors are carrying out works for Northampton Partnership Homes whom are proposing various construction and refurbishment works to existing housing stocks in nearby streets.
- 7.3 If the site compound were to be relocated in the area, the proposed impact in terms of its use would be similar. In addition, it must be borne in mind that some noise and other impact from construction work is inevitable if development is to take place, and can only be minimised rather than eliminated altogether. Comments from Public Protection indicate that this impact is considered to be acceptable, if the hours suggested are adhered to and subject to the use of mains power rather than a generator. Conditions to this effect are proposed.
- 7.4 The site of the compound is to be a parking area associated with three of the houses which were approved under Planning Permission N/2016/0769. Condition 8 of this planning permission requires the parking spaces to be provided prior to the occupation of the dwellings. The three dwellings adjacent to the compound area are ready to be occupied. As the parking area has not been made available prior to their occupation, this would represent a breach of condition and therefore it is necessary to seek to vary the condition, to the effect that the provision of the parking area is deferred for a period of 6 months. To compensate for this shortfall, the proposal includes three spaces to be made available exclusively to these three properties, these being spaces which in the long term are proposed to be general rather than allocated parking spaces.
- 7.5 Whilst the level of parking provided on a temporary basis will be less than the full allocation, this will be only for a temporary period, and in the absence of any objection from the Local Highway Authority, it is considered that this will be acceptable and will not lead to a significant adverse impact on the highway network or on the amenities of neighbouring occupiers including the future occupants of the housing development.
- 7.6 As noted above, an objection has been received from a business in the area, on the basis that the business would be adversely affected due to the reduction in general parking. In this respect it can be noted that the three general parking spaces which would be lost, in the short term, are intended for general parking needs in the area rather than to serve this particular car repair business. It is not considered, therefore, that this limited change would in itself have a significant impact on the operation of this business.

## **8. CONCLUSION**

- 8.1 Whilst the use of the intended parking area for a site compound will result in a reduced level of parking for the associated houses for a temporary period, it is considered that this would not result in a significant impact on the future occupiers of these units or on the highway network.

With the imposition of appropriate conditions to limit the hours of operation, it is considered that the location of the compound is acceptable.

- 8.2 As application N/2018/0191 is an application to vary a condition, it is necessary to repeat the conditions attached to the original permission, insofar as they are still relevant and with amendments to their wording to reflect the advanced stage of the development.

## **9. CONDITIONS**

### **9.1 Application N/2018/0191 (Variation of condition)**

- (1) The development hereby permitted shall be carried out in accordance with the attached schedule of approved plans.

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

- (2) All planting, seeding or turfing comprised in the approved details of landscaping 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 Policy 1 of the Central Area Action Plan.

- (3) The car parking spaces as shown on the approved plan shall be provided prior to the first occupation of the dwellings hereby permitted and shall at all times be reserved and retained for the parking of vehicles and there shall be no storage of goods, materials, refuse, pallets or skips thereon, with the exception of the parking area to the front of Plots 1, 2 and 3 which may be used as a temporary site compound until 31<sup>st</sup> October 2018. After this date, the parking area shall be layout within 1 month as parking spaces as approved under planning permission N/2016/0769 and thereafter there shall be no storage of goods, materials, refuse, pallets or skips thereon.

Reason: To ensure that adequate parking facilities are maintained in accordance with the National Planning Policy Framework.

- (3) 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 shall be erected to the dwellings hereby permitted.

Reason: To prevent overdevelopment of the site in accordance with Policy 1 of the Central Area Action Plan.

- (4) Full details of an external lighting scheme shall be first submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details prior to occupation of the last dwelling house.

Reason: In interest of security to accord with the National Planning Policy Framework.

- (5) Details of bird boxes as recommended in the submitted Preliminary Ecological Appraisal dated April 2016 by Focus Ecology shall be first submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented fully in accordance with the approved details prior to the first occupation of the dwellings hereby permitted.

Reason: In interests of sound ecological practice to accord with the National Planning Policy Framework.

- (6) The tree to be retained in the approved plans shall be protected for the duration of the development by a stout fence to be erected and maintained on an alignment to be approved in writing by the Local Planning Authority before any development works shall take place. Within the fenced area no development works shall take place on, over or under the ground, no vehicles shall be driven, nor plant sited, no materials or waste shall be deposited, no bonfires shall be lit nor the ground level altered during the periods of development.

Reason: In order to ensure protection of the existing tree in accordance with Policy 1 of the Central Area Action Plan. This is a pre-commencement condition to ensure that the tree is protected.

- (7) Maintenance of the Surface Water Drainage scheme shall continue to be carried out in full accordance with the Drainage Maintenance Schedule dated November 2016 as approved under application reference N/2016/0769.

Reason: In order to ensure that the drainage systems associated with the development will be maintained appropriately and in perpetuity, to reduce the risk of flooding due to failure of the drainage system in accordance with Policy BN7 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

## 9.2 **Application N/2018/0267 (Change of Use)**

- (1) The use hereby permitted shall be discontinued and the land brought into use as a parking area as approved under Planning Permission N/2016/0769 on or before 30<sup>th</sup> November 2018.

Reason: In the interests of amenity as the Local Planning Authority consider the use is only acceptable as a temporary expedient and in order to ensure the provision of adequate parking facilities, in accordance with the National Planning Policy Framework.

- (2) The site compound shall operate only between the hours of 07.30 and 18:00 on Mondays to Fridays and 08:00 to 13:00 on Saturdays and at no time on Sundays or Bank or Public Holidays.

Reason: In the interests of the amenities of the occupiers of nearby properties in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.

- (3) The provision of power to the site shall be from mains power only and generators shall not be used at any time.

Reason: In the interests of the amenities of the occupiers of nearby properties in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.

## 10. **BACKGROUND PAPERS**

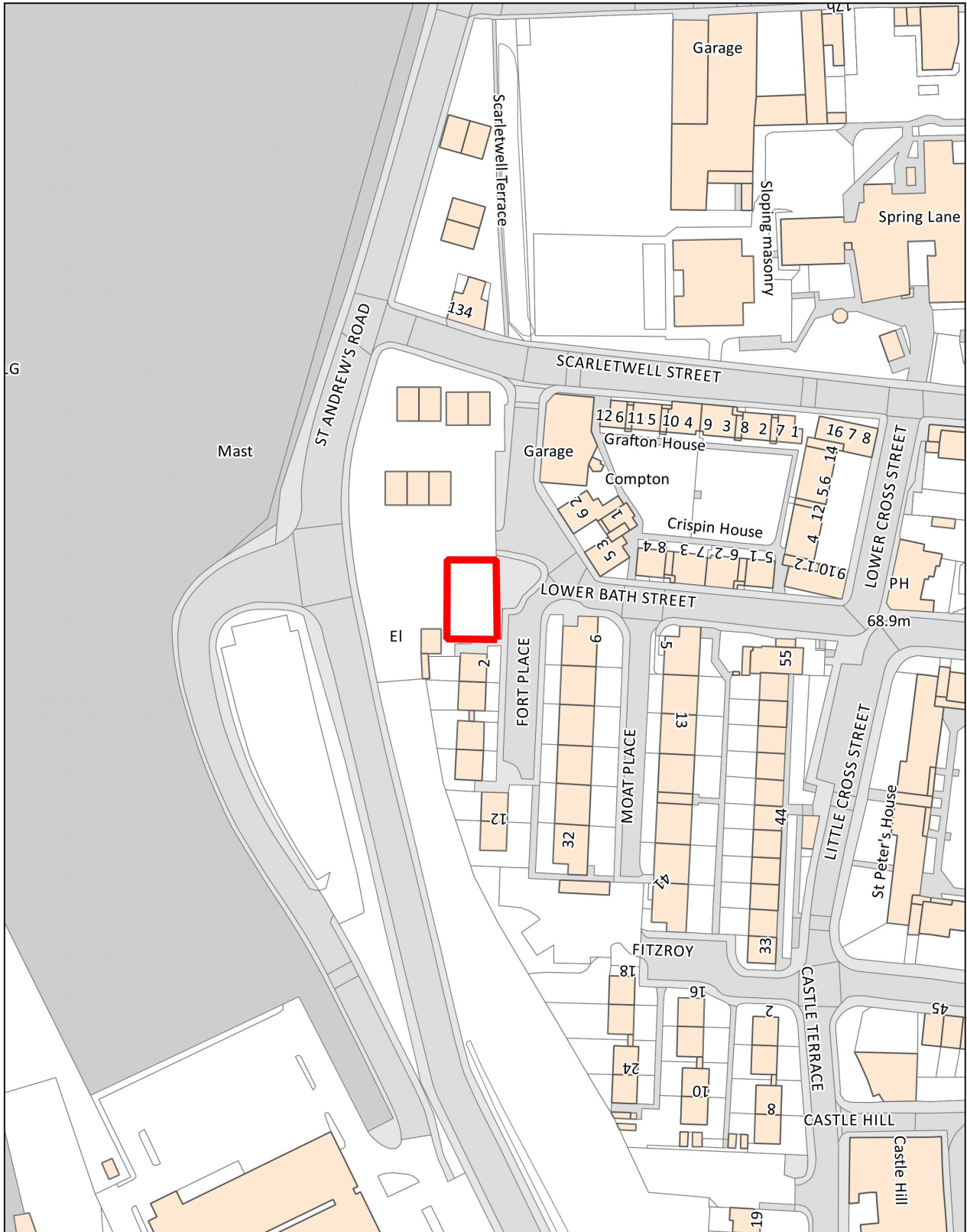
- 10.1 Application files N/2017/0191 and N/2017/0267.

## 11. **LEGAL IMPLICATIONS**

- 11.1 The development in respect of application N/2018/0191 is CIL liable. In respect of application N/2018/0267 is not 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: **Lock up garages, Lower Bath Street**

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Date: 28-03-2018

Scale: 1:1,250

Drawn by: -----