

PLANNING COMMITTEE: 3rd July 2018
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Peter Baguley

APPLICATION REF: N/2018/0447

LOCATION: Lock Up Garages, Medway Drive

DESCRIPTION: Development of 4no flats with associated parking and removal of existing garages

WARD: Kings Heath Ward

APPLICANT: Northampton Partnership Homes
AGENT: Baily Garner

REFERRED BY: Head of Planning
REASON: Council owned land

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1 RECOMMENDATION

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

The principle of residential development on the site for new dwellings is considered acceptable in a residential area and would contribute towards the Council's five year housing land supply. As part of a balanced assessment, it is considered that the proposal would have an acceptable impact upon the character and appearance of the surrounding area, neighbouring amenity and highway safety. The development is therefore compliant with the requirements of the National Planning Policy Framework, Policies S1, S10, H1, and BN9 of the West Northamptonshire Joint Core Strategy, and Saved Policies E20 and H10 of the Northampton Local Plan.

2 THE PROPOSAL

2.1 The application seeks full planning permission for the demolition of existing garages and erection of 4 x 1 bed flats with associated parking.

2.2 The new flats would be located in the south western half of the site and would be contained within a two storey building with a hipped roof form. The new building would have a width of 17.8 metres, a depth of 10.2 metres and a height of 7.6 metres.

- 2.3 In addition, the proposal includes 8 car parking spaces in a parking court located forward of the proposed flats.

3 SITE DESCRIPTION

- 3.1 The application site is located in a residential area and comprises a garage court set to the rear of residential houses fronting Medway Drive, Severn Drive and Welland Green. The garage court is accessed from a private road running between Nos. 48 and 50 Medway Drive and contains two runs of 17 garages (34 garages in total) located to the north west and south east sides of the site. Land levels in the locality generally rise from the north east to the south west.

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 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 6, 7, 8 and 14 - Presumption in favour of sustainable development.
Paragraph 17 - Core planning principles
Paragraph 32 - Safe and suitable access
Paragraph 49 - Housing applications
Paragraph 50 - Wide choice of high quality homes
Section 7 - 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 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 policies are material to this application:

Policy E20 - New Development (Design)
Policy H10 - Backland Development

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 **Public Protection (NBC)** – No objections subject to conditions requiring a land contamination assessment, mitigation measures to support the Low Emission Strategy and advisory note regarding construction hours.
- 6.2 **Highway Authority (NCC)** – No objection subject to the parking space closest to the access being increased in width.
- 6.3 **One letter of objection** has been received to the application. This letter does not state the reason for the objection.
- 6.4 **Two letters of comment** has been received which include the following points:
- There have been instances of vehicles using the parking court damaging boundary fences and seeks assurances that measures will put in place to prevent this happening again should the development be permitted.
 - The rights of access to an existing private garage served off the garage court should be maintained.

7 **APPRAISAL**

Principle of development

- 7.1 The application site is located 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 The Council cannot however presently demonstrate a five year housing land supply. Therefore, in accordance with the presumption in favour of sustainable development in paragraph 14 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.

Layout and design

- 7.3 The 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. In addition, Saved Policy H10 of the Northampton Local Plan seeks to resist backland development unless it can be shown that the development would not be detrimental to the character of the locality or the amenity of neighbours. The supporting text for this backland policy indicates that the purpose of this policy is to address new housing the suburban areas of the town that have exceptionally long rear gardens.
- 7.4 The application site comprises a garages court set in the middle of a perimeter block of houses and thus would not result in the loss of residential garden land. All of the existing garages would be demolished as part of the proposal with a new two storey building erected to the south western side of the site. This new building would contain four flats but would only be two storeys in scale with a hipped roof form such that it would reflect the form of houses in the locality. Furthermore,

the new building has reasonable separation distances to neighbouring properties and there would only be limited views of the development in the streetscene. As such, no objections are raised to the proposed dwellings with respect to the character and amenity of the area.

Residential amenity

- 7.5 Saved Policy E20 of the Northampton Local Plan, Policy H1 of the Joint Core Strategy and the Core Planning Principles in the NPPF all seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 7.6 In terms of the residential amenities of neighbours, the side elevation of the proposed building would be adjacent to the rear garden boundaries of Nos. 42 and 44 Medway Drive to the north western side. However, these neighbouring properties have garden depths of some 17 metres and the proposal would have a hipped roof form, such that it is considered that it would not appear unduly prominent or overbearing when viewed from these or any other neighbours to the north western side of the site. In addition, subject to a condition to ensure that no windows can be added to the north western flank elevation of the new building at first floor level, it is considered that the proposal would not give rise to unacceptable levels of overlooking to any neighbour to the north western side of the site.
- 7.7 The proposed building would be set to the side of the rear boundaries of Nos. 7 and 8 Welland Green, with No. 7 having a shorter rear garden than the properties on Medway Drive. However, the rear gardens of Nos. 7 and 8 are set at an angle, with No. 7 also benefiting from a side garden, and as such the outlook from the rear of these properties would not be directly onto the flank of the new building. As such, and given the hipped roof design, it is considered that the proposal would not appear unduly prominent or overbearing when viewed from neighbouring properties to the south east site. In addition, subject to a condition to ensure that no windows can be added to the south eastern flank elevation of the new building at first floor level, it is considered that the proposal would not give rise to unacceptable levels of overlooking to any neighbour to the south eastern side of the site.
- 7.8 The new building would face towards a parking court to the front and an amenity area for the flats to the rear such that it would not give rise to unacceptable overlooking or visual intrusion to neighbours to these sides.
- 7.9 Turning to the amenities of future occupiers of the new one bed flats, all habitable rooms would be served by windows and a landscape strip is proposed to the frontage of the site to provide a buffer area to the ground floor units and this can be secured by condition. The ground floor units would also have their own dedicated amenity area immediately to the rear of the building with a communal area beyond this that would be accessible to all occupiers of the site. A low boundary fence is proposed between the amenity areas for the ground floor units and the communal area to allow surveillance of the communal amenity area, whilst ensuring a buffer area for the ground floor units, and further details of this could be secured by condition. In addition, the submitted plans show a bin store structure in the parking court and further details of this can be secured by condition. As such, subject to conditions, it is considered that the proposal would afford an acceptable standard of amenity for future occupiers of the site.
- 7.10 Overall, it is considered that the proposal would not give rise to an unacceptable impact with regard to the amenities of neighbours and would afford an acceptable standard of amenity for future occupiers of the site.

Parking and highway safety

- 7.11 The application proposals would be served off the existing private access drive and would benefit from a parking court with 8 car parking spaces. The Parking Standards seek 1 parking per dwelling for 1 bed flat and this would be met as part of the proposal, with one visitor space also provided per dwelling. The parking court would also include a turning area and the County Highway Engineer has assessed the scheme and raises no objections. The Highway Engineer

does however make an observation that the size of one of the parking spaces falls short of the Parking Standards, and the plans have subsequently been amended to address this.

- 7.12 The submitted plans show a communal cycle store in the rear communal amenity area and this can be secured by condition.
- 7.13 The proposal would result in the loss of some 34 garages. However, given the age and resultant size of the garages they are not generally suited to the dimensions of modern cars. Furthermore, the location of the garages and lack of surveillance means that the garaging is not convenient for neighbouring properties and feels insecure such that it is not an attractive place for day-to-day parking. As such, it is considered that objections cannot be sustained to the loss of the garaging.
- 7.14 Overall, it is considered that the proposal is acceptable on the grounds of parking and highway safety.

Other considerations

- 7.15 The Council's Environmental Health Officer recommends a ground contamination condition should planning permission be forthcoming.
- 7.16 In addition, the Environmental Health Officer suggests the inclusion of conditions relating to electric vehicle charging points and boilers, and also an advisory note relating to hours of working. However, given the parking court arrangement and that only four dwellings are proposed, it is considered that it would not be reasonable to seek such charging points in this instance. In addition, matters relating to the energy efficiency of buildings are addressed under the Building Regulations and the site is not in air quality management area such that it is not considered that it would be reasonable to condition the boilers to be installed in the new houses. With respect to construction hours, the proposal is only for a small scale development and there are controls under the Environmental Health legislation to address such matters should issues arise.
- 7.17 Third party comments have been received regarding rights of access to an existing private garage served off the access drive and damage to fencing along the access drive. Whilst these are civil matters, it is noteworthy that the layout of the proposal would not prejudice the access rights for the existing private garage off the access drive.

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. However, the Council 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, albeit on a small scale, towards the Council's housing supply with associated social and economic benefits. Furthermore, subject to conditions, 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)03G, (P)04A, (P)05B, and (P)06F

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

3. The construction of the development hereby permitted shall not 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. Pre-commencement condition to ensure details are agreed in a timely manner and to ensure a satisfactory standard of development.

4. 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 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.

5. Prior to the construction of the development hereby permitted, 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. Pre-commencement condition to ensure details are agreed in a timely manner and to ensure a satisfactory standard of development.

6. Prior to the construction of the development 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.

7. Prior to the construction of the development 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 building 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.

8. Prior to the construction of the development hereby approved above ground floor slab level, 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 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 Policies H1 and S10 of the West Northamptonshire Joint Core Strategy.

9. Prior to the construction of the development hereby approved above ground floor slab level, full details of the provision for the storage of refuse and materials for recycling 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 building hereby permitted and thereafter retained.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with in accordance with Policies H1 and S10 of the West Northamptonshire Joint Core Strategy.

10. Prior to the construction of the development hereby approved above ground floor slab level, full details of facilities for the secure and covered parking of bicycles 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 fully implemented prior to the occupation of the building hereby permitted and thereafter retained.

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

11. Prior to the construction of the shed shown on the plans hereby approved, full details of the sheds 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: To ensure the provision of adequate facilities in accordance with Policy S0 of the West Northamptonshire Joint Core Strategy.

12. The parking spaces and manoeuvring areas shown on approved plans shall be constructed prior to the occupation of the building hereby approved and retained thereafter.

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.

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 window(s) shall be installed at first floor level in the side elevations of the proposed development.

Reason: To safeguard the privacy of adjoining properties in accordance with Policy H1 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 gates, fences, walls or any means of enclosure or similar structures other than approved pursuant to Condition 7 above shall be erected or constructed within the site.

Reason: In the interests of residential amenity and crime prevention in accordance with Saved Policies E20 of the Northampton Local Plan and Policies S10 and H1 of the West

10 BACKGROUND PAPERS

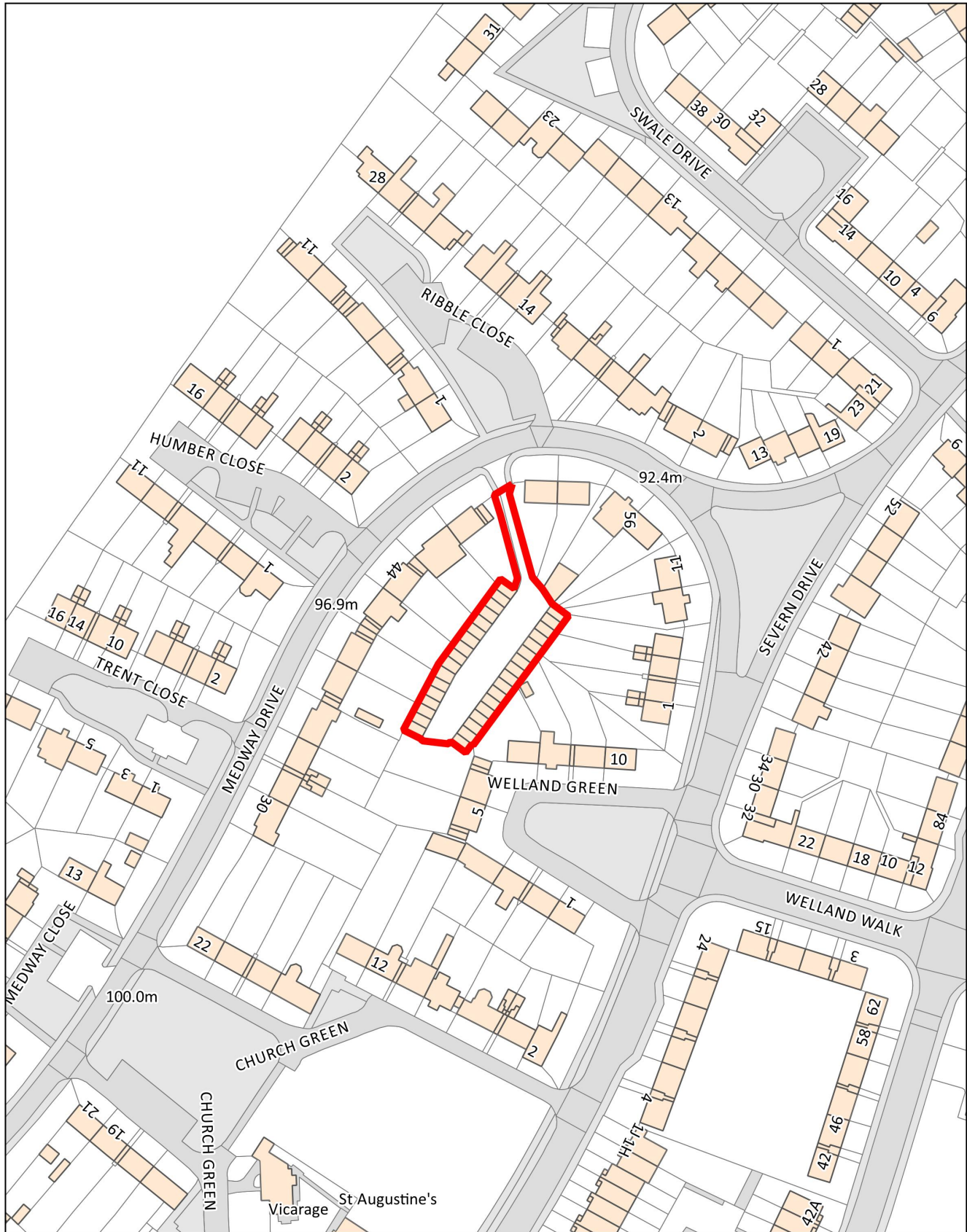
10.1 None.

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: **Medway Drive**

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Date: 18-06-2018

Scale: 1:1,250

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