

**PLANNING COMMITTEE:** 31<sup>st</sup> July 2018  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**HEAD OF PLANNING:** Peter Baguley

**APPLICATION REF:** N/2018/0446

**LOCATION:** Lock Up Garages , Witham Way

**DESCRIPTION:** Development of 4no semi-detached dwellings with associated parking

**WARD:** Kings Heath Ward

**APPLICANT:** Northampton Partnership Homes  
**AGENT:** Baily Garner

**REFERRED BY:** Head of Planning  
**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, RC2, BN1, BN2 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 erection of four semi-detached dwellings with associated parking on a former garage court site and part of an area of open space in Kings Heath.
- 2.2 The proposed new semi-detached dwellings would all be 3 bed properties and would each measure 5.8 metres in width, 9 metres in depth and 7.9 metres in height with gabled roofs.
- 2.3 In addition, the proposal includes 12 parking spaces to serve the 4 new dwellings and the widening of the existing vehicular access drive to a width of 4.8 metres.

### **3 SITE DESCRIPTION**

- 3.1 The application site is in a residential area and comprises a former garage court site and part of an area of open space.
- 3.2 The former garage court site is set to the rear of residential houses fronting Witham Way, Derwent Drive and Waveney Way and all the garages on the site have recently been demolished, with herras fencing securing the garage site to the rear. The garage site is accessed from a private road running between Nos. 4 and 6 Witham Way and land levels gently rise along the access drive to the rear of the garage site.
- 3.3 The open space is accessed off Derwent Drive and is backed onto by the garage site and properties fronting Derwent Drive, Waveney Way and Park Drive. Only a small part of the open space is the subject of the current application, comprising a strip of land that neighbours the garage site and measures 38 metres in width by 15 metres depth.

### **4 PLANNING HISTORY**

- 4.1 The following application is currently under consideration to the north east of the application site:
- N/2018/0450: Development of 8no semi-detached dwellings with associated parking. Pending consideration at time of drafting report (Officer Note: This application relates to the remainder of the public open space located to the north east of the site).

### **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

Section 8 - Promoting healthy communities

Section 11 - Conserving and enhancing the natural environment

#### **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 RC2 - Community Needs  
Policy BN1- Green infrastructure  
Policy BN2 - Biodiversity  
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 **Planning Policy (NBC)** – The Joint Core Strategy states that a key objective of the strategy is to provide a range of housing. The development proposals (current application together with application N/2018/0450) are for the provision of affordable housing leading to the development of 12 family homes with gardens. The location is suitably sustainable as it is close to public transport links thereby increasing mobility and accessibility and it could enhance employment prospects. Access to local amenities is good. Many families in this locality are restricted to apartment accommodation so the proposal would bring a better housing mix to the area which would benefit growing families. However, Joint Core Strategy Policy RC2 seeks to resist the loss of open space. But, on balance, the proposal should bring about community benefits that will outweigh the loss of this space. While a replacement facility will not be possible in this locality, the proposal should seek to mitigate the loss by enhancing existing open spaces which are within the accessibility catchment, such as the provision of auxiliary features at Kings Heath Recreation Ground.
- 6.2 **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.
- 6.3 **Arboricultural Officer (NBC)** – No objections.
- 6.4 **Highway Authority (NCC)** – No comments.
- 6.5 **Police Crime Prevention Design Advisor** - As a backland development which hitherto was secured from the public domain by 'secure gating' this development presents some security issues both for those houses which surround the plot and for the new houses. Where those existing houses which abut the site have a perimeter which backs onto the new public drive way and parking areas, their existing rear fence line should be supplemented with a trellis topping to reduce opportunities for climbing. If the existing fence line is not fit for purpose it should be replaced with close board fence to 1.8m plus a trellis top. Those existing fence lines which abut the new houses or gardens do not have the same requirement. The central gate which provides access to plots 2 and 3 should ideally be metal. The doors and windows for the new houses should meet the requirements of ADQ of Building Regulations. They should be third party accredited products to ensure the necessary level of security is delivered and all ground floor windows should have one pane of laminate glass to P1A. The development would meet the requirements of Secured by Design silver standard.

- 6.6 **Objections letters** have been received on behalf of occupiers of **three neighbouring properties**. These letters include the following points:
- The loss of the open space should be compensated elsewhere.
  - Loss of privacy to properties on Witham Way; there should be no line of sight.
  - Concerned regarding the impact of lighting, CCTV and satellite dishes on neighbouring properties.
  - Concerned access is not safe for pedestrians and not wide enough for vehicles with insufficient manoeuvring space within the site for larger vehicles.
  - 12 parking spaces is excessive when 8 are needed.
  - Cars currently park opposite the existing access to the garages and this parking would be rendered unsafe or lost due to the proposal.
  - Development would unacceptably increase traffic in the area.
  - Insufficient provisions for refuse collections.
  - A CEMP should be imposed by condition to control matters such as dust, noise, deliveries, neighbouring properties, site welfare facilities, security etc.
  - Concerned security of neighbouring properties would be compromised if site changes from a gated garage site to a housing development.
  - Insufficient infrastructure such as shops and community centres to serve the new housing; shops are shuttered in Park Square.
  - Concerned regarding damage to neighbouring properties during the construction phase.
  - The submitted site plan does not reflect the current layout of neighbouring properties.

## 7 APPRAISAL

### Principle of development

- 7.1 The proposed location of the housing would comply with Policy S1 of the Joint Core Strategy, which details that development should be concentrated primarily in and adjoining the principal area of Northampton.
- 7.2 However, the application site straddles two parcels of lands with very different planning policy considerations and, as such, there are a variety of matters that will need to be considered in the round to determine the acceptability of the proposed development and these are addressed below.
- 7.3 In addition, the Council cannot 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.

### Residential Area / Brownfield land

- 7.4 A large portion of the application site comprises a former garage court and falls within the residential area designation under the Local Plan. As such, the development of this part of the site for residential purposes is acceptable under the provisions of the Development Plan.
- 7.5 In addition, the former garage site comprises land that has been previously developed (brownfield land) and therefore the effective redevelopment of this land is encouraged under the NPPF.

### Open Space

- 7.6 A strip of land to the rear of the site comprises part of an area of open space serving Kings Heath. Policy RC2 of the Joint Core Strategy relates to open space and seeks to resist the loss of open space unless it can be demonstrated that:

- There is evidence that improvements can be made through the provision of a replacement facility of equal or better quality taking into account accessibility; or
- The proposal will bring about community benefits that outweigh the loss of the facility; or
- Having regard to the relevant open space study, the space is surplus or is little used.

7.7 In addition, Paragraph 74 of the NPPF also seeks to protect against the unjustified loss of open space.

7.8 In this instance, the proposal would only encroach onto a small part of the open space, with the remainder of the open space not unduly compromised by the application. Although, it should be noted that proposals to develop a large portion of the remainder of the open space for housing are currently being considered by the Council under a separate application (N/2018/0450). Furthermore, whilst the existing open space is clearly used by some members of the community as a recreational and amenity resource, it does not contain any play or recreation facilities. In addition, the open space is also subject to poor surveillance, being located in the centre of a perimeter block of housing enclosed by rear boundaries including tall hedges, and thus is vulnerable to anti-social behaviour and crime and this limits the quality of the open space.

7.9 As part of a balanced assessment, it is considered that the community benefits arising from the proposed new housing would outweigh the loss of the strip of open space in this instance. It is noted that the Planning Policy Team in their consultation response are suggesting that mitigation for the loss of open space by enhancements to existing open spaces elsewhere should be sought. However, as the community benefits are considered to outweigh the loss of open space, it is considered that enhancements elsewhere would not be necessary or reasonable. Furthermore, and in any event, it is noted that NPH are in the process of undertaking landscaping improvements across the Kings Heath area as part of their Strategic objective to “Deliver and maintain high quality homes and estates”.

### **Layout and Design**

7.10 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.

7.11 The application site comprises a former garages court site and part of an area of open space located within a perimeter block of housing and thus would not result in the loss of residential garden land. The new semi-detached dwellings would be located to the rear part of the site, over 50 metres back from Witham Way and set in some 2 metres from the common side boundaries, with rear gardens backing onto the remaining open space. They would have a two storey scale and a gabled roof form to reflect the appearance of properties in the locality. Furthermore, given their siting and design, there would only be limited views of the new housing 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**

7.12 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.

7.13 In terms of the amenities of existing occupiers of land, the neighbours to the side of the proposed houses on Derwent Drive and Waveney Way benefit from deep rear gardens (some 18 metres in depth). Furthermore, the proposed houses would only be two storey in scale and the windows in

the side elevations would be limited to ground floor level and staircase window. As such, and subject to conditions preventing the insertion of first floor windows, it is considered that the proposal would not give rise to an unacceptable impact with regards to the amenities of the side neighbours.

- 7.14 The concerns raised regarding the relationship of the proposed dwellings to properties fronting Witham Way are noted and it is also noted that the new houses would be on a raised ground level relative to these existing properties. However, the new houses would only be two storey in scale and would be set some 38 metres back from the rear elevation of No. 4 Witham Way. Furthermore, whilst the separation distance would be reduced a little to No. 6 Witham Way, due to the recent addition of extensions to the rear of this property including a first floor extension incorporating a Juliet balcony, a separation distance of some 33 metres would still be afforded to this neighbouring property. Therefore, it is considered that the proposal would not appear unduly prominent or unacceptably impact on the privacy or daylight enjoyed by these neighbouring properties. In addition, a residential use is by definition compatible with neighbouring residential properties and, as the garage court previously contained 20 garages, it is not considered that objections could be sustained to the impact of any activity associated with vehicle movements, visitors, or lighting from the new development. Furthermore, whilst neighbour concerns regarding satellite dishes and CCTV are noted, it would not be reasonable to impose controls on such works given the relationship of the new houses to neighbours.
- 7.15 Turning to the amenities of future occupiers of the new dwellings, all habitable rooms would be served by windows and a landscaped strip is proposed to the frontage of the site to provide a buffer area to the new parking and this can be secured by condition. The dwellings would all have private rear gardens of at least 9 metres in depth, which would provide adequate outdoor amenity space and also a buffer to the proposed development to the rear of the site that is currently under consideration by the Council under application N/2018/0450. In addition, the submitted plans detail provisions for bins to be stored in rear gardens. As such, subject to conditions, it is considered that the proposal would afford an acceptable standard of amenity for future occupiers of the site.
- 7.16 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**

- 7.17 The existing private access drive would be widened to serve the development and the new houses would benefit from 12 car parking spaces together with a turning head. The Parking Standards seek 2 parking spaces per 2/3 bed dwelling, which equates to 8 parking spaces for the proposed development. Therefore, the scheme would exceed the Parking Standards, with one visitor space also provided per dwelling. In addition, the County Highway Engineer has assessed the safety of the parking and access arrangements for the scheme and raises no objections.
- 7.18 The submitted plans show sheds to serve each dwelling and these could serve as cycle stores and be secured by condition.
- 7.19 Overall, it is considered that the proposal is acceptable on the grounds of parking and highway safety.

### **Other considerations**

- 7.20 The Council's Environmental Health Officer recommends a ground contamination condition should planning permission be forthcoming.
- 7.21 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, with a CEMP also requested by neighbouring residents. 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 an 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 and a CEMP, the proposal is only for a small-scale development and there are controls under the Environmental Health and Highway legislation to address issues arising from such small construction sites should they arise. Furthermore, should any damage to neighbouring properties during the construction process then this would be a civil matter and outside the scope of the planning legislation.

- 7.22 The comments regarding fencing and security matters raised by the Police Crime Prevention Design Advisor and neighbours are noted. However, the development would introduce natural surveillance to the site from the new dwellings which would overlook the boundary treatments that neighbour the parking area and access drive. As such, it is considered that the existing boundary treatments serving the site are adequate, with the exception of the temporary hedges fencing, and it is therefore only necessary to secure new rear and internal boundary treatments by condition.
- 7.23 Policies BN1 and BN2 seek to safeguard existing green infrastructure and biodiversity. The Green Infrastructure Plan 2016 identifies the open space part of the site as forming part of Northampton's Green Infrastructure Network and classifies the site as comprising a Component H: Urban Open Space, which covers parks and playing fields. Furthermore, it details that Urban Open Spaces (and their associated trees, lakes and grassland) function as 'green lungs' within the urban area of Northampton. However, the site only contains a small part of the existing grassed area of open space, with the existing boundary hedges retained as part of the proposal. Furthermore, much of the open space affected by the development would become garden land and thus would still be able to operate as "green lungs" for Northampton. As such, subject to a landscaping condition, no objections are raised to the application on ecology and green infrastructure grounds.

## **8 CONCLUSION**

- 8.1 To conclude, 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 respect, the principle of residential development on the former garage court part of the site is acceptable under the development plan and the redevelopment of this brownfield land is encouraged under the NPPF, with the proposal also contributing to the Council's five year housing land supply. The proposal would however result in the loss of part of an area of open space, but the majority of the open space would be unaffected by the application and this limited harm is considered to be outweighed by the benefits to the community of providing housing to contribute to the Council's five year housing land supply. Furthermore, subject to conditions, no other 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)03A, (P)04, (P)05, (P)06A and AS12-004 A01.  
  
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 sheds 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.

10. The parking spaces and manoeuvring areas shown on approved plans shall be constructed prior to the occupation of the buildings 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.

11. 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.

12. 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 enlargement shall be erected to the dwellings hereby permitted.

Reason: In the interests of residential amenity and to prevent overdevelopment of the site in accordance with Policy E20 of the Northampton Local Plan and Policy H1 of the West Northamptonshire Joint Core Strategy.

## **10 BACKGROUND PAPERS**

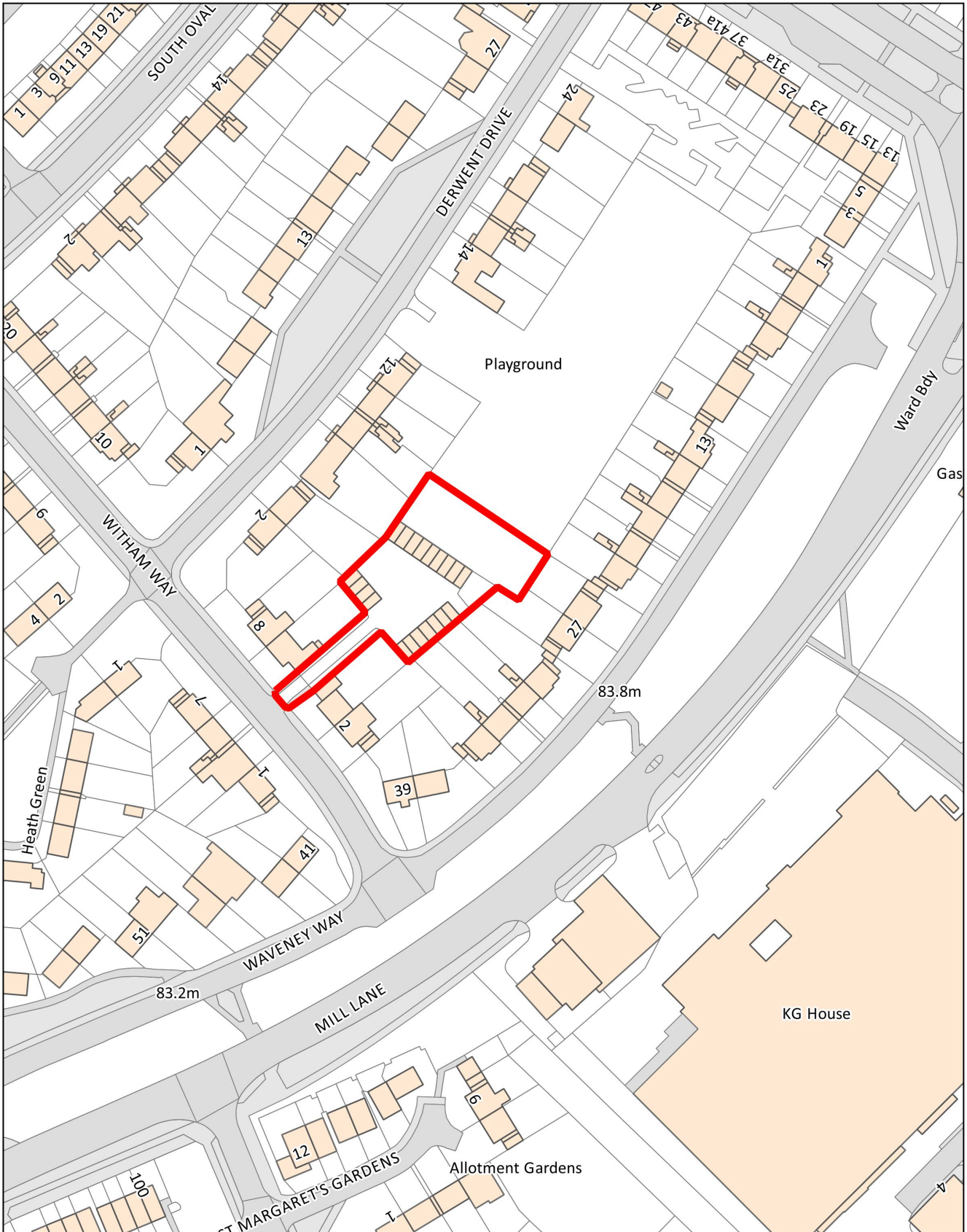
- 10.1 N/2018/0450.

## **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.



**NORTHAMPTON**  
BOROUGH COUNCIL

Title: **Lock up garages, Witham Way**

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