

PLANNING COMMITTEE: 4th September 2018
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Peter Baguley

APPLICATION REF: N/2018/0476

LOCATION: The Silver Cornet Public House, 21 Welland Way

DESCRIPTION: Erection of 14no 3-bedroom dwellings with parking

WARD: Kings Heath Ward

APPLICANT: Tameer Construction Ltd
AGENT: Fox Architectural Design Ltd

REFERRED BY: Head of Planning
REASON: Part 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:

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. The development would result in the reuse of a derelict brownfield site with associated social, economic and environmental benefits. 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 SA, S1, S3, S10, H1, BN7 and BN9 of the West Northamptonshire Joint Core Strategy and Saved Policy E20 of the Northampton Local Plan.

2 THE PROPOSAL

2.1 The application seeks full planning permission for the erection of 14 x 3 bedroom dwellings with associated parking for 14 vehicles on the former Silver Cornet Public House site.

2.2 The proposed dwellings would be terraced three storey properties. They are positioned facing outwards towards Welland Way, South Oval and Park Walk. Three of the dwellings will have on plot parking spaces to the side. Parking for the remainder will be in a courtyard parking area to the rear and accessed from the service road off 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 11 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 site slopes upwards in a western direction. 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 outline planning permission for the erection of 14 dwellings in 2017 (N/2016/1439 refers).
- 4.3 Prior to that, the site was granted permission for 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.

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 7-12 - Presumption in favour of sustainable development.

Paragraph 60 - Housing needed for different groups in the community.

Paragraph 109 - developments should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.

Paragraph 124 - Good design is a key aspect of sustainable development.

Paragraph 127 - Create places with a high standard of amenity for existing and future users.

Paragraph 178 – Ground conditions and pollution.

Section 8 - Promoting healthy and safe communities.

Section 9 - Promoting sustainable transport

Section 11 – Making effective use of land

Section 12 - Achieving well-designed places

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
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 BN7: Flood Risk
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 policy is material to this application:

Policy E20 – New Development (design)

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 for the dwellings facing onto South Oval and Welland Way as they are underutilised, especially when there is a street frontage. Make general comments about the requirement for access widths, visibility splays and advise about building proximity to the highway boundary.
- 6.2 **NCC Lead local Flood Authority** – following the receipt of amended details are satisfied that their concerns have been met. State they are awaiting confirmation for connection and discharge from the Water Authority.
- 6.3 **NCC Development Management** – no requirement for a contribution to early years or primary education as there is currently sufficient capacity within the schools to accommodate the number of pupils that are likely to be generated. Secondary capacity is extremely limited and this matter would fall to be addressed under CIL. Suggest a condition for the provision of fire hydrants and sprinkler systems. Request a contribution towards Libraries and advise on broadband provision.
- 6.4 **NBC Public Protection** - no objection subject to conditions requiring a land contamination assessment, mitigation measures to support the Low Emission Strategy and advisory note regarding construction hours.
- 6.5 **NBC Asset Management** – the application incorporates land which is owned by Northampton Borough Council. The Council have not granted consent to the applicant to use or develop this land, and have not agreed to transfer the land in question to the applicant. On this basis the Asset Management department would object to the proposed application until a satisfactory arrangement relating to the land within NBC ownership has been arrived at.
- 6.6 **Anglian Water** – No objection subject to a condition regarding hard standings.

- 6.7 **Police Crime Prevention Design Adviser** – no objection to the latest version of the layout for the site and many of the recommendations made previously have been incorporated into this layout. States that a lot of security for the site relies on the electronic gate and it is important that this is suitably robust. States that all gates leading from the rear parking court should be key lockable from both sides for convenience with a slam to lock mechanism. Rear fences abutting the rear parking court should comprise a mix of close boarded fence with trellis topping. All new doors and windows will need to meet the requirements of ADQ of Building Regulations and should be third party accredited to ensure the necessary level of security can be delivered. All ground floor doors and windows should have one pane of laminate glass to P1A standard. The CCTV overlooking the parking spaces to the sides of the dwellings should be capable of being monitored from within the individual dwellings to which the space belongs. CCTV in the courtyard should be removed as the cameras are viewing public space rather than private. The landscaping on the corner should be densely planted against the side wall of plots 11 and 12. The development would be capable of being credited with Secured by Design and this is recommended.

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. Furthermore the site comprises land that has been previously developed. Redevelopment of brownfield land is encouraged under the NPPF. The proposal would allow for the appropriate re-use of this previously developed and now unused site, in a manner that is complementary to the existing surrounding land uses.
- 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 11 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 towards the Council's housing supply with associated social and economic benefits and this therefore weighs in favour of the proposal.

Layout and design

- 7.4 Saved Policy E20 of the Northampton Local Plan and Policy S10 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.
- 7.5 The application site comprises a former public house site. The proposed development proposes the provision of 14 dwellings, which is a density that is consistent with the prevailing character of surrounding development. The terraced dwellings will be situated in three separate blocks facing outwards overlooking Welland Way, South Oval and Park Walk which overlooks the Kings Heath Park. The houses will be two and a half storey in height with dormers in the front elevation and rooflights in the rear providing second floor accommodation. The proposal includes the provision of 14 off-street car parking spaces, which is considered to be an appropriate provision given the location and scale of the proposed dwellings.
- 7.6 The proposed scale is in keeping with the surrounding area and reflects the development at the former Morris Man public house site. Whilst roof dormers are not a general design characteristic of immediately surrounding development they do feature on the new houses on the former Morris Man public house site. It is considered that, due to the variety of building types within the vicinity, the overall impact upon visual amenity of the area would not be significant.

- 7.7 The proposed layout includes dwellings that front onto South Oval, Park Crescent West and Park Walk. As a result of this, the development would include adequate active frontages onto key public areas.
- 7.8 The proposed houses include the provision of adequate private garden spaces to meet the future needs of the occupiers of the development. The proposed dwellings are separated and arranged in such a way as to ensure that each property would have a suitable level of light and outlook. The relationship between units 1 and 2 is such that there could be an element of overlooking of the rear garden of unit 1 from upper side windows in unit 7. For this reason it is suggested that a condition be applied to ensure that these side windows are obscure glazed. These windows serve a bathroom on the first floor and a secondary bedroom window on the second floor so it would be acceptable for them to be obscure glazed. The addition of the condition would preserve privacy as required by saved Policy E20 of the Northampton Local Plan, Policy H1 of the Joint Core Strategy and the National Planning Policy Framework.
- 7.9 By reason of the layout and scale of the proposed buildings and separation distances it is considered that the development would not cause any undue detrimental impact on the occupiers of existing neighbouring properties as required by Policy E20 of the Northampton Local Plan, Policy H1 of the Joint Core Strategy and the National Planning Policy Framework.
- 7.10 The rear parking area would benefit from a good degree of natural surveillance from the first floor windows of the entire development. The applicant has proposed that the area features 2m brick walls and electronic entrance gates which would make this private space secure. Whilst boundary treatment is necessary for security purposes a solid brick wall would be unacceptable due to the detrimental impact on visibility. For this reason the proposed brick walls adjacent to the car park should be replaced by fencing which allows for visibility when cars enter/leave the site. A condition requiring that boundary treatment is agreed prior to the commencement of development is recommended. This would also apply to the brick walls that are proposed to be sited adjacent to the individual car parking spaces. It is noted that these spaces will be overlooked by side kitchen windows and it is proposed to install CCTV in the houses to which these parking spaces belong. A condition requiring details of security measures to be submitted is recommended.

Highway Impacts

- 7.11 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.
- 7.12 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 the grant of previous permissions and pre-application advice given in 2015 when it was indicated that one space per dwelling would be acceptable in this location. Subsequent permissions for this site have been granted on this basis. The proposal provides 14 spaces which therefore represents a shortfall of 14 spaces according to current standards.
- 7.13 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 submitted a highway report with a previous application which has analysed census data and car ownership for houses in the Kings Heath Ward. The report 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.

- 7.14 Each property has a rear garden with separate gated access which could be used for cycle storage. It is recommended that a condition is applied to ensure that secure cycle storage is provided.
- 7.15 The Highway Authority has 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 loosely based on that development. The rear parking court would be accessed from a service road which also serves the rear of the adjacent three storey flats facing onto Park Walk. The proposal indicates that the rear parking area would benefit from a good degree of natural surveillance from the first floor windows of the entire development. It is considered that with appropriate boundary treatment this area will be secure. For these reasons the proposal is considered to be satisfactory.

Other Matters

- 7.16 The Council's Environmental Health Officer recommends a ground contamination condition should planning permission be forthcoming. 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. As the proposal is not in an Air Quality Management Area and given the proposed parking arrangement it is considered it would not be reasonable to seek charging points in this instance. In addition matters relating to the energy efficiency of buildings are addressed under the Building Regulations therefore 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, a condition is recommended to require the submission of a Construction Environment Management Plan.
- 7.17 NCC Development Management suggest that that the development should make a contribution to libraries, fire hydrants and sprinkler systems. As there is currently no policy basis for this provision it would be unreasonable to impose such a requirements or condition in this instance.
- 7.18 Additional drainage details have been submitted following the request for clarification on points within the submitted surface water drainage strategy by the Lead Local Flood Authority. Whilst the concerns of the Lead Local Flood Authority have been addressed they state that they are awaiting confirmation from Anglian Water Authority for permission and rate of discharge. This is a technical issue and should not prevent the application from being determined.

8. CONCLUSION

- 8.1 In conclusion the site is in an existing housing area within the urban area of Northampton and the principle of residential development of 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 result in the reuse of a brownfield site with associated social, economic and environmental benefits. Furthermore, subject to conditions, no harm has been identified that would significantly and demonstrable 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: 16-20-P-L (Site Location Plan), 16-20-P-201 Rev A, 16-20-P-210, 16-20-P-211 Rev A, 16-20-P-212 Rev A, 16-20-P-213, 16-20-P-214 Rev A, 16-20-P-215 Rev A, 16-20-P-216, 16-20-P-217 Rev B, 16-20-P-218 Rev B, 16-20-P-220, 16-20-P-221.

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 desktop study, including a site walkover, in respect of possible contaminants within the site is completed and the need for a site investigation is determined. The scope and methodology of the desktop 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 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 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 Policies H1 and S10 of the West Northamptonshire Joint Core Strategy.

7. Notwithstanding the details submitted, 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, 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 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 dwellings 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 all external lighting within the site 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: In the interests of the appearance of the locality, residential amenity and crime prevention in accordance with Policies H1 and S10 of the West Northamptonshire Joint Core Strategy.

10. The parking spaces and manoeuvring areas shown on the approved plans shall be constructed prior to the occupation of the dwellings 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. No hard-standing areas shall be constructed until the works have been carried out in accordance with the approved surface water strategy submitted with the application.

Reason: To prevent environmental and amenity problems arising from flooding in accordance with Policy BN7 of the West Northamptonshire Joint Core Strategy.

12. Prior to the first occupation of any of the dwellings hereby permitted the vehicular access to the rear parking court shall be fitted with automatic electronic gates, the details of which shall first be submitted to and approved in writing by the Local Planning Authority. The details shall include the method of hanging the gates and the associated closing mechanisms. The approved scheme shall be retained thereafter.

Reason: In the interests of highway safety, the free flow of traffic and residential amenity in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy.

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 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 Policies S10 and H1 of the West Northamptonshire Joint Core Strategy.

14. Notwithstanding the details submitted and prior to the occupation of the development, 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 first occupation of the development hereby permitted and retained thereafter.

Reason: To ensure the provision of adequate facilities in accordance with Policies S10 and H1 of the West Northamptonshire Joint Core Strategy.

15. Notwithstanding the details submitted, the first and second floors side elevation windows to Unit 7 shall be glazed with obscured glass to level 3 or higher of the Pilkington Scale of privacy or equivalent as may be agreed in writing by the Local Planning Authority before the development hereby permitted is first occupied and thereafter retained in that form at all times.

Reason: To safeguard the privacy of adjoining property in accordance with Policy H1 of the West Northamptonshire Joint Core Strategy.

16. Full details of the security measures to be incorporated into the development shall be submitted and approved in writing by the Local Planning Authority. The development shall be carried out in accordance the approved measures, which shall be in place before the occupation of the residential accommodation.

Reason: To ensure a satisfactory standard of accommodation is provided in the interests of the amenity of occupants in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy.

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and/or re-enacting that order with or without modification), no fences, hedges, gates, walls or any other means of enclosure shall be erected without the prior written consent of the Local Planning Authority, other than those expressly authorized by this permission.

Reason: In order to define the permission and to safeguard the visual amenities of the occupiers of dwellings in the vicinity in accordance with Policy E20 of the Northampton Local Plan.

18. Prior to the commencement of the development hereby permitted, a Construction Environment Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. Development shall than be carried out in accordance with the approved CEMP which shall include:

- i. Traffic management and signage during construction
- ii. Storage areas for plant and materials
- iii. Working hours and delivery times
- iv. Measures to control noise, vibration, dust and fumes during site preparation works and construction, including vehicle reversing alarms.
- v. Measures to prevent mud and other debris being deposited on the surrounding highway.

Reason: To minimise the impact of the development during the construction phase in accordance with the National Planning Policy Framework. A pre-commencement condition to ensure timely submission of details.

10 BACKGROUND PAPERS

10.1 N/2016/1439, ENQ/2015/1359, N/2012/0028, 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.



NORTHAMPTON
BOROUGH COUNCIL

Title: **21 Welland Way**

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Date: 20-08-2018

Scale: 1:2,000

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