



PLANNING COMMITTEE: 23rd October 2018
DEPARTMENT: Planning Service
HEAD OF PLANNING: Peter Baguley

APPLICATION REF: N/2018/1315

LOCATION: Land rear of 40 to 42 Avon Drive

DESCRIPTION: Construction of 1no bungalow 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

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 a detached bungalow with associated parking and new vehicular drive.
- 2.2 The proposed bungalow would comprise a two bed property with a hipped roof. It would measure 11.7 metres in width, 9.2 metres in depth and 4.9 metres in height. The bungalow would provide an affordable housing unit that has been designed to meet a specified identified need.
- 2.3 In addition, the proposal includes a new vehicular access drive measuring 3.7 metres in width including two parking spaces served off a turning head.

3 SITE DESCRIPTION

- 3.1 The application site comprises a grassed area of open space that is located in a residential area within Kings Heath. The open space is set to the rear of properties fronting Avon Drive, Bourne Crescent, and Calder Green and is accessed off a narrow and gated strip of land between Nos. 40 and 42 Avon Drive. The site is bounded by a hedge and trees to the southern side, with the other boundaries comprising a combination of wall and fences.

4 PLANNING HISTORY

- 4.1 N/2018/0442: Construction of 2no flats with associated parking. Withdrawn.

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

Section 8 - Promoting healthy and safe communities.

Section 9 - Promoting sustainable transport (Officer Note: see comments for 10a relating to highway safety).

Section 12 - Achieving well-designed places.

Section 15 - 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

RC2 - Community Needs

BN1 - Green infrastructure

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 **Public Protection (NBC)** – No objections subject to conditions relating to land contamination, mitigation measures to support the Low Emission Strategy and construction hours.
- 6.2 **Arboricultural Officer (NBC)** – A well-considered and well-argued arboricultural report supports the application and acknowledges the very modest adverse impact of the development proposal upon the neighbour's trees.
- 6.3 One letter of comment has received which details that there are parking issues on Avon Drive and suggests that the parking proposed within the application site should be made available for residents of Avon Drive.
- 6.4 One letter of objection has been received which includes the following comments:
- Proposal will create problems regarding access to neighbouring gardens.
 - Scheme will create security issues for all properties around; the site was gated with the assistance of Northamptonshire Police.
 - Site is land locked and overlooked such that is inappropriate for housing.
 - The property would be overlooked from all angles.
 - There are parking issues on Avon Drive that would be exacerbated by proposal.
 - Access and parking arrangements for development will cause accidents.
 - The need for the housing is questionable.
 - Development would disrupt surrounding properties.
 - Proposal would devalue surrounding properties.

7 **APPRAISAL**

Principle of development

- 7.1 The application site is located in a designated residential area and 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 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 a dwelling 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.

Open Space

- 7.3 The site comprises a small area of open space and is currently gated such that there is presently no public access to the site. 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.

7.4 In addition, Paragraph 97 of the NPPF also seeks to protect against the unjustified loss of open space of public value.

7.5 In this instance, the proposal would result in the loss of the whole of the existing area of open space. However, the open space is gated and thus is not used by members of the community as a recreational or amenity resource. Furthermore, the open space is subject to poor surveillance, being located in the centre of a perimeter block of housing enclosed by rear boundaries, such that without the gates the open space and the properties that back onto it would be particularly vulnerable to anti-social behaviour and crime. In addition, the site only contains grass such that it is of low ecological value. It is also noteworthy that the site is not identified in either the Council's open space or green infrastructure studies. Therefore, it is considered that the site comprises a poor quality area of open space that is of negligible public value and that the community benefits arising from the provision of a dwelling would outweigh the loss of this open space.

Layout and Design

7.6 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 in the suburban areas of the town that have exceptionally long rear gardens.

7.7 The application site comprises a small parcel of open space located within the centre of a perimeter block of housing and thus would not result in the loss of residential garden land. The new bungalow and its garden areas would occupy the western side of the site and would help to provide more secure rear boundaries to neighbouring properties to this side of the site. It is acknowledged that bungalows and hipped roofs forms are not characteristic of the immediate locality, however given the siting of the dwelling within a perimeter block and its single storey scale, there would only be limited views of the new property within the streetscene. Furthermore, the proposal is not considered to have an unacceptable impact on neighbouring trees subject to an arboricultural method statement condition. As such, no objections are raised to the proposed dwellings with respect to the character and amenity of the area.

Residential amenity

7.8 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.

7.9 In terms of the amenities of neighbours, the proposed bungalow would be set well back from the rear of properties on Avon Close and Bourne Crescent. The new dwelling would however be located close to the boundary with 5 Calder Close to the western side, but this neighbouring property is set in from its eastern side boundary and the proposed dwelling would only be single storey in scale with a hipped roof design. As such, and subject to conditions removing permitted development rights for extensions and roof alterations, it is considered that the proposal would not give rise to an unacceptable impact with regards to the amenities of any neighbouring properties.

7.10 Turning to the amenities of future occupiers of the new dwelling, the proposal has been amended following its submission to ensure all habitable rooms would be served by windows with good levels of outlook. In addition, it is considered that the amount of outdoor amenity space would be appropriate for the type of dwelling. Furthermore, the outdoor amenity space would be at least 20 metres away from the two storey rear elevations of properties fronting Avon Drive and Bourne

Crescent such that they would not be unduly overlooked. It is also noted that there would be adequate provisions for bin storage. As such, it is considered that the proposal would afford an acceptable standard of amenity for future occupiers of the site.

- 7.11 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

- 7.12 A new access drive with turning head would be created to serve the new bungalow and the development would also benefit from two parking spaces. The width of the access drive would accord with the Local Highway Authority Standing Advice and the turning head arrangements were considered acceptable by the County Highway Engineer under the previous application on the site. In addition, the parking provision would accord with the Parking Standards. The submitted plans also show sheds to serve the new dwelling and this could serve as cycle stores and be secured by condition. Overall, it is considered that the proposal is acceptable on the grounds of parking and highway safety.

Other considerations

- 7.13 The Council's Environmental Health Officer recommends a condition to address unexpected ground contamination should planning permission be forthcoming.
- 7.14 In addition, the Environmental Health Officer suggests the inclusion of conditions relating to electric vehicle charging points, boilers, and construction hours and third party objections have been received that raise concerns relating to disruption associated with building works. However, given the parking arrangements and scale of the development, 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 bungalow. 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.
- 7.15 The comments regarding security matters raised by a third party are noted. However, the development would introduce a custodian to the site such that it is considered that the proposal would not give rise to an unacceptable crime or security impact.
- 7.16 It is noted that a third party representation also includes comments regarding matters that are not planning considerations and/or fall outside the scope of the planning legislation rights such as rights of access to neighbouring gardens and the effect of the development on property values.

8 CONCLUSION

- 8.1 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 site is located in a residential area and therefore the principle of residential development on the site is acceptable under the development plan, with the proposed development also contributing to the Council's five year housing land supply. The proposal would however result in the loss of an area of open space, although the open space is poor quality with no public access and the limited harm from its loss 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)01A, (P)02A, (P)03C, (P)04B, and (P)05B.

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

3. 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.

4. Notwithstanding the submitted details, prior to the commencement of development hereby permitted, an Arboricultural Report detailing the tree protection measures for all the trees and hedges to be retained as part of the development shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be constructed in accordance with the approved tree and hedge protection details.

Reason: In the interests of the character and appearance of the locality and biodiversity in accordance with Policies H1, BN1, BN2 and S10 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.

5. 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.

6. The new access drive, manoeuvring areas and parking spaces shown on approved plans shall be constructed prior to the occupation of the dwelling 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.

7. 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 alteration/enlargement shall be erected to the dwelling 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

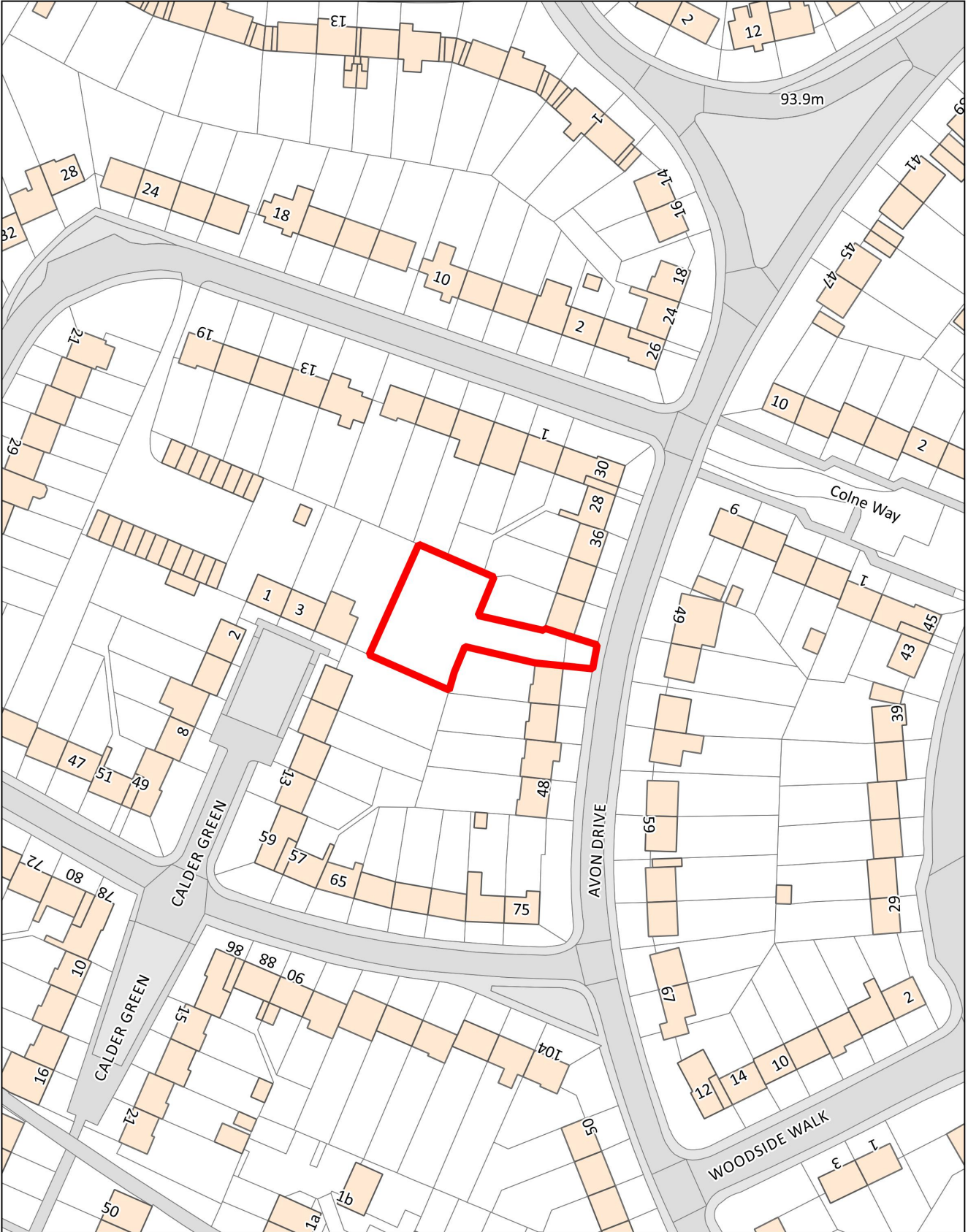
10.1 N/2018/0442.

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: **Land rear of 40 to 42 Avon Drive**

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Date: 04-10-2018

Scale: 1:1,000

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