

PLANNING COMMITTEE: 22nd January 2019
DEPARTMENT: Planning Service
HEAD OF PLANNING: Peter Baguley

APPLICATION REF: N/2018/1513

LOCATION: Land adjacent to 49 Tyes Court

DESCRIPTION: Demolition of domestic garages and construction of 2no new dwellings with associated parking

WARD: Brookside Ward

APPLICANT: Northampton Partnership Homes
AGENT: Baily Garner LLP

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 proposed development would have no undue detrimental impact on the amenities of neighbouring occupiers and would not be out of keeping with the character and appearance of the street scene and wider area, and would represent an appropriate use for the site and contribute towards the Borough's housing land supply. The proposed development would therefore comply with Policies S1, S3, S10 and H1 of the West Northamptonshire Joint Core Strategy, Policy E20 of the Northampton Local Plan, Policies H1 and H2 of the Growing Together Neighbourhood Plan and the National Planning Policy Framework.

2 THE PROPOSAL

- 2.1 The proposal is for the demolition of a block of two garages and the construction of a pair of three storey semi-detached three bedroom houses.
- 2.2 4 car parking spaces would be provided to serve the development.

3 SITE DESCRIPTION

- 3.1 The site consists of a small block of two garages. The surrounding area is comprised of three storey dwellings adjacent on either side. The wider context of the area is largely similar house types other than one block of two storey dwellings with a monopitch roof. The area is of a 1970s design ethos.

4 PLANNING HISTORY

- 4.1 None since the approval of the estate in 1970.

5 PLANNING POLICY

5.1 Statutory Duty

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted West Northamptonshire Joint Core Strategy (2014), Northampton Local Plan (1997) saved policies, and the Growing Together Neighbourhood Plan.

5.2 National Policies

The National Planning Policy Framework (NPPF) sets out the current aims and objectives for the planning system and how these should be applied. In delivering sustainable development, decisions should have regard to the mutually dependent social, economic and environmental roles of the planning system. The NPPF should be read as one complete document. However, the following sections are of particular relevance to this application:

Section 2 – Achieving sustainable development
Section 5 – Delivering a sufficient supply of homes
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 S1 - The Distribution of Development
Policy S3 - The Scale and Distribution of Housing 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 policy is material to this application:

Policy E20 - New development

5.5 Supplementary Planning Documents

Northamptonshire Parking Standards (September 2016)
Planning out Crime in Northamptonshire SPG 2004

5.6 Other Material Considerations

Growing Together Neighbourhood Plan

The Growing Together Neighbourhood Plan (Covering Blackthorn, Goldings, Lings and Lumbertubs) was made in April 2017, and now forms part of the development plan for Northampton.

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

Policy H1: Housing mix.

Policy H2: Small-scale housing development.

6 CONSULTATIONS/ REPRESENTATIONS

Comments received are summarised as follows:

- 6.1 **Environmental Health** – No objections subject to a condition requiring action in the event of unexpected contamination being found.
- 6.2 **Private Sector Housing** – No observations to make.
- 6.3 **Arboricultural Officer** – No adverse comment to make. The integrity of the control measures should be monitored by a competent arboriculturist throughout the development.
- 6.4 **Local Highway Authority** – No comments received.

7 APPRAISAL

- 7.1 The main issues for consideration are principle of new residential development, impact on the character of the surrounding area, impact on adjacent and proposed residential amenity and highway conditions.

Principle of residential development

- 7.2 The NPPF supports well-designed sustainable housing development that provides a good standard of amenity for existing and proposed occupiers. The JCS seeks to ensure development is located primarily in the principal urban area within easy access of facilities and encourages the use of previously developed land having regard to achieving high quality design in keeping with the character of the surrounding area.
- 7.3 Policy H1 of the Growing Together Neighbourhood Plan states that proposals for new developments should provide a mix of types of homes, whilst Policy H2 states that proposals for small scale housing developments will be supported, and identifies redundant garage sites as suitable for such developments.
- 7.4 The principle of the development of the site for residential use would be acceptable as the land is situated within a residential area. The development of the site for residential use would also contribute to the Council's 5-year housing land supply. Therefore, in accordance with the presumption in favour of sustainable development in Section 2 of the NPPF, development should be permitted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. Subject to acceptable design, consideration of parking provision and impact on amenity, the principle of residential development is considered to be in accordance with the above policy requirements.

Layout and design

- 7.5 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.

- 7.6 The application site comprises two garages in a residential area. The demolition of these garages and redevelopment of the site would not result in the loss of residential garden land and would comprise the re-use of brownfield land which is encouraged under the NPPF.
- 7.7 The plans have been amended to produce a design which is in keeping with the street scene, being three storeys in height in common with the neighbouring properties. The dwellings would, therefore, reflect the scale and massing of neighbouring residential properties and would be an appropriate development in the streetscene.

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 residential amenities of neighbours, the semi-detached pair will be sited next to an established terrace of three storey houses, adjacent to the blank flank elevation. It is considered, therefore, that the impact on this neighbouring property would be acceptable. The front of the houses would face into the courtyard / parking area whilst the rear faces out over an area of public open space, minimising the impact on neighbours. Whilst the proposed building would be close to the front aspect of the neighbouring property at 48 Tyes Court, it is not considered that there would be any significant impact due to the offset position and the limited outlook from this elevation of this property.
- 7.10 In terms of the amenities for future occupiers of the new dwellings, all habitable rooms would be served by windows and adequate level of daylight and outlook, following amendments to the plans which provide a full second floor rather than rooms in the roofspace.
- 7.11 The proposed rear garden area would be 40 square metres for plot 1 but only 25m for plot 2. The larger of these is comparable to other properties in the area whilst it is considered that the smaller area would provide an adequate level of amenity space. There is also a large area of open space to the rear of the site. Due to the small size of the gardens a condition is recommended removing permitted development rights for future extension of the properties.

Parking and highway safety

- 7.12 The proposed development would benefit from 4 car parking spaces to the front. The Parking Standards seek 2 parking spaces per 3 bed dwelling, a standard which is met for the proposed development. The spaces are of an appropriate size and have appropriate access from the highway. Whilst the two garages would be lost, this is a form of parking which is no longer popular and only provides two spaces in any event. It is considered that the impact of this would therefore be limited. Although no written response has been received from the Local Highway Authority, this scale of development is covered by written standing advice with which it complies.

8 CONCLUSION

- 8.1 The proposed development is acceptable in principle and would provide a good standard of accommodation for future occupants whilst having no adverse impact on the amenities of adjoining occupiers

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: 30599 (P) 03, 30599(P) 06 A, 30597 (P) 04 A, 30597 (P) 05.

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

- 3) Details of all proposed external facing materials shall be first 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 Policy E20 of the Northampton Local plan.

- 4) The parking spaces and manoeuvring area together as 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.

- 5) In the event that unexpected contamination is found at any time when carrying out the development hereby approved, it must be reported immediately to the Local Planning Authority. Development works at the site shall cease and an investigation and risk assessment undertaken to assess the nature and extent of the unexpected contamination. A written report of the findings shall be submitted to and approved by the Local Planning Authority, together with a scheme to remediate, if required, prior to further development on site taking place. Only once written approval from the Local Planning Authority has been given shall development works recommence.

Reason: To ensure that risks from land contamination to the future users of the development and neighbouring land are minimised in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.

- 6) 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 additional windows shall be installed 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.

- 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 outbuildings shall be erected to the dwellings hereby permitted.

Reason: To prevent overdevelopment of the site in accordance with Policy E20 of the Northampton Local plan.

- 8) All trees shown to be retained in the approved plans shall be protected for the duration of the development in accordance with the Macintyre Trees Tree survey and Arboricultural Impact Assessment Report dated October 2018. The integrity of the control measures should be monitored by a competent arboriculturist throughout the development to ensure compliance, and the reports submitted to the local planning authority for verification.

Reason: In order to ensure adequate protection of existing trees on the site in the interests of achieving a satisfactory standard of development and maintaining the amenity of the locality in accordance with Policy E20 of the Northampton Local Plan and the National Planning Policy Framework.

- 9) The external boundaries of the site shall be constructed in accordance with the approved plan prior to the 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 Policy E20 of the Northampton local Plan and the National Planning Policy Framework.

- 10) All planting, seeding or turfing comprised in the approved details of landscaping as shown on the approved plans shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner, and which shall be maintained for a period of five years; such maintenance to include the replacement in the current or nearest planting season whichever is the sooner or shrubs that may die are removed or become seriously damaged or diseased with others of similar size and species.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy E20 of the Northampton local Plan and the National Planning Policy Framework.

- 11) Details of the existing and proposed ground levels and finished floor levels of the development in relation to OS Datum 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 E20 of the Northampton local Plan and the National Planning Policy Framework.

10 BACKGROUND PAPERS

- 10.1 Application file N/2018/1513.

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 adj to 49 Tyes Court**

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Date: 08-01-2019

Scale: 1:1,000

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