

PLANNING COMMITTEE: 19th March 2019
DEPARTMENT: Planning Service
HEAD OF PLANNING: Peter Baguley

APPLICATION REF: N/2018/1594

LOCATION: Lock Up Garages, Swale Drive

DESCRIPTION: Development of 6no new dwellings with associated parking

WARD: Kings Heath 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 principle of residential development is considered acceptable in a residential area and would contribute towards the Council's five year housing land supply. The proposed siting, scale and design is considered acceptable and would have no undue impact upon the character and appearance of the surrounding area, neighbouring amenity, security and parking/highway safety. The development is therefore compliant with the aims and objectives of the National Planning Policy Framework, Policies S10, H1, BN3 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 Permission is sought for the erection of 6 dwellings which comprises a block of three terraced houses, one detached bungalow and a pair of semi-detached houses. Each dwelling would be served by their own rear garden and bin storage units. The proposal comprises 22 off road parking spaces. The primary access point would be from Swale Drive, replacing an existing landscaped area.

3 SITE DESCRIPTION

- 3.1 The site consists of a vacant parcel of land accessed off Swale Drive in Kings Heath. Part of the site was occupied by a block of 16 garages but they have since been demolished. The land lies to the rear of existing dwellings and much of which currently serves no purpose. The site is not near any conservation areas or listed buildings and is in a low risk Flood Zone 1. There are some trees at the front of the site close to the proposed vehicle access point off Swale Drive.

4 PLANNING HISTORY

- 4.1 A planning application (reference N/2018/0449 was withdrawn for erection of 7 dwellings in 2018. This was considered to be an overly intensive form of development.

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.

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.

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 S10 Sustainable Development Principles

Policy H1 Housing Design, Density and Mix

Policy BN3 Trees

Policy BN9 Planning and 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 Back land development

5.5 Supplementary Planning Documents

Northamptonshire Parking Standards (September 2016)

6 CONSULTATIONS/ REPRESENTATIONS

Comments received are summarised as follows:

- 6.1 **Northamptonshire Highways** recommend Building Regulations consulted and show that a large refuse vehicle can be accommodated on site.
- 6.2 **Tree Officer (NBC)** raised objection to removal of two trees at front of site which offer amenity value to area.
- 6.3 **Environmental Health (NBC)** No objection and recommend conditions for contaminated land and provision of gas fired boilers and charging points. Suggest informative relating to construction hours.
- 6.4 **Building Regulations (NBC)** verbal comments offered, raise no objections to access and turning space for emergency vehicles.
- 6.5 **Northamptonshire Police** raise objections and wish to make the following observations:
- Concern over provision of an unobserved pedestrian route into the development providing an escape route for crime.
 - The doors and windows for the new houses should meet requirements of Building Regulations.
 - Car Parking should be illuminated with appropriate external lighting.
 - Plots 5 and 6 are considered acceptable as they address the street; the rest of the plots have no overlooking from the public domain and the site fails to meet the requirements of the SPG on Planning Out Crime.
- 6.6 One neighbour objection received summarised as follows:
- Security
 - Allocation of parking
 - Refuse/ fly tipping concerns
 - Scale of development
 - Neighbour effects
 - Impact on trees
 - Litter
 - Access concerns

7 APPRAISAL

- 7.1 The main issues for consideration are principle of residential development, impact on the character of the surrounding area, impact on adjacent and proposed residential amenity, security, effect on trees and highway safety/ parking.

Principle of residential development

- 7.2 The site is located within a Primarily Residential Area as identified in the Northampton Local Plan and comprises previously developed land. Within such an area the principle of residential development is considered acceptable, subject to matters of detail being acceptable and in line with Development Plan Policy. The development of six dwellings would also contribute towards the Borough's five year housing supply.

Loss of open space

- 7.3 If permitted, the proposal would involve of loss of a landscaped area, fronting Swale Drive, however given the benefit of residential development and its contribution to the Council's housing

stock, this loss is, on balance, considered to be acceptable. In addition, there are other more meaningful amenity areas located in the wider vicinity within Kings Heath.

Design and the impact on the appearance and character of area

- 7.4 Saved Policy E20 of the Northampton Local Plan and Policy H1 of the Joint Core Strategy place significant importance on the quality of design of new developments. This is in conformity with the NPPF which advises that planning should always seek to secure high quality design. Policy H10 of the Northampton Local Plan relates to back land development encouraging good design, safe access and consideration of neighbouring amenity.
- 7.5 In terms of the street scene, much of the site is set well back from Swale Drive and being located behind the existing built form, the properties would not appear unduly prominent. The proposed design and general appearance are in keeping with the area which consists of a relative mix of house type. Any approval would also be subject to a materials condition.
- 7.6 The open grass area to the front of the site from Swale Drive which also contains two semi-mature trees would be lost. The Council's Tree Officer objects to the removal of the trees as they do contribute positively to the amenity value of the area. The loss of this area and the trees are very regrettable. However, the land is required to provide the access to the new dwellings, without which the scheme would be unacceptable. As the scheme would contribute towards the Council's housing supply and would enable the redevelopment of this brownfield site, notwithstanding the resulting loss of the trees and the amenity area, the scheme is supported in this instance as a balanced judgement.

Impact on amenity of neighbouring occupiers

- 7.7 The application site is surrounded by residential properties on all sides. Plots 1 to 3 would be located in close relationship with no.96 Swale Drive. There would be some degree of overlooking from the first floor rear windows from these dwellings to the rear garden of no.96, however, it is not considered that the degree would be so significant to warrant a refusal of the application. Plot 4 is a bungalow and has a separation distance of approximately 16m from the rear of the properties to the west. A separation distance of 9.5m would be maintained with no.28 Swale Drive. Plots 5 and 6 would have an acceptable relationship with the dwellings to the east and west. Overall, the relationship and separation with adjacent properties are considered acceptable and there would be no undue harmful impact in the locality.

Amenity of future occupiers

- 7.8 Saved Policy E20 of the Northampton Local Plan and H1 of the Joint Core Strategy all seek to secure a good standard of residential amenity for future occupiers. All properties would be served by adequate light and outlook and private amenity spaces providing an acceptable level of residential amenity. Bin storage can be secured by condition.

Parking and Highways

- 7.9 22 off street parking spaces would be provided and are considered adequate to serve the proposed new dwellings as well as some of the existing properties in the area. The proposed access configuration meets Building Regulation standards and is sufficient for a large refuse vehicle to access and egress the site in forward gear. It is considered that a satisfactory layout has been demonstrated and there would be no adverse impact on highway safety.

Security and Crime Prevention

- 7.10 The Northamptonshire Police Crime Advisor objects to the use of the pedestrian path onto Swale Drive (between nos. 50 and 52 Swale Drive) which would potentially create an escape route for crime. The proposal has since been revised to show that the pedestrian path off Swale Drive is to be blocked off by secure locked gates on both ends, helping to deter anti-social behaviour and

potential escape routes. A condition is recommended requiring the installation and retention of the locked gates.

- 7.11 In addition, appropriate external lighting would be installed and a condition would be imposed requiring further details to be submitted including other security measures for doors/ windows. Subject to conditions, it is not considered that the proposed development would adversely impact on public safety.

Contamination and Environmental Health issues

- 7.11 The Council's Environmental Health Officers recommend that a standard land contamination condition be secured which would be agreed by condition in accordance with Policy BN9 and S10 of the Joint Core Strategy. Construction hours can be controlled under separate legislation. There is no policy justification for insisting on gas fired boilers and this is also a matter for Building Regulations.

8 CONCLUSION

- 8.1 To conclude, the site is in an existing residential area within the built up area of Northampton and the principle of development is therefore acceptable and contributing to the 5 year land supply. In this instance, the proposal would comply with the development plan and national policy and subject to conditions, no harm has been identified that would significantly outweigh benefits. The proposal is considered acceptable subject to the following 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: PO1, P02, P03C, P04, P05A, P06A, P07A, P08A, P09B, P10, SCH001, SCH002, SCH003, PH4858/SDG/TP001, 002 and 003, 004/ C01 and 004/C02.

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

- 3) Notwithstanding the submitted plans, 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 and to ensure that the development will harmonise with its surroundings in accordance with Policy E20 of the Northampton Local Plan and S10 of the West Northamptonshire Joint Core Strategy.

- 4) The bin storage areas shall be implemented in accordance with the details on the approved plans prior to first occupation of development and retained thereafter.

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

- 5) The parking spaces shown on the submitted plan shall be constructed prior to the first 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 aims of the National Planning Policy Framework.

6) 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 Policy S10 of the West Northamptonshire Joint Core Strategy.

7) Prior to the occupation of development, full details of the method of the treatment of the external boundaries of the site including individual plot boundaries shall be submitted to and approved in writing by the Local Planning Authority, implemented prior to the first occupation of the dwellings hereby approved 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 H1 of the West Northamptonshire Joint Core Strategy.

8) 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.

9) 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 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 in accordance with Condition (Q4c above – to be substituted with the correct condition number).

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.

10) 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 to the dwellings hereby permitted.

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

11) The upper floor side windows for plots 5 and 6 shall be glazed with obscure glass and retained in that form throughout the lifetime of the development

Reason: In the interests of residential amenity to accord with Policy E20 of the Northampton Local Plan and H1 of the Joint Core Strategy.

12) Notwithstanding the submitted details, full details of the proposed locked access gates between nos. 50 and 52 Swale Drive shall be first submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the first occupation of the dwellings hereby approved and retained thereafter.

Reason: In the interests of residential amenity and security to accord with Policy E20 of the Northampton Local Plan and H1 of the Joint Core Strategy.

13) Full details of external lighting including security measures of doors and windows shall be first submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the first occupation of the dwellings hereby approved and retained thereafter.

Reason: In the interests of residential amenity and security to accord with Policy E20 of the Northampton Local Plan and H1 of the Joint Core Strategy.

10 BACKGROUND PAPERS

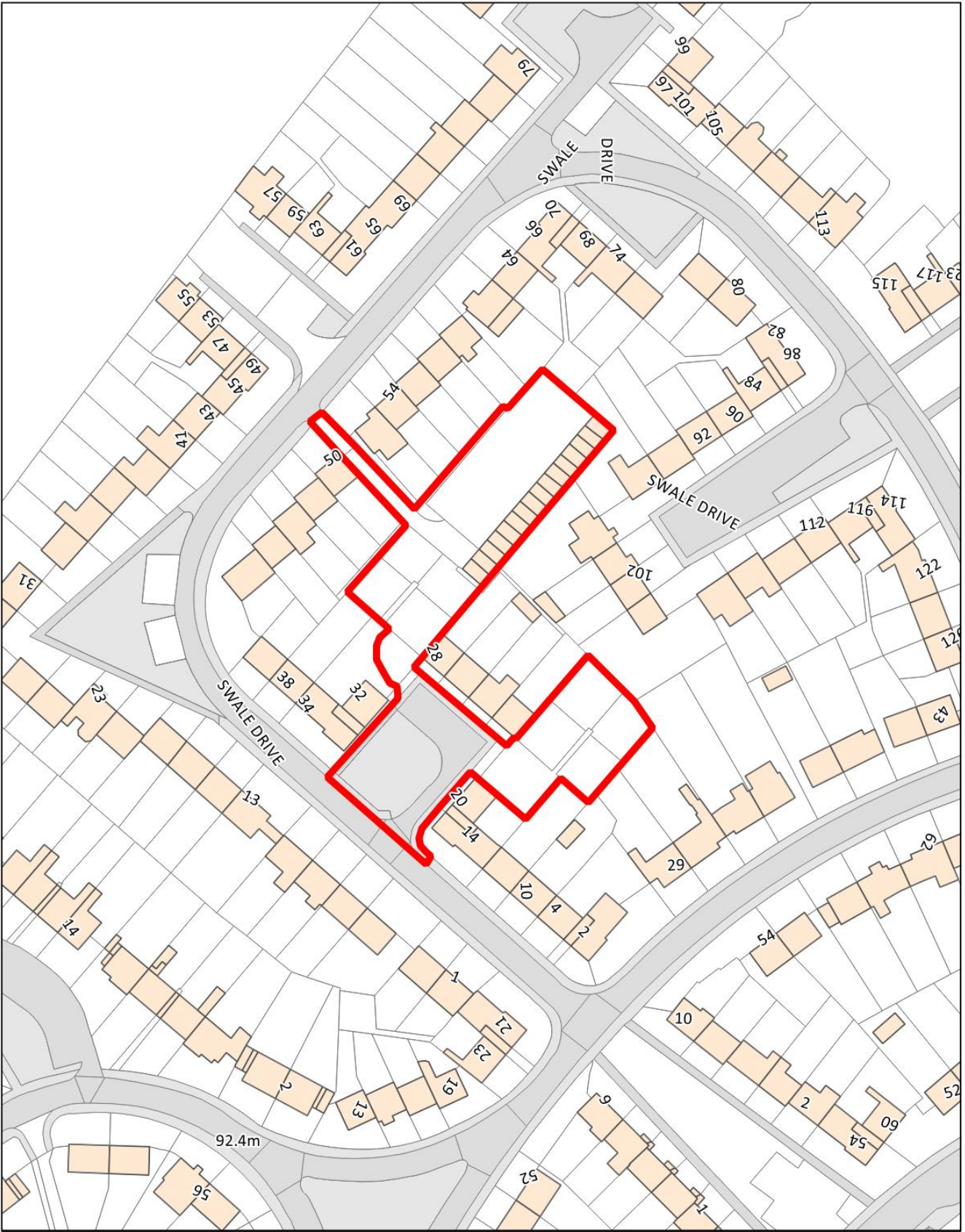
10.1 N/2018/1594

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: **Lock up Garages at Swale Drive**

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Scale: 1:1,000

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