

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

APPLICATION REF: N/2018/1768

LOCATION: Lockup garages, Maidencastle

DESCRIPTION: Demolition of 3 domestic garages and construction of 1 new dwellings with associated parking

WARD: Rectory Farm 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 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, 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 demolition of three existing garages and the erection of one new dwelling with associated parking. During the course of the application the dwelling has been altered from a bungalow to a two storey dwelling.
- 2.2 The proposed two storey dwelling would have a width of 6.1 metres, a depth of 9 metres and a height of 8 metres.
- 2.3 The application includes the creation of 6 parking spaces, 2 provided for the new dwelling and 4 parking spaces for existing residents and visitors.

3 SITE DESCRIPTION

- 3.1 The application site comprises a garage court that is located within a residential area. The site is located on the western side of Maidencastle and comprises a row of 3 garages alongside open parking for approximately 10 vehicles.

4 PLANNING HISTORY

- 4.1 None.

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 the 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 S1 - The Distribution of 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 (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 **NBC Public Protection** – No objection. Suggest conditions on contamination, low emissions, and construction noise.
- 6.2 **Northamptonshire Police** – No formal objection. All doors and windows should meet the requirements of ADQ of Building Regulations and be 3rd party accredited. Any ground floor windows should have one pane of laminated glass to P1A standard to reduce opportunities for forced entry. The perimeter fence should be supplemented with trellis topping.
- 6.3 **NBC Arboricultural Officer** – No objection.
- 6.4 Two letters of objection have been received from one neighbouring property. The comments received can be summarised as follows:
- Loss of parking – already insufficient parking for existing properties, the reduction in spaces and the addition of a dwelling will further harm this.
 - Photographs provided showing that car park is fully utilised at night.
 - Concern regarding access to properties to south, especially by disabled scooter.
 - In case of emergency no access to existing houses.
 - Construction works will be noisy and impact upon shift workers. Impact of dust on allergy sufferers.
 - Potential structural damage to neighbouring properties. Loss of value to house.
 - Other garage plots on site not fully utilised such as by basketball court and other side of houses (to south).

7 APPRAISAL

Principle of development

- 7.1 The application site is in a residential area within the urban area of Northampton and therefore development of the site for residential purposes is acceptable in principle under Policy S1 of the Joint Core Strategy.
- 7.2 It is also the case that 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, 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.

Design

- 7.3 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 are in conformity with the NPPF which advises that planning should always seek to secure high quality design. The application site comprises a garage court set in the middle of a residential estate and would comprise the re-use of brownfield land, which is encouraged under the NPPF.
- 7.4 The surrounding area is characterised by two storey dwellings and in line with this, the proposal has been altered from a bungalow to a two storey dwelling during the course of the application. The proposed dwelling would be positioned to the west of the site, with the parking positioned forward of this. It is considered that the proposed dwelling would be of a design which would complement the existing character and appearance of the area, being a two storey dwelling with gable end roof. It is considered that the proposed dwelling would be acceptable in design terms.

Amenity

- 7.5 Saved Policy E20 of the Northampton Local Plan, Policy H1 of the Joint Core Strategy and the NPPF all seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 7.6 The application site is bordered by the side elevation of 136 Maidencastle to the south, and the side and rear elevation of 140 Maidencastle to the north. To the rear (west) of the site is a public footpath and properties on Middlemarch. Due to the separation with the footpath, it is not considered that the proposed dwelling would harm neighbouring amenity to the rear (west).
- 7.7 The proposed dwelling is positioned to fall in line with the side elevation of 136 Maidencastle. 136 Maidencastle fronts the footpath to the west, with the rear elevation and garden to the east fronting Maidencastle. The front elevation of the proposed dwelling would be positioned slightly further to the east than the rear elevation of number 136 Maidencastle, but not to a level that would have an unacceptable impact upon the amenity of that property. Concern was also raised by a neighbour regarding access once the dwelling is built. The proposal includes the retention of the existing footpath along the southern boundary which would retain access for the nearby properties. It is not considered that there would be an unacceptable impact upon the neighbouring amenity of 136 Maidencastle as a result of this proposal.
- 7.8 140 Maidencastle to the north is angled such that the rear elevation faces south-west. The rear garden of this property runs along the northern boundary with the application site. Whilst the proposed dwelling would be visible from the windows of number 140 Maidencastle, a separation distance of over 13 metres is retained which is considered sufficient to ensure that the proposed dwelling would not appear overbearing to the occupiers of number 140. The proposed dwelling only proposes 1 window on the northern elevation at ground floor level, which would not result in an unacceptable loss of privacy to 140 Maidencastle. In line with the above, it is considered that the proposal would not result in an unacceptable loss of amenity to the occupiers of 140 Maidencastle.
- 7.9 It is also the case that the proposed dwelling is provided with good sized rooms with adequate light for future occupiers, alongside sufficient garden amenity space. As such it is considered that adequate living conditions for future occupiers are provided.

Parking and highway safety

- 7.10 The Northamptonshire County Council Parking Standards seek 2 on plot parking spaces for 3 bedroom properties. The proposal provides 6 parking spaces. 2 parking spaces are to be allocated to the proposed dwelling, and 4 parking spaces provided for communal parking by existing residents and visitors. The proposal also provides 1 shed which could be used for bicycle storage.
- 7.11 The application site as existing provides 3 garages and 10 outside parking spaces. The existing garages are not to a size that could be counted as providing existing parking spaces for the site, and as such the existing parking provision on the site must be assessed as 10. The proposal provides 4 unallocated replacement parking spaces. As such there is a net loss of 6 parking spaces.
- 7.12 Northamptonshire County Council Highways Department have been consulted on this application and no objection to the reduction in parking has been received. Whilst neighbour letters raise concern that the car park is often full, particularly in the evenings, it is the case that there are no on street parking restrictions and further garage courts are available in the area. With no highway objection to the scheme, the proposed reduction in parking provision on this site must be considered acceptable in highway safety terms.

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 and boilers, and an informative on construction hours. 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 properties. With respect to construction hours, the proposal is only for a small-scale development and there are controls under the Environmental Health and Highway legislations to address issues arising from such small construction site should they arise.
- 7.15 The Northamptonshire Police raised no formal objection to the scheme, however it was recommended that the proposed boundary fencing have additional trellis topping, and that any ground floor windows should reach Building Regulation standards. A condition is attached requiring details of boundary fencing, and an informative is suggested advising of the Northamptonshire Police comments on security.
- 7.16 The Council's Arboricultural Officer raises no objection to the proposal. However, a tree protection condition will be imposed to ensure that retained trees are protected.
- 7.17 Concern was raised by a neighbour as to the impact of the construction works on neighbouring properties such as noise and disturbance. The proposal is for one dwellinghouse and it is not considered to be reasonable to request a construction management plan for a low level development of this nature. The Council's Environmental Health team have been consulted on this application and have not raised any concerns with the proposal. As such it is not considered that there would be an unacceptable impact upon neighbouring properties as a result of this proposal. The temporary disruption caused by construction works is not a planning consideration and does not warrant refusal of the application.
- 7.18 A neighbour letter raised concern that emergency services would no longer be able to access the neighbouring dwellings. The submitted plan includes a footpath along the southern edge to allow continued access to the footpath to the west, and neighbouring properties.

8 CONCLUSION

- 8.1 To conclude, the site is in an existing housing area within the urban area of Northampton and the principle of residential development on the site is therefore acceptable under the development plan. The Council also 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 contribute towards the Council's housing supply with associated social and economic benefits. Furthermore, no 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 received 21/12/2018, (P)02 received 21/12/2018, (P)03 received 14/02/2019, (P)04 received 25/01/2019, (P)05 received 25/01/2019.

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

3. 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 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. Prior to the construction of the new dwelling 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.

5. Notwithstanding the submitted details, prior to the construction of the new dwelling hereby approved above ground floor slab level, full details of the method of the treatment of the external boundaries of 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 new dwelling 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.

6. All planting, seeding or turfing shown on approved drawing numbers (P)03 and SCH-002 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.

7. Prior to first occupation of the dwelling hereby approved, full details of the shed shall be submitted to and approved in writing by the Local Planning Authority. The approved shed shall be provided on site in full accordance with the submitted details prior to first occupation of the dwelling hereby approved.

Reason: To ensure the provision of adequate facilities in accordance with Policy S0 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 window shall be installed at first floor level in the side elevations (east and west) of the proposed development.

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

9. 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. The retained trees as shown on the approved drawing (P)03 shall be protected for the duration of the development by stout fences to be erected and maintained on alignments as shown on drawing (P)03. Within the fenced area, no development works shall take place on, over or under the ground, no vehicles shall be driven, nor plant sited, no materials or waste shall be deposited, no bonfires shall be lit nor the ground level altered during the periods of development.

Reason: In the interests of amenity in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy.

INFORMATIVE:

The applicant's attention is drawn to the comments of the Police Crime Prevention Design Advisor regarding mitigation measures that should be incorporated into the development to reduce opportunities for forced entry into the new properties.

10 BACKGROUND PAPER

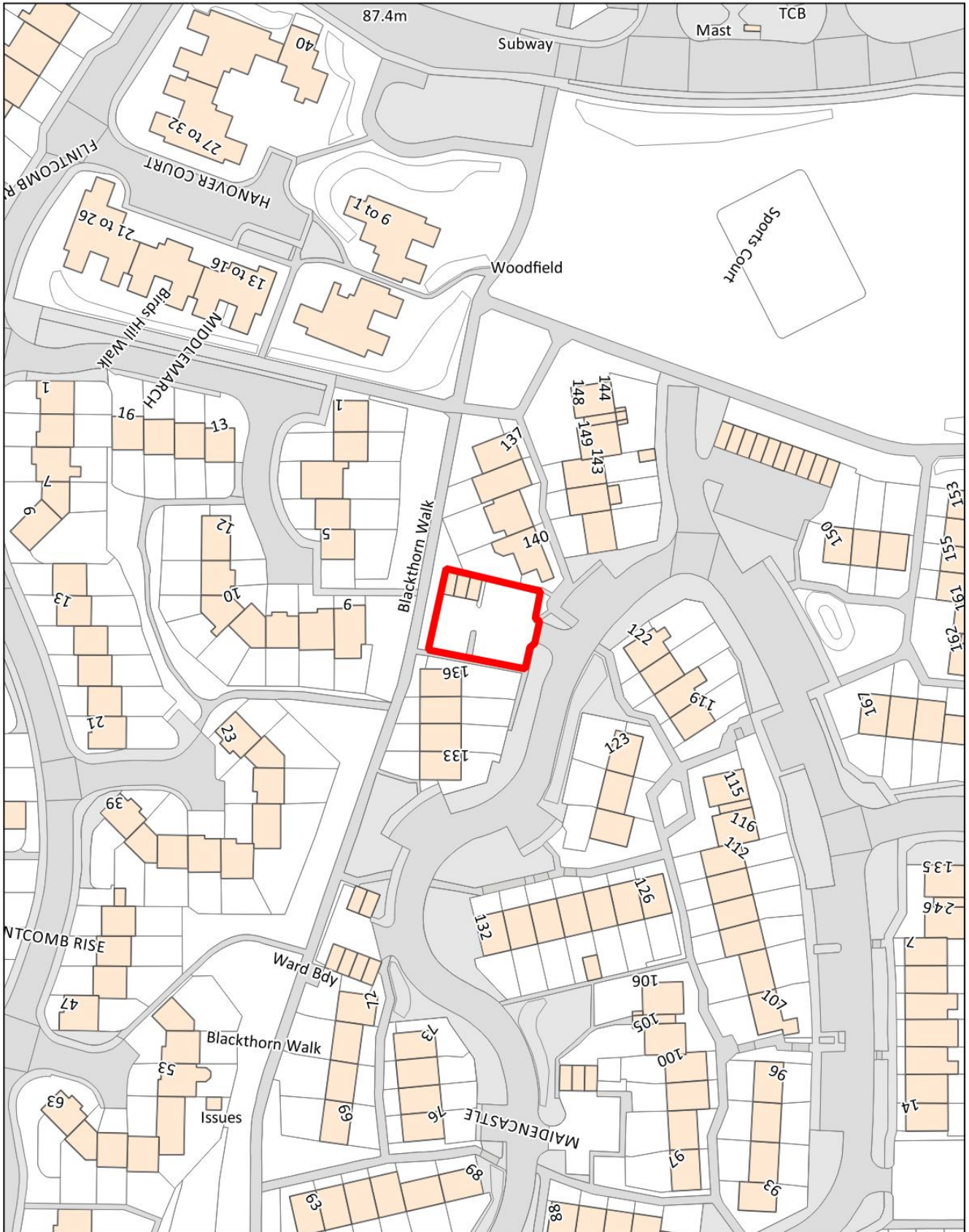
- 10.1 N/2018/1768.

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, Maidencastle**

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Scale: 1:1,000

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