

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

APPLICATION REF: N/2018/1774

LOCATION: Lockup garages, Maidencastle

DESCRIPTION: Demolition of 10 domestic garages and construction of 1 new build dwelling with car parking spaces

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 ten 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 9 parking spaces, 2 provided for the new dwelling and 7 parking spaces for existing residents and visitors, including one disabled parking space.

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 southern side of Maidencastle and comprises a row of 10 garages alongside open parking for approximately 8 vehicles. There is a change in levels, with site levels increasing to the east and falling to the south.

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 relating to noise mitigation, contamination, low emissions, and construction noise.
- 6.2 **Northamptonshire Police** – No objection. As rear garden backs onto A4500 and is exposed, rear boundary should be protected by additional trellis topping on the fence line. Planting should be defensive (prickly) to prevent climbing. All ground floor doors and windows should include a pane of laminated glass to P1A standard to reduce opportunities for forced entry. All doors and windows should comply with the requirements of ADQ of Building Regulations and should be 3rd party accredited products.
- 6.3 **NCC Highways** – The parking space directly adjacent to the footway needs to be at least 500mm from the footpath to prevent doors opening onto the highway (Note: the proposed has been revised to take into account of the comment).
- 6.4 **NBC Arboricultural Officer** – As there are no trees within the immediate vicinity of the proposed development, have no comment to make.
- 6.5 Four neighbours have written to raise their objections and concerns in relation to the original plans. The comments received can be summarised as follows:
- Reduction in parking spaces on site – already a shortfall of parking spaces in area and this will exacerbate the problem.
 - Loss of parking during construction will cause congestion and reduce parking availability. HGV's will struggle to access site.
 - Garages form boundary walls of gardens of 39-41 Maidencastle. How will the boundary be treated once the garages are demolished? Loss of garage wall compromises integrity of rear garden and livestock (fish) and result in loss of privacy.
 - Health and safety impact to residents and pets during demolition and building works.
 - Garage rented by disabled person who needs parking close to property for wheelchair access – loss of garage will result in loss of independence.
 - Proposed dwelling will have no privacy as all neighbouring properties will be able to see in.
 - Emergency services will not be able to access rear of property if dwelling built.
 - Existing rear access point between garages lost and long alley provided – will make deliveries difficult.
 - Surrounding properties have construction issues and subsidence made worse by increased traffic. Concern demolition of garages and re-building will further harm neighbouring properties.
 - Loss of garden plants that grow up garage wall.
 - Devaluation of property as a result.
 - Car crashing on Wellingborough Road could land in house.
- 6.6 Following the alteration of the bungalow to a two storey dwellinghouse, four neighbours have written in and two have written in twice to raise objections and concerns. The additional comments raised in this letter that are not covered above can be summarised as follows:
- Garage bases engineered to act as land slip prevention due to slope of properties.
 - Resubmitted and only change is garden shed hoping neighbours don't object and original objections don't stand.
 - Cost of building not worth taxpayers money.
 - Overlooking issue.
 - Noise during construction.
 - Obstruction to rear access and concerned about vehicles need to be parked on main road.

- 6.6 Following further revised plans received from the applicant to change the parking layout, a further three neighbour objections have been received. The points that are not covered above are summarised as follows:
- Would impact on highway safety.
 - Development affecting sunlight.

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 is 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 south 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 rear elevations 39-41 Maidencastle to the east, and the rear elevations of 42-45 Maidencastle to the west. To the south is the A4500 Wellingborough Road, and to the north Maidencastle Road.
- 7.7 The proposed two storey dwelling is positioned to fall between 12 and 13 metres from the rear elevation of 39 and 40 Maidencastle to the east, and 16 metres from the rear elevation of 45 Maidencastle to the west. The Residential Extensions and Alterations Design Guide SPD outlines that a separation distance of 13 metres should be retained between the side elevation of a two storey dwelling and the rear elevation of a neighbouring property. Whilst part of the dwelling falls under 13 metres from 39 and 40 Maidencastle, it is the case that these neighbouring properties are positioned on a raised level when compared to the application dwelling. Due to this level distance, it is considered that a separation distance of between 12 and 13 metres is acceptable in relation to 39 and 40 Maidencastle. Adequate separation distance is provided with 45 Maidencastle to the west. In line with this it is not considered that there would be an overshadowing, loss of sunlight

impact as a result of this proposal, and it is not considered that the proposal would appear overbearing to neighbouring properties.

- 7.8 The proposed dwelling includes one window at ground floor level on the western elevation. It is considered that boundary treatments would restrict any views from this window and as such there is not considered to be a privacy concern as a result of this proposal.
- 7.9 In line with the above, it is considered that the proposal would not have an unacceptable impact upon neighbouring amenity.
- 7.10 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

- 7.11 The Northamptonshire County Council Parking Standards seek 2 on plot parking spaces for 3 bedroom properties. The proposal provides 9 parking spaces. 2 parking spaces are to be allocated to the proposed dwelling, and 7 parking spaces provided for communal parking by existing residents and visitors. One disabled parking space will also be provided. The proposal also provides 1 shed which could be used for bicycle storage.
- 7.12 The application site as existing provides 10 garages and 8 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 8. The proposal provides 7 unallocated replacement parking spaces. Although there is a marginal reduction in the number of spaces to be provided, it is considered that the difference is acceptable.
- 7.13 Northamptonshire County Council Highways Department have been consulted on this application and raise no objection other than a comment that 0.5m should be retained between a parking space and the highway. This has now been incorporated into the revised proposal.

Other considerations

- 7.14 The Council's Environmental Health Officer recommends a condition to address unexpected ground contamination and noise mitigation should planning permission be forthcoming.
- 7.15 In addition, the Environmental Health Officer suggests the inclusion of conditions relating to electric vehicle charging points and boiler, 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 reasonable to condition the boiler to be installed in the new property. 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.
- 7.16 The Northamptonshire Police raised no formal objection to the scheme, however it was recommended that the proposed rear boundary fence have additional trellis topping, that planting should be prickly, and doors 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.
- 7.17 Concern was raised in neighbour letters as to the loss of the existing garage walls which form boundary walls to neighbouring properties. A condition is attached requiring details on all boundary treatments.

- 7.18 Further concern was raised as to the impact of the construction works on neighbouring properties such as through increased noise, congestion and loss of parking. The proposal is for one dwellinghouse and it is not considered that a construction management plan would be reasonably required for small scale 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 loss of parking during construction works would not be to such a detrimental level as to warrant refusal of the application.
- 7.19 A neighbour letter raised concern that emergency services would no longer be able to access the rear of the neighbouring dwellings, and to the loss of rear access points. The submitted plans include footpaths along the rear gardens of neighbouring properties to the east and west. As such access would remain to all rear elevations of neighbouring properties.
- 7.20 A concern was also raised that one garage is rented by a disabled person who needs to park close to his/her property due to wheelchair access difficulty on the estate. With the proposal now includes a disabled parking space, it is considered that this issue has now been mitigated.

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 24/12/2018, (P)02 received 24/12/2018, (P)03 received 25/02/2019, (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. Prior to the construction of the new dwelling hereby approved above ground floor slab level, a noise survey and mitigation proposal shall be submitted to and approved in writing by the Local Planning Authority. The proposal shall take account of noise from the Wellingborough Road and ensure that the internal noise climate for each habitable room achieves compliance with BS8233:2014 recommended internal ambient noise level guidelines. The mitigation methods agreed shall be implemented on site prior to first occupation of the dwelling hereby approved and retained thereafter.

Reason: To ensure acceptable noise levels are achieved within the dwelling for future occupiers, in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.

4. The proposed parking spaces hereby approved shall be provided prior to the first occupation of the dwelling hereby permitted and retained thereafter for the parking of vehicles.

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 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.

6. 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.

7. 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.

8. 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.

9. 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.

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 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.

11. 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.

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

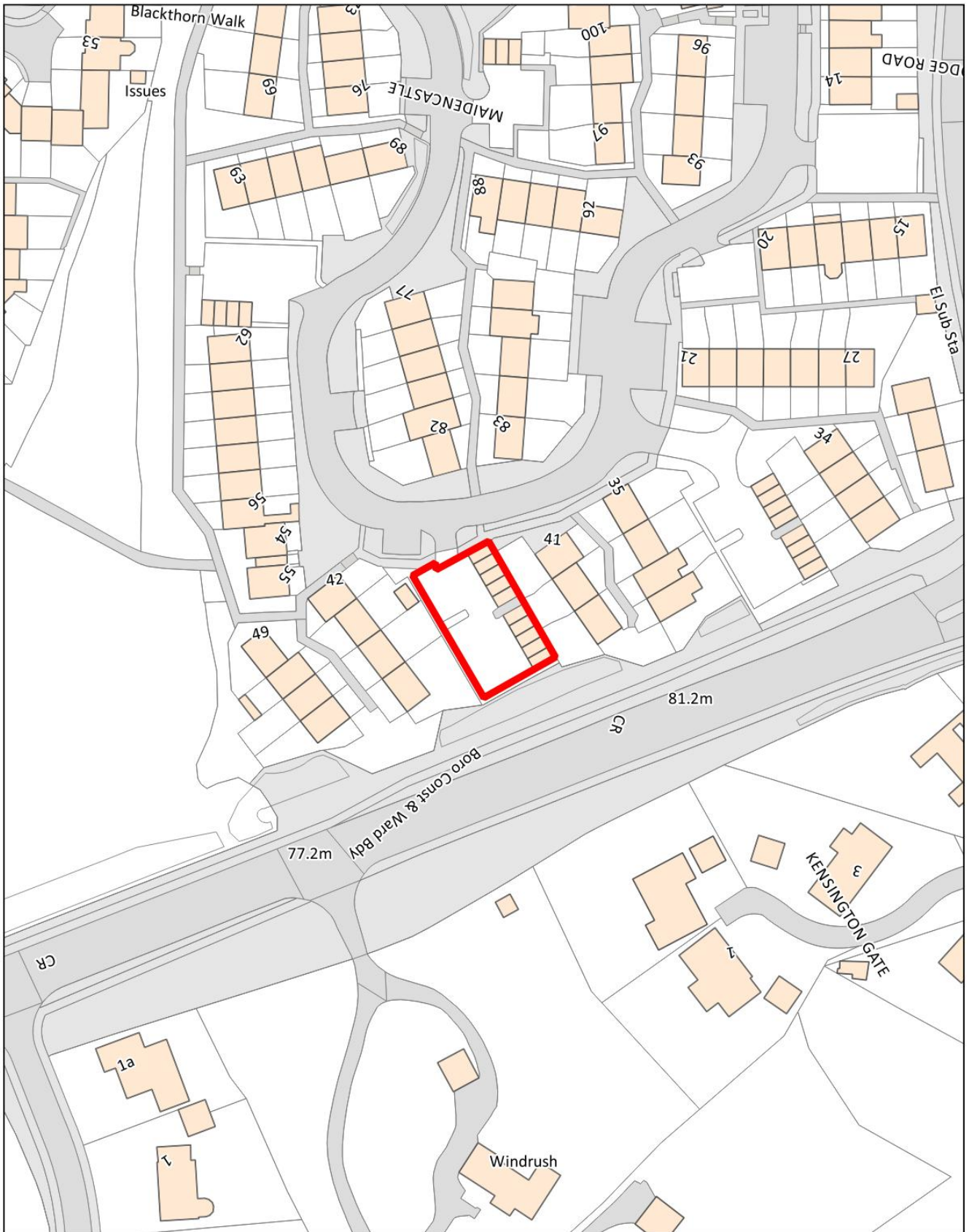
- 10.1 N/2018/1774.

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: **10 Lock up garages at Maidencastle**

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Scale: 1:1,000

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