

PLANNING COMMITTEE: 4th June 2019
DEPARTMENT: Planning Service
HEAD OF PLANNING: Peter Baguley

APPLICATION REF: N/2019/0141

LOCATION: Lock Up Garages, Shadowfax Drive

DESCRIPTION: Demolition of 5no domestic garages and erection of 1no new build bungalow and 7no car 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 5 garages and the erection of 1 bungalow. 5 parking spaces are also proposed.
- 2.2 The proposed dwelling would have a width of 9.2 metres and a depth of 9 metres. The ridge height is 4.8 metres.
- 2.3 During the course of the application the proposal has been amended to remove parking spaces adjacent the pavement (to the south of the proposed bungalow) in accordance with Highway comments. The description has also been amended to accurately reflect what is proposed on the site.

3 SITE DESCRIPTION

- 3.1 The application site comprises a block of five garages, a hardstanding parking court, and a grassed area that is located within a residential area. The site is located on the northern side of Shadowfax Drive.

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 requiring a noise report due to the location near busy roads, and conditions on contaminated land, working hours, vehicle charging points, and boilers.
- 6.2 **NBC Arboricultural Officer** – Removal of trees is reasonable. No objection provided that the arboricultural control measures specified within the Tree Survey and Arboricultural Impact Assessment Report are implemented and maintained throughout the development.
- 6.3 **Northamptonshire Police** – Visible from street and overlooks car parking so compliant. Surrounded on all sides by walkways/alleys and so fencing should be 1.8 metres high with trellis topping plus a prickly hedge to the outside. Crime safety advice is provided for the proposed shed and all doors and windows should be building control compliant
- 6.4 **NCC Highways** – Parking spaces must not be parallel with a footpath. A minimum clearance of 1m is required or 500mm and a low fence or wall. This is to prevent doors opening onto/over the highway footpath. *(Following these comments the proposed parking layout was amended to remove the parking spaces adjacent the footpath).*
- 6.5 Two letters have been received from one neighbouring property. The concerns raised can be summarised as follows:
- Loss of existing grass area and trees which is a valuable community amenity.
 - Concern that there is an existing shortage of garages available for rent in Northampton and this would be exacerbated by the loss of the existing garages.
 - Concern development would harm neighbours with existing medical issues.
 - Impact on existing neighbours and Church from construction traffic *(This is not a material planning consideration in the assessment of this application).*
 - Concern more development may be proposed in the future in the area *(This is not a material planning consideration in the assessment of this application).*
 - Concern no new site notice was erected when description was changed *(A site notice with the amended description was displayed on the 4/4/2019).*

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 block of five garages, a parking court, and a grassed area 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 proposed bungalow would be located on the northern side of Shadowfax Drive, surrounded by existing residential development to the north, east and west, and across the road to the south. The proposal is for a bungalow with hipped roof. Whilst bungalows are not found within the immediate vicinity of the area, it is considered that the proposal would not appear unduly out of character with the surrounding area. This is due to the existing characteristic in Shadowfax Drive for a mixture of roof designs and heights which creates a varied character.

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 side elevation of the proposed bungalow would be positioned approximately 13.5 metres from the rear elevations of 38 and 39 Shadowfax Drive to the north, and the rear elevation would be positioned approximately 15 metres from the front elevations of 45 and 46 Shadowfax Drive to the east. A gap of 24 metres would be retained with the neighbouring properties to the west. Due to the separation distances retained, it is not considered that there would be an unacceptable impact upon neighbouring amenity as a result of this proposal.
- 7.7 It is also the case that the proposed dwellings provide good size rooms with adequate light for future occupiers, alongside sufficient garden amenity space. As such it is considered that adequate living conditions for future occupiers is provided.

Parking and highway safety

- 7.8 The Northamptonshire County Council Parking Standards seek 1 on plot parking space for 1 bedroom properties. The proposal provides 1, 1xbedroom property, and 5 parking spaces. 1 parking space would 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.
- 7.9 The application site as existing provides a hardstanding area which can accommodate approximately 5 vehicles and 5 garages. 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 5. The proposal provides 4 unallocated replacement parking spaces, a net decrease of 1 parking space.
- 7.10 Northamptonshire County Council Highways Department have been consulted on this application and raised concern with the original scheme due to the provision of parking spaces adjacent the pavement (to the south of the dwelling). Following this, the parking spaces proposed to the south of the dwelling were removed from the scheme. No additional comments have been received from the Highways department following the amendment.
- 7.11 With the scheme being amended to overcome concerns raised by the Highways Department, and the Highways Department not raising an objection to the amended scheme, it is considered that it must be assessed that there would not be an unacceptable impact upon the highway network as a result of this proposal.
- 7.12 Concern was raised in a neighbour letter that there is an existing shortage of garages available for rent in Northampton and this would be exacerbated by the loss of the existing garages. With no highway objection to the loss of garages, and there being no planning policy support for the retention of garages, it is not considered that the loss of the existing garages would be unacceptable.

Other considerations

- 7.13 The Council's Environmental Health Officer recommends a condition to address unexpected ground contamination should planning permission be forthcoming and a condition requiring a noise report. However, the proposed dwelling would be surrounded by existing dwellings, it is not considered that a noise report in relation to traffic noise is necessary.
- 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 recommended that the fence is supplemented with trellis topping and prickly planting, and security measures are put in place for the shed and windows and doors. Details on the proposed sheds, landscaping, and boundary treatments are recommended through condition. An informative is suggested advising of the Northamptonshire Police comments on security.
- 7.16 Concern was raised in a neighbour letter as to the loss of the existing grass area and trees. The Council's Arboricultural Officer was consulted on this application and advised that with other areas of communal open space in the immediate vicinity with mature trees, the loss of the existing grassed areas and trees would not be unacceptable. As such it is considered that the loss of the green space and the existing tree is acceptable.
- 7.17 Concern was raised in a neighbour letter that the development would harm neighbours with existing medical issues. With the proposal being for the demolition of 5 garages and the erection of 1 bungalow, and as such being relatively small scale, it is not considered that there would be an unacceptable impact upon the mental health of neighbouring properties as a result of this proposal to a level that would warrant a reason for refusal.

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, (P)02, (P)03 Rev C, (P)04, (P)05, (P)06 Rev A.

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 together with any other means of enclosure to be erected within 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 dwellings 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. Notwithstanding the submitted details, prior to the construction of the new dwelling hereby approved above ground floor slab level, a detailed scheme of soft landscaping for the site, including details of prickly planting to the outside of the boundary, shall be submitted to and approved in writing by the Local Planning Authority. 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 Policies H1 and S10 of the West Northamptonshire Joint Core Strategy.

7. The parking spaces shown on approved plan (P)03 Rev C shall be constructed prior to the first occupation of the dwelling hereby approved and retained thereafter solely 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.

8. 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.

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 development hereby approved shall be undertaken in full accordance with the findings of the 'Tree Survey and Arboricultural Impact Assessment Report' 18104.6_Fv1 by MacIntyre Trees, dated December 2018.

Reason: To ensure appropriate protection of retained trees and in the interests of amenity in accordance with the requirements of Policy S10 of the West Northamptonshire Joint Core Strategy.

INFORMATIVE:

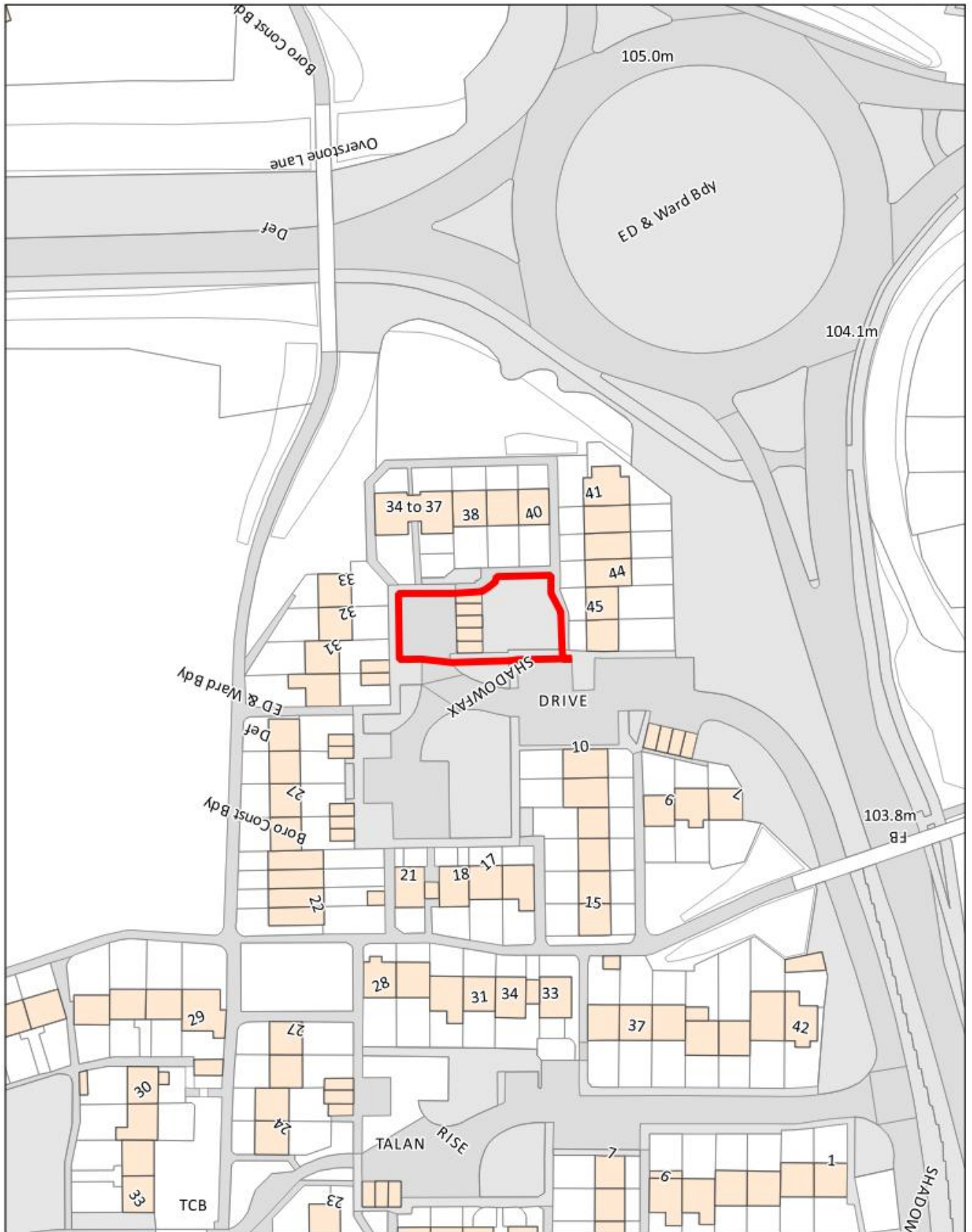
The applicant's attention is drawn to the comments of the Police Crime Prevention Design Advisor regarding mitigation measures that should be incorporated into the development to reduce opportunities for forced entry into the new properties.

10 LEGAL IMPLICATIONS

- 10.1 The development is CIL liable.

11 SUMMARY AND LINKS TO CORPORATE PLAN

- 11.1 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: **Garages at Shadowfax Drive**

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Date: 17-05-2019

Scale: 1:1,000

Drawn by: -----