

PLANNING COMMITTEE: 12th May 2020
DEPARTMENT: Planning Service
DIRECTOR OF PLANNING: Peter Baguley

APPLICATION REF: N/2019/0941

LOCATION: Lock Up Garages, adjacent to 62 Maidencastle

DESCRIPTION: Demolition of existing lock-up garages and development of 2no flats and the provision of off-street parking. Re-positioning of step path access to western side of site

WARD: Rectory Farm Ward

APPLICANT: Northampton Partnership Homes
AGENT: Baily Garner

REFERRED BY: Director of Planning and Sustainability
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 4 existing garages and the erection of a building containing two flats, the provision of 7 parking spaces, and the re-positioning of an existing step path access to the western side of the site.
- 2.2 The proposed building would have a width of 8.65 metres and a depth of 7.6 metres. The building would have a shallow pitched roof with a ridge height of 7.2 metres.
- 2.3 During the course of the application the proposal has been amended with the reduction in height of the building, amendments to the building to improve living conditions and the relationship with neighbouring properties, and removal of parking spaces to overcome Highway objections.

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 4 garages alongside open parking for approximately 11 vehicles. There is a change in levels, with the parking court being raised compared to the ground levels of either immediate neighbouring property.

4 PLANNING HISTORY

- 4.1 N/2019/0338 - Demolition of 4 domestic lock up garages and erection of 1 dwelling – withdrawn 28/05/2019

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

Northampton Parking SPD (2019)

5.6 Growing Together Neighbourhood plan (2017)

Policy DES1 – high quality design
Policy H1 – housing
Policy H2 – small-scale housing development
Policy OS2- Outdoor amenity space
Policy T1 – Pedestrian and cycle network

6 CONSULTATIONS/ REPRESENTATIONS

Comments received are summarised as follows:

- 6.1 **NBC Public Protection** – No objection. Suggest conditions on contaminated land, vehicle charging points, and boilers, and an informative on construction noise.
- 6.2 **Northamptonshire Police** – No objection. Garden has three exposed sides and trellis topping to the fencing is recommended to deter climbing.
- 6.3 **NBC Arboricultural Officer** - No objections to the proposal on tree related grounds, provided that the tree protection measures referred to in the revised Arboricultural Impact Assessment and Method Statement Report from MacIntyre Trees, revision 4 dated April 2020, are implemented in a timely fashion and maintained throughout the duration of the development to protect the remaining trees for accidental harm during the works.
- 6.4 **NCC Highways** – No objection to amended scheme. Request condition that development is undertaken in accordance with the details within drawing (P)03 Rev M.
- 6.5 29 neighbour letters have been received from 16 different neighbours objecting to the application. These letters include 2 from the Woodland East Unincorporated Residents Association. The concerns raised can be summarised as follows:

Design

- Cramped overdevelopment on a constrained site.
- Design not in keeping with area – door facing car park, materials, different type of property.

Neighbouring Amenity

- Whilst understand need for housing, this should not be at the detriment of existing residents.
- Believe a separation of 22 metres should be retained between proposed building and neighbouring properties.
- Overlooking of neighbouring properties and future occupiers.
- Overshadowing of neighbouring properties.
- Appearance overbearing to neighbouring occupiers.
- Lights from vehicles using car park may impact on future occupants and people using car park may be able to look into windows in proposed building.
- Flats will result in noise issues to existing homeowners.
- Creating a slum and harming community spirit.
- Believe garage site is an amenity space and proposal results in the loss of this.
- Alleyway will be hard for pushchair and wheelchair users to navigate.
- Development will make access for neighbouring properties who use rear entrances difficult.
- Concern solar panels will be on roof and result in neighbours having to keep curtains closed.

Parking

- Existing parking issues in Maidencastle which have already been made worse by three other garage sites in Maidencastle being sectioned off and no additional parking being created. Existing construction traffic for other garage sites is resulting in congestion.

- Loss of more parking will result in people parking on verges.
- Use garage site to park in to access dwelling and to safely chauffeur children without being on the road.
- Removing parking on the site will mean residents have to walk further.
- Question why new build will have own parking allocated when rest of estate has to fight for spaces.
- If new spaces are allocated there will be animosity towards new tenants and this discriminates against existing tenants or homeowners.
- Neighbouring properties want assigned parking spaces too.
- Wanted to rent garage but were told they were all leased out which was not the case.
- Had a meeting with NPH on site and they said further parking would be provided before any development commenced, however this has not happened with the other sites.
- Concern will impact emergency services access to neighbouring properties and along road.
- Highways object to scheme.
- The parking space widths change between each space.
- 27 Parking spaces as existing in whole red line area.

Crime

- Risk of crime from creation of alleyway.

Trees and wildlife

- Agree pine trees should be cut down.
- Cutting down trees could harm wildlife.
- Think ecology report is needed (e.g. trees).
- Concern with impact on trees in neighbouring gardens
- Noise pollution could harm natural wildlife habitats in the woodland adjacent.

Policy

- Do not think development meets NPPF requirements for 2. (achieving sustainable development) And 8. (promoting healthy and safe communities).

Other matters

- Concern development will result in flooding issues.
- Do not feel that concerns have been taken into consideration by NPH.
- Believe development will necessitate the replacement of neighbouring boundaries on northern side of the application site. This should be discussed with residents. *(Officer Comment: The proposal does not alter the boundary treatments on the northern boundary which remain as existing).*
- Think plans should have been withdrawn as past timescales – revisions should not be allowed and a new planning application should be submitted. Extensions of time to the determination date should not be permitted. *(Officer Comment: The planning process permits the acceptance of amended plans during the life of an application. It also permits the use of 'Extensions of Time' to allow a decision to be made after a standard determination period. There is no reason why amended plans should not have been accepted and extensions of time agreed for this application).*
- Road covered in mud and rubble and not cleaned before NPH contractors leave and steps damaged by construction workers – estate in poor condition. *(Officer Comment: This is not a material planning consideration within the assessment of this planning application. Any concerns as to the impact of NPH construction with regards to damage and maintenance issues must be raised directly with NPH).*
- De-value property. *(Officer Comment: This is not a material planning consideration within the assessment of a planning application).*
- Do not understand plans. *(Officer Comments: A full set of plans have been provided, including a street scene plan showing the property in relation to neighbouring properties).*
- Housing could go elsewhere. Houses could be provided in NPH board members gardens instead. *(Officer Comment: This is not a material planning consideration within the assessment of a planning application. The assessment is based upon whether that applied for is acceptable and not whether alternatives are available).*
- NPH tenancy came with parking and this is being removed. *(Officer Comment: This is not a material planning consideration within the assessment of a planning application).*

- Think whole community should be consulted on amended plans. Do not think enough residents consulted (*Officer Comment: The Town and Country Planning Act requires the consultation of any immediate adjoining property or the display of a site notice. For this site all properties adjoining the red line of the application site were sent neighbour notification letters, and a number of site notices were displayed around the application site. It is not for the Planning department to hold a community consultation on a development for 2 units*).
- Believe there is a conflict of interest between NBC Planning and NPH. (*Officer Comment: Northampton Borough Council is a separate entity to Northampton Partnership Homes, and officers working for Northampton Borough Council do not work for Northampton Partnership Homes. As the planning application is for Northampton Partnership Homes, a decision is made by the Planning Committee as opposed to under delegated powers. There is no conflict of interest in the assessment of this application, which is assessed by planning officers in the same method as any other planning application*).
- Subsidence issues in area. (*Officer Comment: This is not a material planning consideration within the assessment of a planning application*).
- Construction impact on health and safety of existing residents. Construction will impact on neighbouring residents sleep. (*Officer Comment: The impact of construction is not a material planning consideration within the assessment of a planning application*).
- May harm big lottery funding scheme for play area in woodland near this site due to loss of community spirit. (*Officer Comment: This is not a material planning consideration within the assessment of a planning application*).
- Land registry states have right of way over roads and footpaths. Have been parking in area over 20 years so have right. (*Officer Comment: Private rights of way are not a material planning consideration within the assessment of a planning application*).
- Who will maintain vegetation. (*Officer Comment: The new landscaping is on NPH land and as such it will be for NPH to organise the maintenance of this*).
- Why are more houses elsewhere not social housing but all in Maidencastle are. (*Officer Comment: For large developments of 15 or more units, 35% of the development is expected to be affordable housing under Core Strategy policy H2. There is no requirement for development under 15 units to provide affordable housing. In this circumstance, the land in question in Maidencastle is owned by NPH, and they are proposing NPH properties on their land*).
- Question if NPH listened to the consultation they undertook. (*Officer Comment: The consultation undertaken by NPH is not a material planning consideration within the assessment of a planning application. The Council's planning department undertakes its own consultation processes*).
- Clarification is sought as to planning policies and the pre-ambles, intentions and meanings of multiple extracts. (*Officer Comment: These are not relevant to the assessment of this planning application for 2 flats and the Council's Planning Policy team should be contacted to discuss this matter*).
- Want 3D plans of proposal. (*Officer Comment: There is no requirement for 3D plans to be provided within a planning application*).
- Plans not to scale and measurements incorrect. (*Officer Comment: The plans are to the correct scales and measure correctly*).
- Planning application resulting in stress to neighbouring properties. (*Officer Comment: Whilst it is understood the planning process can be stressful, this is not a material planning consideration within the assessment of the application*).
- Want to understand importance of Growing Together Neighbourhood Plan and why not listened to. (*Officer Comment: The Growing Together Neighbourhood Plan is a material consideration when considering planning applications*).
- Believe plans breach The Equality Act 2010, and the Safeguarding Children and Vulnerable Adults Policy (NBC) as information not provided in accessible format and not listening to neighbouring properties. (*Officer Comment: All information connected to this application was provided in an accessible format, with letters sent to neighbour properties which includes the Officers contact details should a different format be required, with site notices displayed, with information available online and at the Council offices. With regards to*

neighbour comments, only those comments that relate to material planning considerations can be assessed, and these must be assessed against planning policies).

- The application form was not fully completed and is confusing.
 - 4. they have put floorspace and not site area, (*Officer Comment: The application form has been amended since this comment was received*).
 - 5. It states maisonettes but planning letter states flats, (*Officer Comment: Maisonettes are flats and as such either term is acceptable for this proposal*).
 - 6. Does not mention existing car park, (*Officer Comment: The site is a garage court where neighbouring properties have utilised the space created by demolished garages to park. It is not a formal car park and as such the description used is acceptable*).
 - 7. Mentions streetlights but not in plans, (*Officer Comment: The street lights referred to are existing street lights. Details on any additional lighting will be requested through condition*).
 - 8. Does not mention alleyway, (*Officer Comment: The proposed retention of an accessway to assist neighbouring properties link through to the play equipment is not the creation of a public right of way and as such this is correct*).
 - 9. States 13 existing spaces but actually 27 for whole boundary area. (*Officer Comment: This is covered within the Highway section of the below report*).
 - 10. Does not mention trees. (*Officer Comment: The impact upon trees is covered within the Tree section of the below report*).
 - 24. Doesn't mention advice from officer. (*Officer Comment: No pre-application advice has been received for this site*).
- Design and access statement inaccurate. (*Officer Comment: A revised design and access statement has been received since this comment was received*).

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. Policy H1 of the Growing Together Neighbourhood Plan identifies that proposals for affordable homes, particularly 1 or 2 bedroom units, will be supported, and policy H2 outlines that suitable sites for small-scale housing development include infill sites and redundant garage sites.
- 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 Neighbour letters raised concern that the proposal would appear cramped on the site and as overdevelopment. Concern was also raised that the property would not appear in keeping with the area due to the door facing the street scene, the materials to be used, and the style of the property.

- 7.5 The proposed building containing two flats would be positioned set in line with the existing terrace row to the south. It appears as a continuation of this existing terrace row and it is not considered that it would appear cramped on the site.
- 7.6 The terrace row to the south of the application site fronts the west overlooking an existing footpath network and have small grassed front gardens. The rear private gardens of these properties are to the east, and continue up to Maidencastle. The proposal retains a grassed area to the west to fall in line with the front gardens of these neighbouring properties, but fronts east towards Maidencastle and over a proposed car park with 4 parking spaces. The garden for the flats is to the side (north) of the proposed building.
- 7.7 Whilst the properties in the neighbouring row of terraces have their entrances to the west and rear elevations fronting Maidencastle, the application site proposes a building where the entrance is to the front (east) and side (north), and the private garden is to the side (north). Whilst not copying the style of the dwellings to the south, it is not considered that the introduction of the proposed building would appear as an odd or intrusive addition. Maidencastle is characterised by a varied building pattern and the properties are not uniform in position and orientation. The positioning of the building with a front door fronting Maidencastle assists in creating an active frontage to the street scene which is considered an improvement over the neighbouring properties which do not respond to the street scene.
- 7.8 The land levels of the existing garage court are higher than neighbouring properties, and as such the proposed building has been carefully designed to ensure that the ridge height of the building does not dominate the neighbouring terrace row. This is through the utilisation of a shallow pitch to the roof. The proposed building would consequently fall just 0.4 of a metre higher than the neighbouring terraced property to the south. It is considered that subject to a condition requiring details on the materials to be used in the building, in design terms the proposed building is acceptable.
- 7.9 The application also provides a parking area for 4 vehicles to the east of the application building, and a further 3 parking spaces on an existing grassed verge extending an existing row of parking spaces. It is considered that these parking areas would not harm the character and appearance of the area and would be acceptable in design terms.
- 7.10 As existing, the current parking court allows pedestrians to walk down the middle, through a gate and down some steps to access the western footpath links. In order to retain this beneficial link for pedestrians, the application proposes to shift the stepped access point northwards to run parallel with the northern edge of the proposed garden. Due to the fencing for the new garden and the existing fencing to the neighbouring properties to the north, this would create a short alleyway. This is a straight footpath link for any users where both ends of the alleyway can clearly be seen. The shifting of the access point and the creation of a short alleyway is considered acceptable in design terms as the area is characterised by a large number of such pedestrian links and it would not appear out of character. The retention of this pedestrian link, which currently is not a formal right of way and as such there is no requirement to retain, falls in line with the aims of policy T1 of the Growing Together Neighbourhood Plan which supports proposals which improve the existing network of footpaths.

Amenity

- 7.11 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. Concern has been raised within a number of neighbour letters as to the impact of the new building on neighbouring residential amenity.
- 7.12 The application proposes a two storey building which would form 2 flats. The first floor flat is only offered windows to the front (east) and rear (west), which look over the parking area and streetscene to the front, and the footpaths to the rear. No windows are provided on either side elevation to offer views into neighbouring properties. The ground floor flat is provided with windows

to the west, north and east. As with the first floor flat, the front and rear (east and west) windows look over the parking area, streetscene and footpaths and do not result in overlooking of neighbouring properties. The northern side elevation contains one set of patio doors and an access point for the first floor flat. These openings are at ground floor level, and the proposed boundary screening for the garden to the north of the building would restrict any views from these openings into neighbouring properties. It is not, therefore, considered that the proposal would result in unacceptable overlooking of neighbouring properties.

- 7.13 With regards to overshadowing and loss of light, to the south of the site is the blank side elevation of 62 Maidencastle. The proposed building does not extend beyond the front or rear walls of this neighbouring property and as such would not result in unacceptable overshadowing or loss of light to this neighbouring property.
- 7.14 To the north of the site is 63 Maidencastle, which is positioned approximately 16 metres from the side elevation of the proposed building. Whilst there are no standard separation distances for new dwellings from existing dwellings, when assessing extensions, the Residential Extensions and Alterations SPD recommends that 13 metres is retained between the side wall and rear wall of neighbouring properties. This proposal retains a 16 metres separation to ensure that there would not be an unacceptable impact upon 63 Maidencastle to the north with regards to overshadowing and loss of light. This separation distance, and the shallow roof pitch also ensures that the proposal would not appear unacceptably overbearing to existing neighbours to the north.
- 7.15 Concern was also raised within neighbour letters that the proposal would result in unacceptable noise impact upon neighbouring properties. The proposal is for two one bedroom flats and as such any noise would be of a domestic nature. It is not considered that the introduction of two flats in this location would result in an unacceptable noise impact upon neighbouring properties. Any temporary noise impact during construction works would not be a material planning consideration in the assessment of this application.
- 7.16 A neighbour letter raised concern that the removal of the garage court would result in the loss of an existing amenity space. A redundant garage court that existing neighbouring properties utilise to park within does not constitute an amenity space for the estate, which would generally be grassed areas or play areas. It is not considered that this garage court can be considered an amenity space.
- 7.17 A neighbour letter raised concern that it would become difficult to access existing properties as a result of this proposal, and that pavements would be hard for wheelchair and pushchair users to navigate. The application does not reduce the size of the existing pavement to the north of the site running along the rear of properties 63-66 Maidencastle. In fact, the new section which forms a small alleyway would be wider than that existing, being 1.5 metres wide to the existing 1 metre pavement. The proposal only provides stepped access to the west, however this is mirroring the existing situation on this site where the only access is via steps. Whilst it is understood that neighbouring properties have benefitted from being able to utilise the existing garage court to park within and to then access their properties from the rear, and the alteration will result in them needing to walk further from where they park, this change is not considered an unacceptable impact upon neighbouring amenity. Access to the rear of the neighbouring properties remains.
- 7.18 A neighbour letter raised concern that if solar panels were put on the roof this would shine into neighbouring properties and harm their amenity. No solar panels are proposed within this application.
- 7.19 In line with the above, it is considered that the proposal would not have an unacceptable impact upon neighbouring amenity.
- 7.20 It is also the case that the proposed dwellings provide good size rooms with adequate light for future occupiers, alongside sufficient garden amenity space. Concern was raised in neighbour letters that it would be possible to overlook the flats from the car park and that vehicle headlights may shine into the windows, thereby providing poor living conditions. The internal layout of the

proposed ground floor flat has been carefully designed to ensure that non-habitable rooms (hallway, bathroom and kitchen) front the car park, whereas the living room and bedroom front westwards. Planting is provided in front of these habitable rooms to the west to ensure that people cannot walk directly up to the windows for these rooms. With this layout, it is not considered that the future occupiers would be unacceptably overlooked. With regards to amenity space, the occupiers are provided with a shared garden to the north of the property which is of a sufficient size for the proposed flats. As such it is considered that adequate living conditions for future occupiers is provided.

Parking and highway safety

- 7.21 A number of concerns have been raised within neighbour letters as to the loss of off-street parking as a result of this proposal.
- 7.22 The Northamptonshire County Council Parking Standards and the Parking SPD seek 1 on plot parking space per dwelling for 1 bedroom properties. Policy DES1 of the Growing Together Neighbourhood Plan outlines that proposals should provide adequate parking taking into consideration the type of development and the requirements of the borough parking standards.
- 7.23 The proposal provides 2 1xbedroom properties, and 7 parking spaces. 2 parking spaces are required for the proposed flats, and 5 parking spaces provided for communal parking by existing residents and visitors. The proposal also provides sheds for the flats, which could be used for bicycle storage.
- 7.24 The application site as existing provides 4 garages and there is a hardstanding area where informal parking occurs. This hardstanding area is to a size that can provide 11 parking spaces to the required size. It is understood from a neighbour letter that it is thought 27 cars can parking within the red line area of the site, which it is understood includes informal parking on the road and verges surrounding the development. As this is informal parking, it cannot be included within the assessment of existing parking provision in the site, and the level of parking available must be assessed as 11 parking space, those that can be provided on the existing hardstanding area within the garage court. It has been advised by the applicant that the existing garages on site are currently void, however in any case the garages are not to a size that could be counted as providing existing parking spaces for the site. The proposal provides 5 unallocated replacement parking spaces, a net decrease of 6 parking spaces. Informal parking opportunities on the street and verges would remain.
- 7.25 A neighbour letter raised concern that the size of the proposed parking spaces vary. Each parking space is at or larger than the standard dimensions of 2.5x5 metres.
- 7.26 Northamptonshire County Council Highways Department have been consulted on this application and have raised no objection to the amended scheme. In line with this, it must be considered that the proposal would not have an unacceptable impact upon parking or highway safety.
- 7.27 In line with the Council's Parking SPD, two electric vehicle charging points will be required as part of this development. This will be required through condition.
- 7.28 Neighbour letters raised concerns as to why the new properties are provided with parking spaces when the existing properties are not. It is the case that since the original estate has been built, when car usage was much lower, Planning Policies have since changed and parking is now required for new residential development. As such to comply with current Planning Policies, parking is required for the new flats.

Crime

- 7.29 Concern was raised in a neighbour letter that the proposed alleyway would result in a risk of crime. The alleyway is a small section of footpath bordered by existing neighbour fencing to the north and the proposed garden fencing to the south. This stretch is straight and any user can see the end

before entering the alley. Alleyways are characteristic of this area and it is not considered that this small stretch would result in an unacceptable crime risk.

- 7.30 The Northamptonshire Police have been consulted on the proposal and raised no formal objection to the scheme, however it was recommended that the fencing to the proposed garden area has trellis topping to deter climbing. Details of the boundary treatments will be required through condition to ensure this.

Trees

- 7.31 Neighbour letters raised mixed views regarding the trees on site, with some wanting the trees removed and others wanting them retained.
- 7.32 The Arboricultural Officer raises no objection to the proposal subject to compliance with the recommendations of the Arboricultural Impact Assessment and Method Statement Report. This will be conditioned.
- 7.33 A neighbour letter also raised that the impact on ecology should be assessed. The application site is a hardsurfaced garage court and a verge along a road. It is not considered that the loss of the garages and verge would have an impact on ecology. It is also not considered that the noise from two flats would result in an unacceptable impact upon wildlife outside of the site.

Other considerations

- 7.34 The Council's Environmental Health Officer recommends a condition to address unexpected ground contamination should planning permission be forthcoming.
- 7.35 In addition, the Environmental Health Officer suggests a condition on boilers, and an informative on construction hours. 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.
- 7.36 A neighbour letter raised concern that the proposal was not in accordance with parts 2 and 8 of the NPPF. Part 2 of the NPPF relates to achieving sustainable development and outlines that development that accords with up-to-date development plans should be approved without delay, and if there are no development plans, development should be approved unless there is a reason for refusal. Part 8 of the NPPF relates to promoting healthy and safe communities and outlines that planning decisions should, for example, aim to achieve health, inclusive and safe places which are safe and accessible, support healthy lifestyles, and support estate regeneration. The development amounts to the re-use of brownfield land, a garage court, to provide residential accommodation, a key aim of the NPPF. The proposal removes a garage court from the estate, which are prime areas for crime, and provides additional housing. Pedestrian links are retained to encourage walking. It is considered that the proposal falls in accordance with parts 2 and 8 of the NPPF.
- 7.37 A neighbour letter raised concern that the development would result in flooding issues. The application site is not located within a flood zone and as such it is not considered that the proposal would result in flood risks.

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

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

3. Prior to the commencement of construction works on site, details of the existing and proposed ground levels and finished floor levels of the development 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 H1 of the West Northamptonshire Joint Core Strategy. This is a pre-commencement condition to ensure timely submission of details.

4. Prior to the construction of the building 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 building 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 flats 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. Prior to first occupation of the development hereby approved, a detailed scheme of hard and soft landscaping for the site shall be submitted to and approved in writing by the Local Planning Authority.

All planting, seeding or turfing agreed within the approved scheme 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 of plants, shrubs and trees that may die are removed or become seriously damaged or diseased with others of similar size and species. The approved hard landscaping scheme shall be carried out prior to first occupation and retained thereafter.

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

Reason: To ensure the provision of adequate facilities in accordance with Policy S0 of the West Northamptonshire Joint Core Strategy.

8. The tree protection measures within the revised Arboricultural Impact Assessment and Method Statement Report from MacIntyre Trees, revision 4 dated April 2020 shall be provided on site prior to any construction works commencing, and to be retained in accordance with the submitted details for the duration of the construction works on this site.

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.

9. Full details of a minimum of 2 electric vehicle charging points (1 per unit) for the flats hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the flats hereby permitted. Development shall be carried out in accordance with the approved details and fully implemented prior to the development being first brought into use and retained thereafter.

Reason: To ensure the provision of adequate facilities in accordance with the Northampton Parking Standards Supplementary Planning Document (2019).

10. The new parking spaces shown on approved plan (P)03 Rev O shall be constructed prior to the first occupation of the dwellings 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.

11. 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.

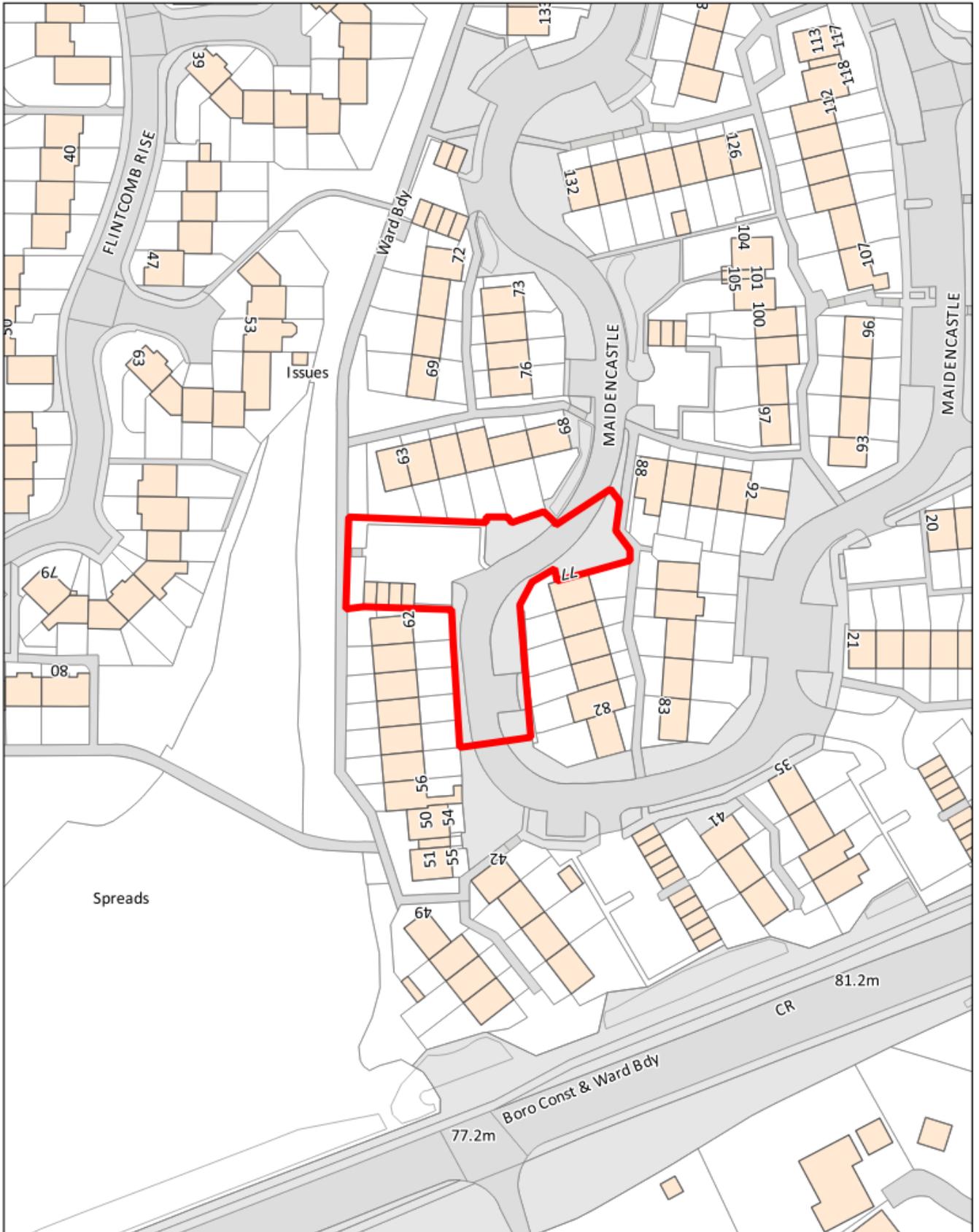
Reason: To ensure the effective investigation and remediation of contaminated land sites and in the interests of health and safety and the quality of the environment in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.

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: **Lock-up garages adj 62 Maidencastle**

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Date: 23-04-2020

Scale: 1:1,000

Drawn by: mj