

**PLANNING COMMITTEE:** 24<sup>th</sup> November 2020  
**DEPARTMENT:** Planning Service  
**DIRECTOR OF PLANNING:** Peter Baguley

**APPLICATION REF:** N/2019/1429

**LOCATION:** Lock Up Garages, Derwent Drive

**DESCRIPTION:** Construction of 5no new build dwellings with associated parking

**WARD:** Kings Heath Ward

**APPLICANT:** Northampton Partnership Homes  
**AGENT:** Baily Garner LLP

**REFERRED BY:** Director of Planning and Sustainability  
**REASON:** Council owned land

**DEPARTURE:** No

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#### **APPLICATION FOR DETERMINATION:**

#### **1 RECOMMENDATION**

1.1 **APPROVAL** subject to the conditions as set out below and for the following reason:

The principle of residential development is considered acceptable in an established residential area and would contribute towards the Council's five year housing land supply. The proposed siting, scale and design is considered acceptable and would have no undue impact upon the character and appearance of the surrounding area, neighbouring amenity, security, drainage and parking/highway safety. The development is therefore compliant with the aims and objectives of the National Planning Policy Framework, Policies S3, S10, H1, BN7 and BN9 of the West Northamptonshire Joint Core Strategy, and Saved Policies E20 and H10 of the Northampton Local Plan.

#### **2 THE PROPOSAL**

2.1 Permission is sought for the erection of 5 terraced (3 2-beds and 2 4-beds) two storey dwellings, each with its own private rear garden approximately 13 metres long. 12 off road parking spaces will be provided to serve the development including two disabled spaces. The primary access point would be from Derwent Drive. The proposal also includes bin collection point, 6 electric charging points and each dwelling would be served by a rear garden shed.

#### **3 SITE DESCRIPTION**

- 3.1 The site consists of a rectangular parcel of previously developed land accessed off Derwent Drive in Kings Heath. Part of the site was occupied by a block of 53 single garages which have since been demolished. The site is surrounded by residential dwellings and flats to the east, south and west. To the north is the Kings Heath Baptist Church. The site is not near to any conservation areas or any listed buildings and is in a low risk Flood Zone (Zone 1). There are no protected trees on the site.

## **4 PLANNING HISTORY**

- 4.1 No recent planning applications.

## **5 PLANNING POLICY**

### **5.1 Statutory Duty**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted West Northamptonshire Joint Core Strategy (2014), Northampton Local Plan (1997) saved policies.

## **6 National Policies**

- 6.1 **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.

### **6.2 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 S3 Scale of Housing

Policy S10 Sustainable Development Principles

Policy H1 Housing Design, Density and Mix

Policy BN7 Flood Risk

Policy BN9 Planning and Pollution Control

### **6.3 Northampton Local Plan 1997 (Saved Policies)**

Due to the age of the plan, the amount of weight that can be attributed to the aims and objectives of this document are diminished, however, the following policies are material to this application:

Policy E20 New development (design)

Policy H10 Backland development

### **6.4 Supplementary Planning Documents**

Planning out Crime in Northamptonshire SPG 2004  
Northamptonshire County Parking Standards 2016  
Northampton Parking Standards 2019  
Northamptonshire Highways Standing Advice 2016

## **7 CONSULTATIONS/ REPRESENTATIONS**

Comments received are summarised as follows:

- 7.1 **Northamptonshire Highways** - No objections.
- 7.2 **Environmental Health (NBC)** - No objection and recommend conditions for contaminated land and provision of gas fired boilers and charging points. Suggest informative relating to construction hours.
- 7.3 **Building Control (NBC)** - verbal comments offered, raise no objections to access and turning space for emergency vehicles.
- 7.4 **Northamptonshire Police** - pleased to note that much of the advice given in respect of the previous iteration of this development has been noted and is included in these latest drawings. Although a great deal better in the reduction of opportunities for burglary the following should also be included: A full height lockable metal gate should be included between plots 3 and 4 in line with the front building line. This gate to be key lockable and operable from both sides for convenience. Provision of this will prevent persons being able to gain access to the rear gardens unobserved from the frontage.
- 7.5 **Councillor T Eales** - concern over access being tight, parking and access for emergency vehicles.
- 7.6 Five neighbour objections received summarised as follows:
- Lack of public consultation
  - Parking and highway issues/ lack of turning space
  - Neighbour impact
  - Overlooking/ loss of light
  - Refuse stores too close to properties/ increase in smells
  - Noise
  - Loss of residential amenity
  - Flooding and Drainage issues
  - Security issues
  - Emergency vehicles access/ access is too tight for large vehicles
  - Overbearing
  - Over-development concerns
  - Boundary maintenance issues
  - Fear of crime and anti-social activity
  - Damage to roads
  - Hazardous materials on site
  - Ground stability

## **8 APPRAISAL**

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

### **Principle of residential development**

- 8.2 The National Planning Policy Framework (NPPF) advises that applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework places considerable importance on the need to have an up-to-date development plan and, that where the development plan is out of date, Local Planning Authorities are advised to grant planning permission unless any adverse impacts of doing so would demonstrably outweigh the benefits, when assessed against the policies of the Framework as a whole. Paragraph 8 of the NPPF seeks to ensure the planning system maintains the provision of a sufficient number and range of homes to meet the needs of present and future generations.
- 8.3 Paragraph 11 of the NPPF advises that relevant policies for housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year housing land supply which is currently the case for the Borough. Therefore, in accordance with the presumption in favour of sustainable development, as outlined in Paragraph 11, development should be permitted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 8.4 The application site is located in an established residential area and development of the site for residential use would comply with the requirements of Policy S1 of the Joint Core Strategy, which requires that development should be concentrated primarily in and adjoining the principal area of Northampton. In addition, the development of the site for 5 dwellings would contribute, albeit on a small scale, towards the Council's housing supply. Subject to the considerations below, the principle of development is considered acceptable.

### **Design and the impact on the appearance and character of area**

- 8.5 Saved Policy E20 of the Northampton Local Plan and Policy H1 of the Joint Core Strategy place significant importance on the quality of design of new developments. This is in conformity with the NPPF which advises that planning should always seek to secure high quality design. Policy H10 of the Northampton Local Plan relates to back land development encouraging good design, safe access and consideration of neighbouring amenity.
- 8.6 In terms of the street scene, much of the site is set back from the public highway and being located behind the existing built form on Derwent Drive, the properties would not appear unduly prominent. The proposed design and general appearance are in keeping with the area which consists of a relative mix of house type. The proposed dwellings would be two storeys in height with pitched roof in bricks with a concrete tile roof. The stepping of the ridge height would reflect the slightly slopping nature of the site. Any approval would also be subject to a materials condition to accord with Policy S10 of the Joint Core Strategy and E20 of the Northampton Local Plan. It is considered that the proposed design and layout of the development are acceptable and in line with Development Plan Policy. Given the degree of site coverage, over-development is not a concern in this case.

### **Impact on amenity of neighbouring occupiers**

- 8.7 The application site is surrounded by residential properties on three sides. Given rear separation of over 21 metres, it is considered that there would be limited impact in terms of overlooking, overbearing and loss of light to nos. 4, 5, 6 and 7 Derwent Drive. Regarding the effect on properties to the west on Derwent Drive, the impact is such that loss of residential amenity is considered limited, due to separation of 22 metres. In terms of the front, with properties overlooking a parking area and turning space, the effect on occupiers opposite is minimal given a 30 metres separation. Separation of at least 13 metres to rear elevations of the properties to the east on Windrush Way would be maintained, therefore the impact is considered acceptable. Notwithstanding the concerns expressed by local residents, the impact of the proposal is considered acceptable and in line with Development Plan Policy.

### **Amenity of future occupiers**

- 8.8 Saved Policy E20 of the Northampton Local Plan and H1 of the Joint Core Strategy all seek to secure a good standard of residential amenity for future occupiers. All properties would be served

by adequate light and outlook with private amenity spaces. It is considered that the proposed development would provide a satisfactory living environment for future occupiers in line with Development Plan Policy, providing an acceptable level of residential amenity.

### **Parking and Highways**

- 8.9 12 off street parking spaces would be provided and are considered adequate to serve the proposed new dwellings. The proposed access configuration meets Building Regulation standards and is sufficient for a large refuse vehicle to access and egress the site in forward gear. It is considered that a satisfactory layout has been demonstrated and there would be no adverse impact on highway safety. The proposal also provides two disabled spaces to the required size and 6 electric vehicle charging points. In addition, the site has appropriate access width and standard of access in line with Highways Standing Advice. The site is also within 200 metres of 4 bus stops providing sustainable form of development in accordance with Paragraph 108 of the NPPF.

### **Security and Crime Prevention**

- 8.10 The Northamptonshire Planning out Crime SPG (2003) is relevant as is Policy S10 of the Joint Core Strategy and the NPPF. The NPPF states “development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience”. The Northamptonshire Crime Design Advisor’s comments have been incorporated into the revised plans. The proposed parking area is directly overlooked by windows in the front elevations of the 5 houses proposed and external lighting can be provided as well as secured bin stores and boundary treatment. It is considered that the proposal would not have adverse impact on security and crime prevention. This accords with Policy S10 of the Joint Core Strategy and the NCC Planning Out Crime Guidance.

### **Drainage and Flooding**

- 8.11 The NPPF seeks to ensure that proposals for new development are appropriately located away from areas with a high risk of flooding and to ensure that the development does not lead to an increase in flood risk elsewhere. Policy BN7 of the Joint Core Strategy requires that new development demonstrates there is no risk of flooding to existing properties and that the development is (or can be) safe, seeking to improve existing flood risk management. The site lies within a low risk Flood Zone (Flood Zone 1 therefore localised flooding would be of minimal concern. Drainage will also be dealt with under Part H of the Building Regulations.

### **Contamination and Environmental Health issues**

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

### **Other issues**

- 8.13 Concerns over ground stability is a matter more for Building Regulations. Boundary issues are also civil matters between neighbours. There is no evidence of hazardous materials on site.

### **Conclusion**

- 8.14 To conclude, the site is in an existing residential area within the built up area of Northampton and the principle of development is therefore acceptable and contributing to the 5 year land supply. In this instance, the proposal would comply with the development plan and national policy and

subject to conditions, no harm has been identified that would significantly outweigh benefits. The proposal is considered acceptable subject to the following conditions.

## 9 CONDITIONS

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: PO1, P02, P03E, P04B, P05B, P06B, P07D.

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

- 3) Notwithstanding the submitted plans, details of all proposed external facing materials shall be first submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and to ensure that the development will harmonise with its surroundings in accordance with Policy E20 of the Northampton Local Plan and S10 of the West Northamptonshire Joint Core Strategy.

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

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

- 5) The 12 parking spaces shown on the submitted plan shall be layout and provided prior to the first occupation of the buildings hereby approved and retained thereafter.

Reason: To ensure that the proposed development does not prejudice the free flow of traffic or conditions of highway safety in accordance with the aims of the National Planning Policy Framework.

- 6) Prior to the occupation of development, full details of the method of the treatment of the external boundaries of the site including individual plot boundaries and any gates shall be submitted to and approved in writing by the Local Planning Authority, implemented prior to the first occupation of the dwellings hereby approved and retained thereafter.

Reason: To ensure that the boundaries of the site are properly treated so as to secure a satisfactory standard of development in accordance with Policy E20 of the Northampton Local Plan and H1 of the West Northamptonshire Joint Core Strategy.

- 7) 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 shall be erected to the dwellings hereby permitted.

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

- 8) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the

approval in writing of the Local Planning Authority in accordance with Condition (Q4c above – to be substituted with the correct condition number).

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

- 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 additional windows including dormers and roof windows shall be installed to the dwellings hereby permitted.

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

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

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

- 11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent order revoking and re-enacting the provisions of the order, the dwellings hereby permitted shall be used only for purposes within Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification and shall not be used as a House in Multiple Occupation.

Reason: In the interests of amenity and highway safety in accordance with Policies H1 and H5 of the West Northamptonshire Joint Core Strategy and the guidance in the National Planning Policy Framework.

- 12) Full details for the provision of six electric vehicle charging points for the dwellings as per the approved drawings shall be first submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and fully implemented prior to the development being first brought into use.

Reason: To ensure the provision of adequate facilities and in the interests of providing a sustainable development in accordance with the Northampton Parking Standards Supplementary Planning Document and the aims and objectives of the National Planning Policy Framework.

- 13) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a detailed scheme of hard and soft landscaping for the site. Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy. This is a pre-commencement condition to ensure timely submission of details.

- 14) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner, and which shall be maintained for a period of five years; such maintenance to include the replacement in the current or nearest planting season whichever is the sooner or shrubs that may die are removed or become seriously damaged or diseased with others of similar size and species.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy

- 15) Notwithstanding the approved plans, full details of facilities for the secure and covered parking of bicycles shall be first submitted to and approved in writing by the Local Planning Authority. 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 National Planning Policy Framework.

## **10 BACKGROUND PAPERS**

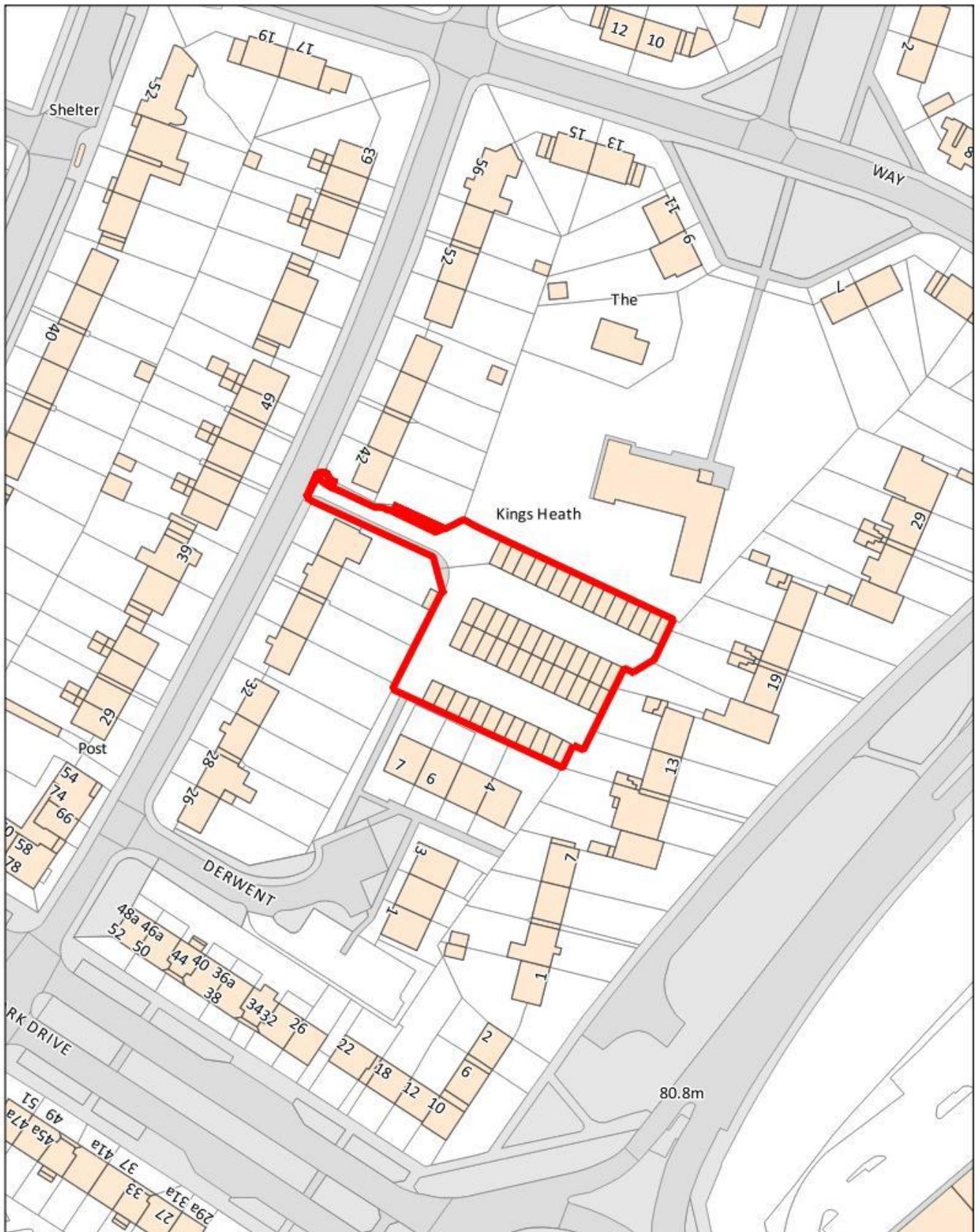
- 10.1 N/2019/1429

## **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: **L/U garages at Derwent Drive**

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Scale: 1:1,000

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