

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

**APPLICATION REF:** N/2020/0542

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

**DESCRIPTION:** Variation of Condition 2 of Planning Permission N/2018/1594 (Development of 6no new dwellings with associated parking) to amend site entrance to retain existing highway junction

**WARD:** Kings Heath Ward

**APPLICANT:** Northampton Partnership Homes  
**AGENT:** Mr Jaspal Mond

**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 has been established by the previous planning approval N/2018/1594 and the proposal would contribute towards the Council's five year housing land supply. The siting, scale, access and design are considered acceptable and would be in keeping with the character and appearance of the surrounding area, without harmful impact on neighbouring amenity, trees, crime prevention, flood risk, 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, BN3, BN7 and BN9 of the West Northamptonshire Joint Core Strategy, and Saved Policies H10 and E20 of the Northampton Local Plan.

#### **2 THE PROPOSAL**

2.1 Planning Permission was granted in March 2019 for the erection of 6 no. dwellings on site and development works have commenced. The current application seeks a variation of Condition 2 of the planning permission to amend the configuration of the site entrance from Swale Drive. The rest of the proposal remains largely unaltered, with proposed improved pedestrian access to the rest of the development.

#### **3 SITE DESCRIPTION**

- 3.1 The site consists of a parcel of land accessed off Swale Drive in Kings Heath. Part of the site was occupied by a block of 16 garages but they have since been demolished. The land lies to the rear of existing dwellings and much of this land which currently serves no purpose. The site is not near any conservation areas or listed buildings and is in a low risk Flood Zone 1. There are some trees at the front of the site close to the proposed vehicle access point off Swale Drive. The site is relatively flat in topography.

## **4 PLANNING HISTORY**

- 4.1 Planning approval was granted under N/2018/1594 for the development of 6 no. dwellings with associated parking, subject to conditions.

## **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 and Distribution of Housing Development

Policy S10 Sustainable Development Principles

Policy H1 Housing Design, Density and Mix

Policy BN3 Trees

Policy BN7 Flooding

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 Back land development

## 6.4 **Supplementary Planning Documents**

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

## 7 **CONSULTATIONS/ REPRESENTATIONS**

Comments received are summarised as follows:

- 7.1 **Northamptonshire Highways** - required vehicle tracking which is now considered to be acceptable, amended plans meets Highway standards and a large refuse vehicle can egress the site in forward gear. Recommend a suitably worded planning condition to ensure that the development is laid out and constructed as per approved plans.
- 7.2 **Northamptonshire Police** - no objection to make.
- 7.3 **Public Protection (NBC)** - no comments to make.
- 7.4 **Tree Officer (NBC)** - No objection as no impact on any protected trees and agreed to principle of new planting to accord with objectors' wishes and in interests of visual amenity.
- 7.5 12 neighbour objections received and summarised as follows:
- Loss of parking/ lack of allocated parking spaces
  - Access concerns/ very tight
  - Impact on trees
  - Refuse and design concerns
  - Should be obliged to revert to previous planning permission
  - Impact on local residents' health and amenity
  - Loss of green / open space/ amenity land
  - Increase in construction traffic and disturbance/ noise
  - Consultation concerns
  - Concerns with developer and their approach
  - Security concerns

## 8 **APPRAISAL**

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

### **Principle of residential development**

- 8.2 The site is located within an established residential area and comprises previously developed land. In addition, the principle of development has already been established by the previous approval N/2018/1594 for 6 similar dwellings. The principle of development is considered to be acceptable.

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

- 8.3 Saved Policy E20 of the Northampton Local Plan and Policies S10 and 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.

- 8.4 In terms of the street scene, much of the site is set well back from Swale Drive and being located behind the existing built form, the properties would not appear unduly prominent. The proposed design and general appearance have not changed since the last approval and are in keeping with the area which consists of a relative mix of house types and designs. Any approval would also be subject to a materials condition to comply with the agreed brick and roof tiles specifications agreed under the previous planning permission.

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

- 8.5 The application site is surrounded by residential properties on all sides. Plots 1 to 3 would be located in close relationship with no.96 Swale Drive. There would be some degree of overlooking from the first floor rear windows from these dwellings to the rear garden of no.96, however, it is not considered that the degree would be so significant to warrant a refusal of the application. Plot 4 is a bungalow and has a separation distance of approximately 16m from the rear of the properties to the west. A separation distance of 9.5m would be maintained with no.28 Swale Drive. Plots 5 and 6 would have an acceptable relationship with the dwellings to the east and west. Overall, the relationship and separation with adjacent properties are considered acceptable and there would be no undue harmful impact in the locality.

#### **Amenity of future occupiers**

- 8.6 All properties would be served by adequate light and outlook and private amenity spaces providing an acceptable level of residential amenity. Bin storage can be secured by condition to accord with Policy H1 of the Joint Core Strategy. All gardens would be of reasonable size in relation to the size of the properties proposed and number of bedrooms.

#### **Parking and Highways**

- 8.7 22 off street parking spaces would be provided which is the same number as the approved development and are considered adequate to serve the proposed new dwellings as well as some of the existing properties in the area. 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 Local Highway Authority are satisfied with the amended layout which accords with their guidance and planning policy. The highway impact is not considered severe and complies with the NPPF. The site is also close to 2 bus stops within 430 metres of the site, only 5 minutes walking distance away.

#### **Security and Crime Prevention**

- 8.8 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 considers that the proposal is acceptable raising no objections. Conditions for boundary treatment and lighting are recommended as before (see below).

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

- 8.9 The Council’s Environmental Health Officers recommended on the previous extant permission 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.

#### **Impact on Trees and Landscaping**

- 8.10 The NBC Tree Officer raises no concern to impact on any trees. The applicant agrees to some replacement planting to address the concerns over trees that have been earmarked for removal close to the front of the site. This would be secured by condition.

### **Development and Flood Risk**

- 8.11 It is noted that the site is in a low risk flood zone where flooding is unlikely to pose a significant concern. The applicant intends to dispose of surface water drainage via a soakaway and mains sewer. Precise drainage would also be dealt with under Part H of the Building Regulations. As such, it is not considered the proposal would lead to any unacceptable impacts in respect of surface water drainage in accordance with Policy BN7 of the Joint Core Strategy and aims of the NPPF.

## **9 CONCLUSION**

- 9.1 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.

## **10 CONDITIONS**

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: P01, P03F, P04, P05A, P10, P011H.

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

- 2) The approved brick used shall be Park Royal and roof materials Marelly Smooth as confirmed in writing with the applicant following the grant of planning permission N/2018/1594.

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.

- 3) The bin storage areas 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

- 4) The 22 off road parking spaces shown on the submitted plan shall be constructed 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.

- 5) 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. The applicant shall also provide full details of additional planting to compensate for the removal of the tree on the open space at the front of the site close to Swale Drive which shall be planted prior to completion of the approved development. This shall include details of the proposed recommended tree species (Hornbeam), its siting and confirmation of the intended date of planting in writing.

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.

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 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 or outbuildings 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.

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 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) Notwithstanding the submitted details, full details of the proposed locked access gates between nos. 50 and 52 Swale Drive 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) 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.

12) Full details of one electric vehicle charging point for the dwellings hereby approved 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 Northampton Parking Standards SPD.

13) 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.

### **NOTE TO APPLICANT**

The applicant is advised that they must apply for a Vehicle Crossover License

## **11 BACKGROUND PAPERS**

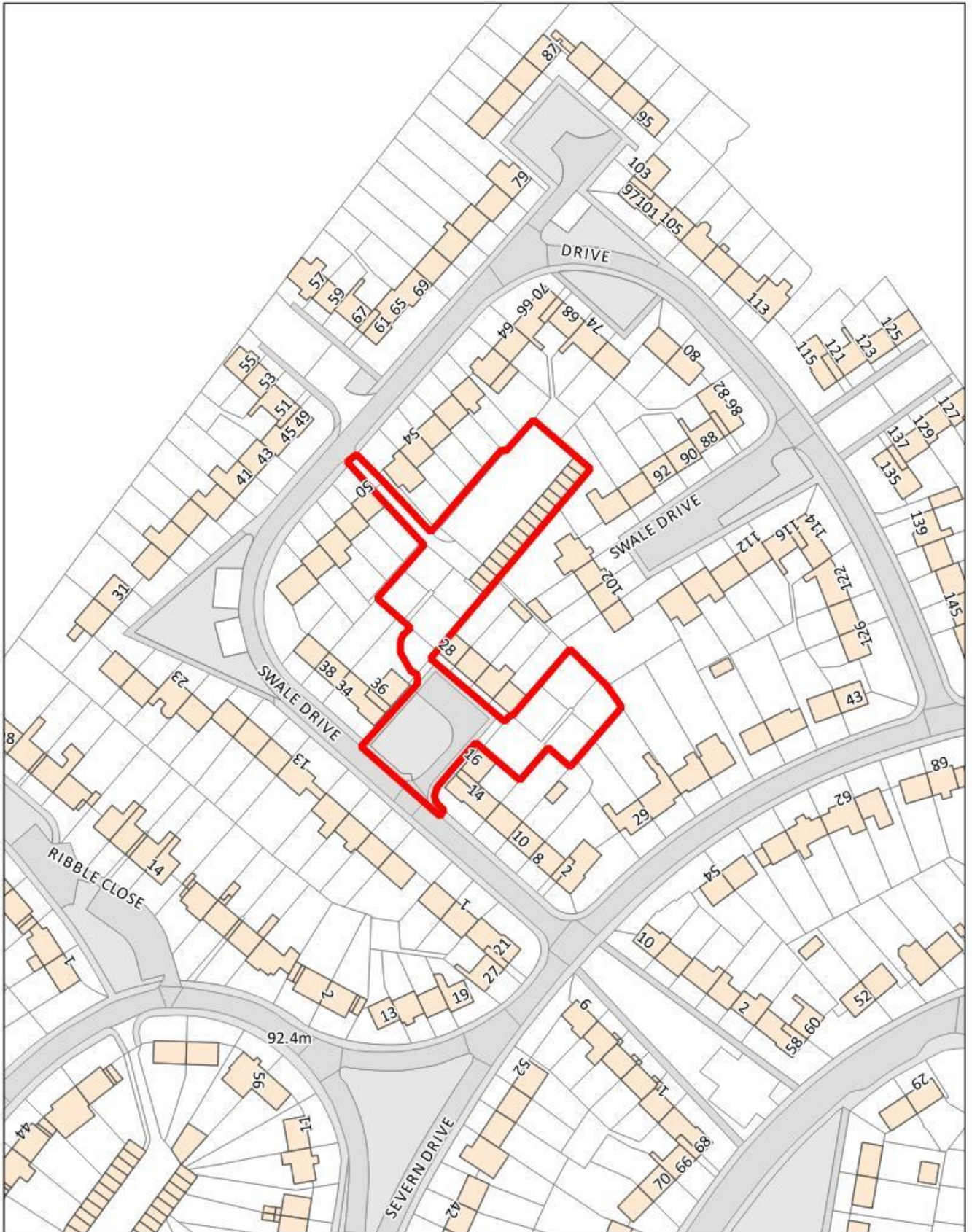
11.1 N/2018/1594 and N/2020/0542.

## **12 LEGAL IMPLICATIONS**

12.1 The development is CIL liable as it relates to creation of more than one dwelling.

## **13 SUMMARY AND LINKS TO CORPORATE PLAN**

13.1 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 Swale Drive**

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Scale: 1:1,250

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