

PLANNING COMMITTEE: 7th May 2019
DEPARTMENT: Planning Service
HEAD OF PLANNING: Peter Baguley

APPLICATION REF: N/2019/0031

LOCATION: Land adjacent to 150 Maidencastle

DESCRIPTION: Demolition of 10no domestic garages and construction of 3no new build dwellings

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, S3, S10, H1, and BN9 of the West Northamptonshire Joint Core Strategy, and Saved Policy E20 of the Northampton Local Plan.

2 THE PROPOSAL

2.1 The application seeks full planning permission for the demolition of ten existing garages and the erection of a terrace of three new dwellings with associated parking.

2.2 Each dwelling would have a width of 4.8 metres and a depth of 7.65 metres. The proposed dwellings are located on a sloping site and the ridge line is stepped to accommodate this. The maximum ridge height of the dwellings is 7.8 metres.

2.3 The application includes the creation of 7 parking spaces, 3 provided for the new dwellings and 4 parking spaces for existing residents and visitors.

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 northern side of Maidencastle and comprises a row of 10 garages alongside open parking for approximately 7 vehicles. There is a change in levels, with site levels dropping to the west.

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 S3 – Scale and Distribution of Housing 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 on contaminated land, vehicle charging points, and boilers, and an informative on construction noise.
- 6.2 **Northamptonshire Police** – No formal objection. Recommend sheds moved away from boundary lines as they can be used as point of entry. Sheds should have no windows and be secured with a solid secure silver rated hasp/staple and padlock. The rear fence line should be heightened by the use of a flimsy trellis topping. The planting adjacent the fence should be defensive in nature. All new doors and windows should be Building Regulations compliant.
- 6.3 **NBC Arboricultural Officer** - 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 (verbal).
- 6.4 **NCC Highways** – No objection to amended scheme. Advised that section of land to front of house by parking spaces should be either verge or pavement. (*Officer Comment: Following these comments the application has been amended to alter this section of land to verge*).
- 6.5 2 neighbour letters have been received, one of observation and one objection. The concerns raised can be summarised as follows:
- Site is used for parking and there is not enough parking spaces for nearby residents – question where people will park.
 - Noise from development would disrupt and be stressful for neighbours.
 - Dwellings would overlook and result in a loss of privacy to neighbouring properties.
 - Loss of view of basketball courts from neighbouring properties – can't keep eye on their children from property.

7 APPRAISAL

Principle of development

- 7.1 The application site is in a residential area within the urban area of Northampton and therefore development of the site for residential purposes is acceptable in principle under Policy S1 of the Joint Core Strategy.
- 7.2 It is also the case that the Council cannot presently demonstrate a five year housing land supply. Therefore, in accordance with the presumption in favour of sustainable development in Paragraph 11 of the NPPF, development should be permitted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The development of the site for housing would contribute, albeit on a small scale, towards the Council's housing supply with associated social and economic benefits and this therefore weighs in favour of the proposal.

Design

- 7.3 Saved Policy E20 of the Northampton Local Plan and Policy H1 of the Joint Core Strategy place great importance on the quality of design of new developments and is in conformity with the NPPF which advises that planning should always seek to secure high quality design. The application site comprises a garage court set in the middle of a residential estate and would comprise the re-use of brownfield land, which is encouraged under the NPPF.
- 7.4 The proposed row of terraces would be positioned fronting Maidencastle and stepped to accommodate the changing site levels. A proposed street scene plan has been provided which

demonstrates that the new dwellings would be set below the existing dwellings to the east. The section of Maidencastle within which this application falls is characterised by rows of terraces with stepping ridge lines and gable ends. The proposed row of terraces conforms with this existing characteristic and as such is considered acceptable in design terms.

Amenity

- 7.5 Saved Policy E20 of the Northampton Local Plan, Policy H1 of the Joint Core Strategy and the NPPF all seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 7.6 The application site is bordered by the side elevation of 150 Maidencastle to the east, and the rear elevations of 141 – 149 Maidencastle to the west. To the north is an open space multi sports ball area and to the south is the street of Maidencastle.
- 7.7 With regards to 150 Maidencastle, the submitted plans indicate that the front elevation of the proposed terrace row would be positioned further to the north than the terrace row within which 150 Maidencastle falls. In line with this, the rear elevation of the proposed terrace row would project past the rear elevation of 150 Maidencastle. Whilst projecting past the rear elevation of this neighbouring property, a separation distance of over 5 metres is retained between the side wall of 150 Maidencastle and the proposed terrace row, and 150 Maidencastle is set higher due to changing land levels. This separation, alongside the changing land levels, ensures that the proposed row would not result in unacceptable loss of light or overshadowing, or appear unacceptably overbearing, to the occupiers of no. 150. Whilst the proposal would include one window at ground floor level facing east, this would not result in a loss of privacy due to existing boundary screening in place.
- 7.8 With regards to 141-149 Maidencastle to the west, a separation distance in excess of 21 metres is retained between the side elevation of the terrace row and the rear elevations of 141-149 Maidencastle. With the provision of this separation distance, it is not considered that the proposal would have an unacceptable impact upon the neighbouring amenity of 141-149 Maidencastle. One window is proposed at ground floor on the western elevation facing the rear elevations of 141-149 Maidencastle. Whilst facing these properties, the proposed window offers views over the car parking and road and then towards the boundary fencing of properties at 141-149 Maidencastle. With the window not offering a direct view into neighbouring properties and being set approximately 15 metres from the boundary fences, it is not considered that this window would result in overlooking of neighbouring properties.
- 7.9 Concern was also raised within a neighbour letter that the proposal would result in unacceptable noise impact upon neighbouring properties. The proposal is for three residential dwellings and as such any noise would be of a domestic nature. It is not considered that the introduction of three dwellings 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.
- 7.10 In line with the above, it is considered that the proposal would not have an unacceptable impact upon neighbouring amenity.
- 7.11 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

- 7.12 The Northamptonshire County Council Parking Standards seek 1 on plot parking space per dwelling for 1 bedroom properties. The proposal provides 3 1xbedroom properties, and 7 parking spaces. 3 parking spaces are to be allocated to the proposed dwellings, and 4 parking spaces

provided for communal parking by existing residents and visitors. The proposal also provides 1 shed per property, which could be used for bicycle storage.

- 7.13 The application site as existing provides 10 garages and 7 outside parking spaces. The existing garages are not to a size that could be counted as providing existing parking spaces for the site, and as such the existing parking provision on the site must be assessed as 7. The proposal provides 4 unallocated replacement parking spaces, a net decrease of 3 parking spaces.
- 7.14 Northamptonshire County Council Highways Department have been consulted on this application have raised no objection. In line with this, it is considered that the proposal would not have an unacceptable impact upon parking or highway safety.

Other considerations

- 7.15 The Council's Environmental Health Officer recommends a condition to address unexpected ground contamination should planning permission be forthcoming.
- 7.16 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 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.
- 7.17 The Northamptonshire Police raised no formal objection to the scheme, however it was recommended that the proposed sheds be moved away from the boundary, have no windows, and are secured with solid secure silver rated hasp/staple and padlock. Details on the proposed sheds are recommended through condition. It was also suggested that the boundary fence have a flimsy trellis topping, and again details on the boundary treatment is requested through condition. An informative is suggested advising of the Northamptonshire Police comments on security.
- 7.18 The Arboricultural Officer raises no objection to the proposal subject to compliance with the recommendations of the Tree Survey and Arboricultural Impact Assessment Report. This will be conditioned.

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 Rev A, (P)06 Rev C.

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 dwellings 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 dwellings 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. All planting, seeding or turfing shown on approved drawing numbers (P)03 Rev C and SCH-002 shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner, and which shall be maintained for a period of five years; such maintenance to include the replacement in the current or nearest planting season whichever is the sooner or shrubs that may die are removed or become seriously damaged or diseased with others of similar size and species.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policies H1 and S10 of the West Northamptonshire Joint Core Strategy.

7. The new parking spaces shown on approved plan (P)03 Rev C 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.

8. Prior to first occupation of the dwellings 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 dwellings 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 window shall be installed at first floor level in the side elevations (east and west) of the proposed development.

Reason: To safeguard the privacy of adjoining properties in accordance with Policy H1 of the West Northamptonshire Joint Core Strategy.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions or roof alteration/enlargement shall be erected to the dwellings 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.

11. The development hereby approved shall be undertaken in full accordance with the findings of the 'Tree Survey and Arboricultural Impact Assessment Report' 18101_3_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 BACKGROUND PAPER

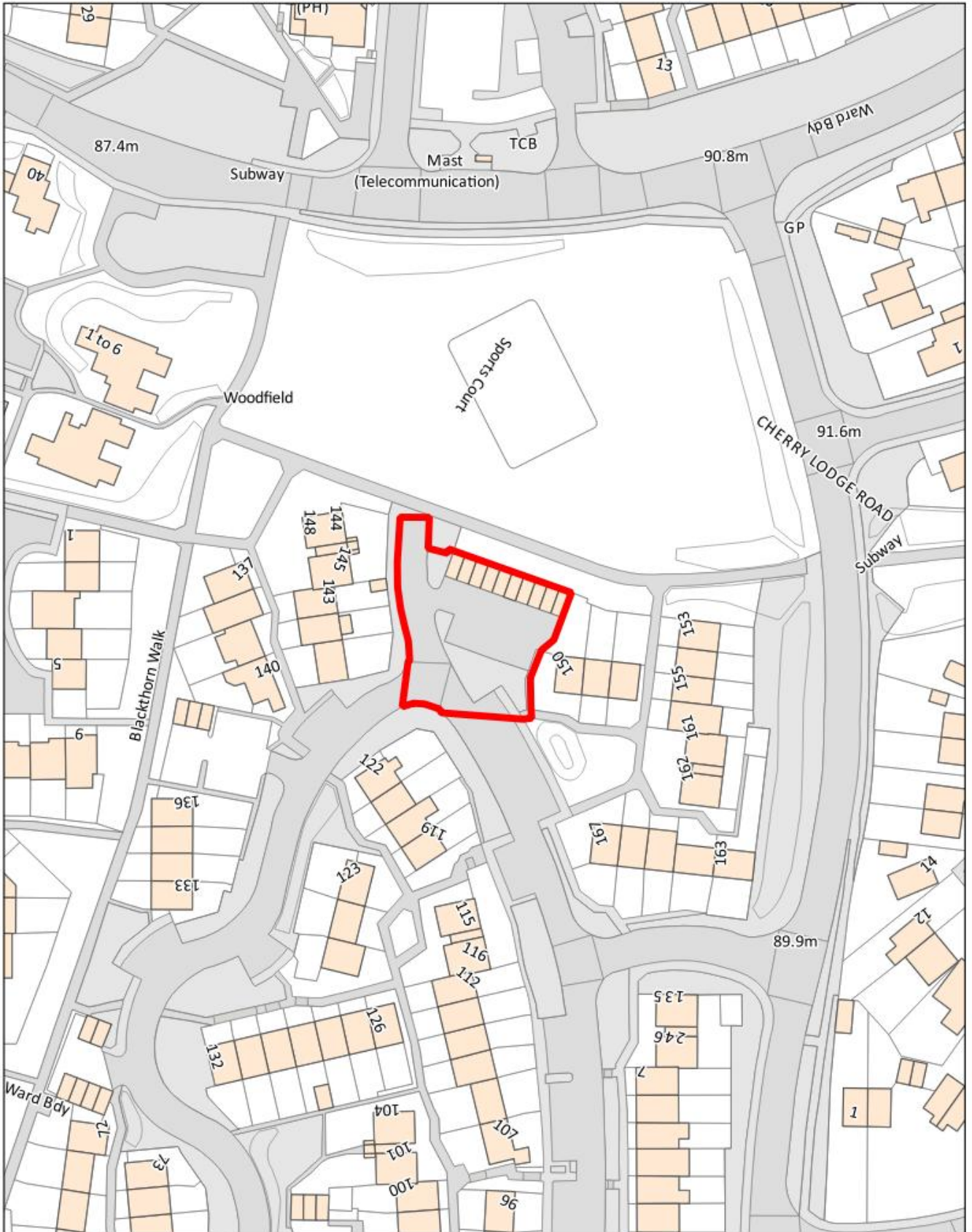
- 10.1 N/2019/0031.

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: **Land adjacent to 150 Maidencastle**

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Date: 24-04-2019

Scale: 1:1,000

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