

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

APPLICATION REF: N/2019/0143

LOCATION: Lock up garages adjacent to 8 Overleys Court

DESCRIPTION: Demolition of 4no domestic garages and erection of 1no new build bungalow

WARD: Talavera 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 four existing garages and the erection of a bungalow with associated parking. During the course of the application the design of the bungalow has been amended from a hipped roof to a pitched roof with gable ends to the north and south. The proposed bungalow has also been re-positioned slightly to the west to overcome NCC Highway concerns through the provision of a footpath, and a footpath has been retained to the south of the site in response to neighbour concerns.
- 2.2 The proposed bungalow would have a width of 9 metres, a depth of 8.7 metres and a height of 4.9 metres.

- 2.3 The application includes the creation of 4 parking spaces, 1 provided for the new dwelling and 3 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 western side of Overleys Court and comprises a row of four garages alongside open parking for approximately 5 vehicles.

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

6 CONSULTATIONS/ REPRESENTATIONS

Comments received are summarised as follows:

- 6.1 **NBC Public Protection** – No objection – suggest conditions relating to contamination, low emissions, and construction noise.
- 6.2 **Northamptonshire Police** – No objection. The following recommendations will reduce opportunities for crime: the rear fence line should be trellis topped to reduce opportunities for climbing; the shed should be moved away from the side boundary where it might be used as a climbing aid; the shed should have no windows and be secured with either a 5 lever mortice lock or a solid secure silver standard hasp, staple and padlock; all doors and windows meeting the requirements of Building Regulations should be 3rd party accredited products.
- 6.3 **NCC Highways** – Observation that the footway needs to extend across the front of the parking spaces (*Following these comments the plans have been amended to include this*).
- 6.4 15 neighbour letters have been received, 9 of these being from two properties, objecting to the application. The comments received can be summarised as follows:
- Parking layout unclear and request context on plans.
 - Question how parking spaces can be accessed.
 - Existing parking issues in area – proposal results in reduction in parking.
 - Loss of access to garden gates, side of properties, rear of properties.
 - Loss of turning head for refuse lorry and emergency vehicles.
 - Construction works will take up few parking spaces available.
 - Impact on people working night shifts from construction work (*This is not a material planning consideration*).
 - Planning application causes anxiety to people (*This is not a material planning consideration*).
 - Devalues neighbouring properties (*This is not a material planning consideration*).
 - Request loss of mound outside application site (*This is not a material planning consideration in the assessment of this application*).

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 garages 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 detached bungalow would be positioned to the end of an existing terrace row which is characterised by two and three storey elements. Whilst the proposal is for a bungalow, which is not characteristic of the area, it is considered that the proposed bungalow would be suitable for this constrained site. The proposed bungalow utilises a pitched roof to complement the existing terrace row to which it would fall adjacent. In line with this, it is considered that the proposed dwelling would be 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 rear elevations 13-16 Overleys Court to the north, and the side elevation of 8 Overleys Court to the south. To the west is Goldings Road, and to the east is Overleys Court.
- 7.7 The proposal is for a single storey bungalow, positioned 13.5 metres from the rear elevations of 13-16 Overleys Court. With the proposal being single storey, and a sufficient separation distance being retained, it is not considered that there would be an unacceptable impact upon the amenity of neighbouring properties to the north. The proposed bungalow falls in line with the front and rear elevations of 8 Overleys Court to the south, and as such there would not be an unacceptable impact upon the neighbouring amenity of this property.
- 7.8 The proposed bungalow includes windows within the northern and southern elevations. Whilst facing neighbouring properties, adequate boundary screening would ensure that these windows do not have a view into neighbouring properties. A condition is recommended requiring details on boundary treatments.
- 7.9 It is also the case that the proposed dwelling is provided with good sized rooms with adequate light for future occupiers, alongside sufficient garden amenity space. As such it is considered that adequate living conditions for future occupiers are provided.

Parking and highway safety

- 7.10 The Northamptonshire County Council Parking Standards seek 1 on plot parking spaces for 1 bedroom properties. The proposal provides 4 parking spaces. 1 parking space is to be allocated to the proposed dwelling, and 3 parking spaces provided for communal parking by existing residents and visitors. The proposal also provides 1 shed which could be used for bicycle storage.
- 7.11 The application site as existing provides 4 garages and 5 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 5. The proposal provides 3 unallocated replacement parking spaces and as such there would be a reduction in parking provision of 2 parking spaces.
- 7.12 Northamptonshire County Council Highways department have been consulted on this application and no objection to the reduction in parking has been received. Whilst neighbour letters raise concern that the car park is often full, it is the case that there are no on street parking restrictions and further garage courts are available in the area. With no highway objection to the scheme, the proposed reduction in parking provision on this site must be considered acceptable in highway safety terms.
- 7.13 Concern was raised in a neighbour letter that the proposal would result in the loss of the turning head for refuse lorry and emergency vehicles and that the parking spaces may not be accessible.

Northamptonshire County Council Highways department have been consulted on the application and have not raised any concerns with the proposal other than an observation that the footway should be continued in front of the parking spaces, which the plans have been amended to provide. As such it must be considered that the development would not have an unacceptable impact upon refuse lorry and emergency vehicle turning abilities over that current.

Other considerations

- 7.14 The Council's Environmental Health Officer recommends a condition to address unexpected ground contamination should planning permission be forthcoming.
- 7.15 In addition, the Environmental Health Officer suggests the inclusion of advisory notes relating to electric vehicle charging points, boilers, and construction hours. Given the parking arrangements and scale of the development, it is considered that it would not be reasonable to seek such charging points in this instance. In addition, matters relating to the energy efficiency of buildings are addressed under the Building Regulations and the site is not in an air quality management area such that it is not considered that it would be reasonable to condition the boiler to be installed in the new property. 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.
- 7.16 The Northamptonshire Police raised no formal objection to the scheme, however it was recommended that the proposed rear boundary fence have additional trellis topping, the shed be secure, and doors and windows should reach Building Regulation standards. A condition is attached requiring details of boundary fencing and the shed, and an informative is suggested advising of the Northamptonshire Police comments on security.
- 7.17 A neighbour letter raised concern that emergency services would no longer be able to access the rear of the neighbouring dwellings, and to the loss of rear access points. The submitted plans include a footpath along the northern edge of the site to allow the retention of access to these gates. Concern was also raised as to the loss of access to the side elevation of no. 8 Overleys Court for maintenance. The requirement for maintenance access would be a private matter for discussion between the applicant and occupier of no. 8 Overleys Court. The proposed plans have been amended to retain a footpath to the southern side of the site to allow continued access to the side gate at no. 8 Overleys Court.
- 7.18 A neighbour letter raised concern that construction traffic would take up all the available parking during construction works. The temporary reduction in parking during construction works is not a material planning consideration in the assessment of this application. Concern was also raised within a neighbour letter that the construction works would impact upon neighbours who work night shifts. The temporary disturbance during construction works is not a material planning consideration in the assessment of this planning application.
- 7.19 A neighbour letter raised concerns that the submitted plans were unclear and more context was needed. It is considered that the submitted plans provide a full and accurate demonstration of what is proposed on site and that no further plans are required to make a full assessment of the proposal.

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, albeit on a small scale, 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 A, (P)02 Rev A, (P)03 Rev E, (P)04, (P)05 Rev B, (P)06 Rev D.

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

3. No development shall take place until a desktop study, including a site walkover, in respect of possible contaminants within the site is completed and the need for a site investigation is determined. The scope and methodology of the desk top study and the site investigation report shall be submitted to the Local Planning Authority for approval.

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. Any site investigation found to be required under Contaminated Land Condition 3 shall be carried out and the results shall be used to produce a method statement for any remedial works (and a phasing programme), which shall be submitted to the Local Planning Authority for approval.

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.

5. All remedial works found to be required under Contaminated Land Condition 4 shall be fully implemented in accordance with the approved method statement and phasing programme. Confirmation of the full implementation of the scheme and validation report(s) shall be submitted to the Local Planning Authority within 2 weeks of completion (or within 2 weeks of completion of each respective phase).

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.

6. 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 in accordance with the requirements of Condition 4 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Contaminated Land Condition 4, 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 Contaminated Land Condition 5.

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.

7. Prior to the construction of the new dwelling hereby approved above ground floor slab level, details of all proposed external facing materials shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity in accordance with Policy H1 of the West Northamptonshire Joint Core Strategy.

8. Notwithstanding the submitted details, prior to the construction of the new dwelling hereby approved above ground floor slab level, full details of the method of the treatment of the external boundaries of the site together with any other means of enclosure to be erected within the site shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the occupation of the new dwelling 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.

9. All planting, seeding or turfing shown on approved drawing numbers (P)03 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.

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

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

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

Reason: In the interests of residential amenity and to prevent overdevelopment of the site in accordance with Policy E20 of the Northampton Local Plan and Policy H1 of the West Northamptonshire Joint Core Strategy.

12. The new parking spaces shown on approved plan (P)03 Rev D 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.

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

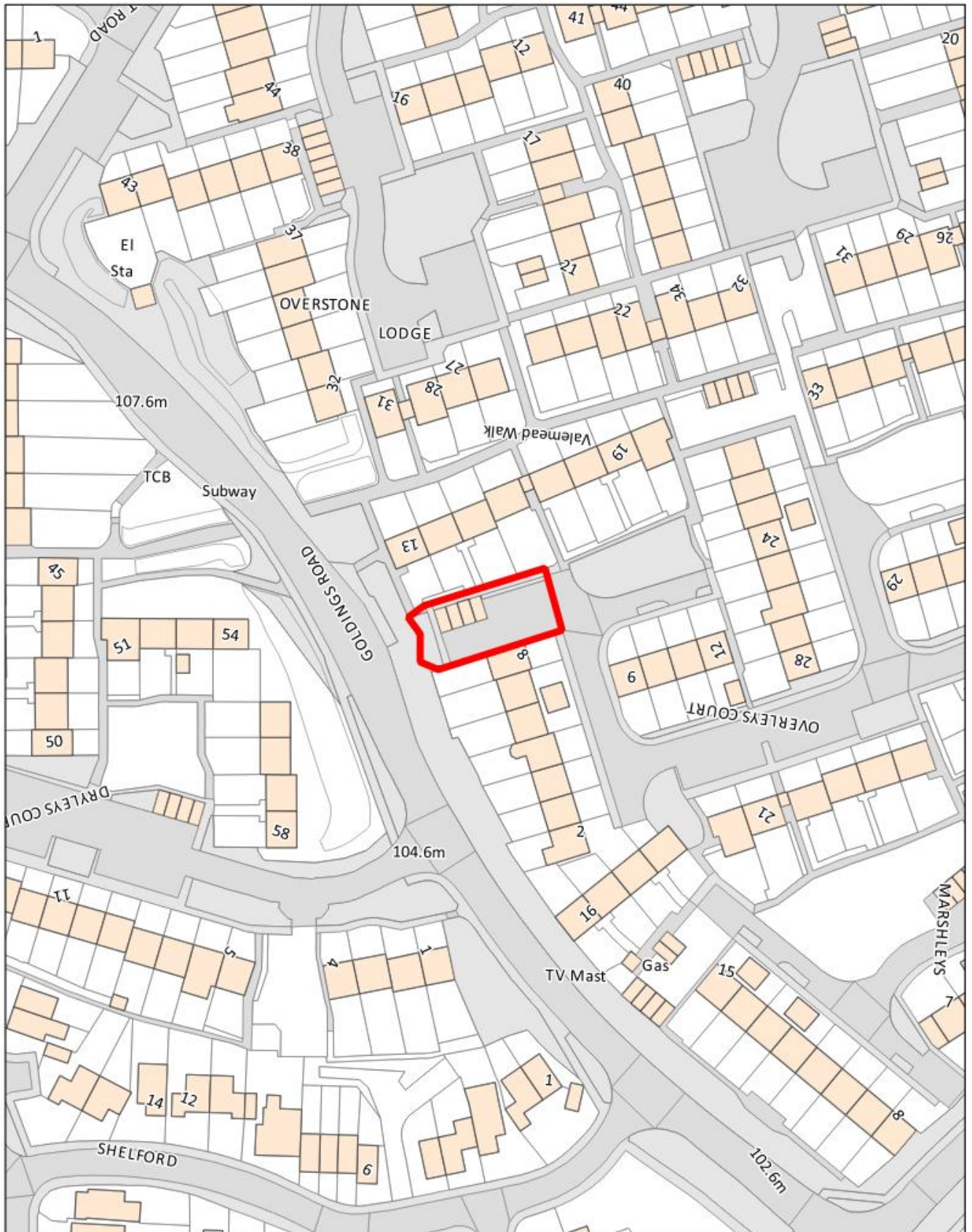
10.1 N/2019/0143.

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: **Lock up garages at Overleys Court**

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Scale: 1:1,000

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