

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

APPLICATION REF: N/2019/0201

LOCATION: Lock Up Garages, Marshleys 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 disused garages and the erection of a bungalow with associated parking. The proposed bungalow would have a width of 9.2 metres, a depth of 9 metres and a height of 4.8 metres.

3 SITE DESCRIPTION

3.1 The application site comprises a derelict garage court that is located within a residential area. The site is located on the northern side of Marshleys Court and comprises a row of four garages, all of which are boarded up.

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 relating to contamination, low emissions, and construction noise.

- 6.2 **NBC Arboricultural Officer** – No objection – protective fencing and ground protection measures on tree removal and protection plan should be implemented on site.
- 6.3 **NCC Highways** – Observation that as site is adjacent a footpath a solid barrier should be provided (not planting) such as a low wall, to prevent doors opening onto the footpath.
- 6.4 **Northamptonshire Police** – No objection – recommend car parking is under surveillance from living room, all new doors and windows comply with ADQ of Building Regulations and shed is of solid construction, fence topped with trellis topping.
- 6.5 1 neighbour letter has been received objecting to the application and expressing concerns about parking issues in area.

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 behind two storey terraced properties facing Leyside Court (east) and Overleys Court (north). Opposite the site on Marshleys Court is a further terrace row of two storey properties. To the west is green space. 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 hipped roof to minimise the impact upon the street scene. 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 gardens of residential properties to the north and east. A distance of approximately 16 metres is retained between the proposed bungalow and the rear elevation of both 28 Leyside Court to the east, and 25 Overleys Court to the north. It is considered that this separation distance, alongside the use of a bungalow with a hipped roof, ensures that the proposal would not result in an unacceptable loss of light, overshadowing, loss of privacy or appear overbearing to neighbouring properties.

- 7.7 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

- 7.8 The Northamptonshire County Council Parking Standards seek 1 on plot parking spaces for 1 bedroom properties. The proposal provides 2 parking spaces for the proposed bungalow.
- 7.9 The application site as existing provides 4 derelict garages. 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 nil.
- 7.10 Northamptonshire County Council Highways department have been consulted on this application and raise no objection. Whilst neighbour letters raise concerns with parking issues in the area, it is not considered that the loss of 4 derelict garages and the provision of a bungalow with parking will impact upon this.
- 7.11 Northamptonshire County Council Highways department raised an observation that a low wall should be provided between the proposed parking spaces and the footpath. The submitted plans have been amended to include a 1.1 metre high boundary wall adjacent the footpath to overcome Highway concerns.

Other considerations

- 7.12 The Council's Environmental Health Officer recommends a condition to address unexpected ground contamination should planning permission be forthcoming.
- 7.13 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.
- 7.14 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 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. Northamptonshire Police also suggested re-configuring the internal layout to allow a side window overlooking the car parking. Whilst the proposal does not include a window overlooking the proposed car parking, this is not considered to amount to reason for refusal for the application.

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)02, (P)03 Rev B, (P)04, (P)05, (P)06 Rev A.

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 in writing 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 that risks from land contamination to the future users of the development and neighbouring land are minimised.

4. 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.

5. 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.

6. All planting, seeding or turfing shown on approved drawing numbers (P)03 Rev A 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. 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 S10 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 arboricultural control measures specified within the Tree Survey and Arboricultural Impact Assessment Report by MacIntyre Trees Arboricultural Consultancy reference 18104.1_Fv1 and Tree Removal and Protection Plan 18104.1 Drawing 2 shall be implemented on site prior to any demolition or building works commencing on site and shall be retained on site at all times throughout the development.

Reason: To prevent harm to the retained trees in accordance with BN3 of the West Northamptonshire Joint Core Strategy.

INFORMATIVE

1. 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

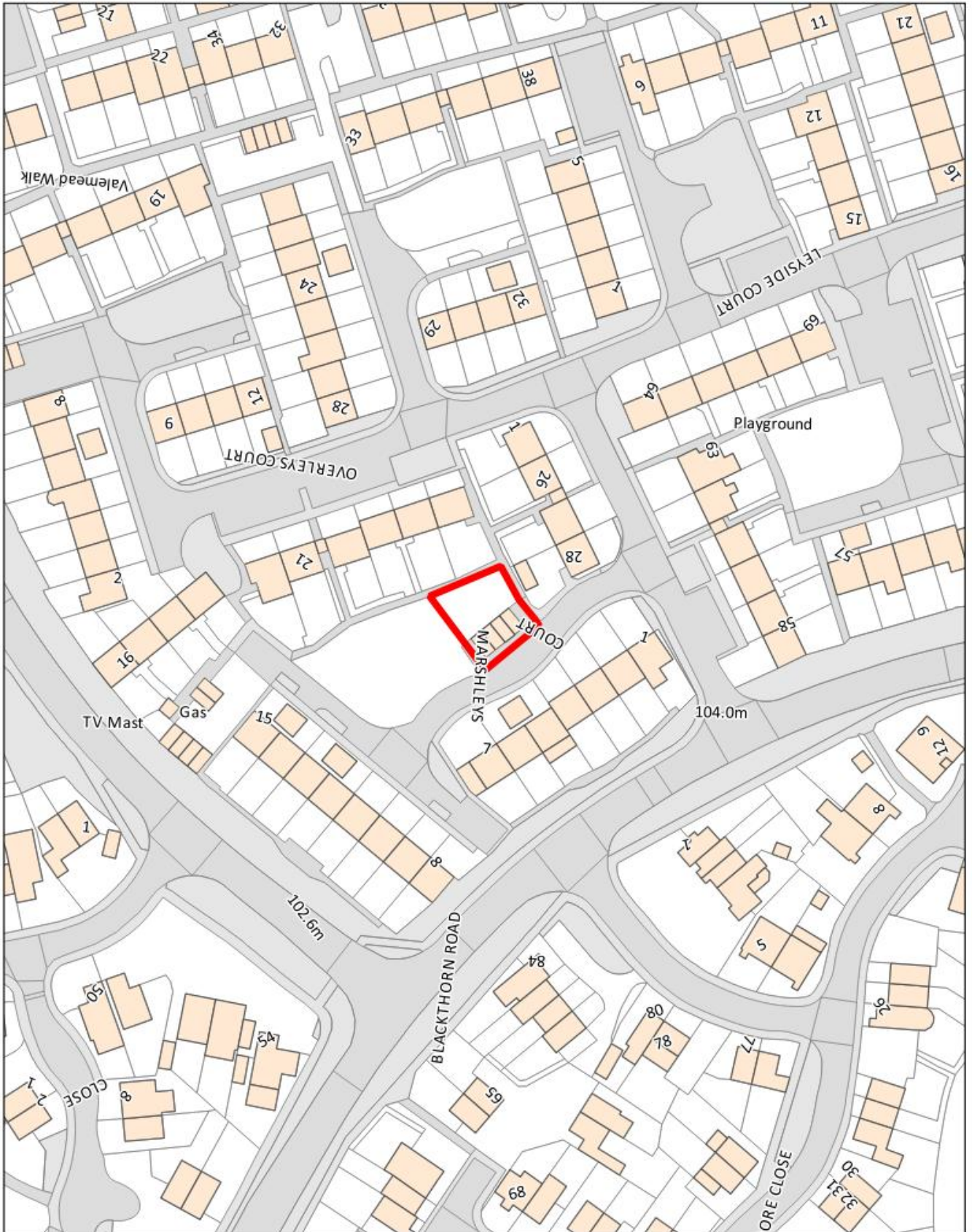
- 10.1 N/2019/0201.

11 LEGAL IMPLICATIONS

- 11.1 The development is CIL liable.

12 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, Marshleys Court**

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Date: 24-04-2019

Scale: 1:1,000

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