

**PLANNING COMMITTEE:** 2<sup>nd</sup> July 2019  
**DEPARTMENT:** Planning Service  
**HEAD OF PLANNING:** Peter Baguley

**APPLICATION REF:** N/2019/0319

**LOCATION:** Lock Up Garages, Thyme Court

**DESCRIPTION:** Demolition of 7no domestic lock up garages and erection of 2no new dwellings with associated parking

**WARD:** Brookside Ward

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

**REFERRED BY:** Head of Planning  
**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 new dwellings is acceptable in a residential area and would contribute towards the Council's five year housing land supply. The proposal would have an acceptable impact upon the character and appearance of the surrounding area, neighbouring amenity and highway safety. The proposed development complies with the requirements of the National Planning Policy Framework, Policies S1, S10, H1, and BN9 of the West Northamptonshire Joint Core Strategy, and Saved Policy E20 of the Northampton Local Plan and Policies H1, H2, DES1 and OS2 of the Growing Together Neighbourhood Plan.

### **2 THE PROPOSAL**

2.1 The application seeks full planning permission for the demolition of seven existing garages and erection of two new dwellings with associated parking.

2.2 The proposed dwellings would comprise semi-detached three bed properties with gabled roofs. Each dwelling would 5.9 metres in width, 9 metres in depth and 8 metres in height.

- 2.3 The new dwellings would be located on the site of 7 existing garages and 7 existing hard surfaced parking spaces and the application site would include 22 hard surfaced parking spaces, 15 of which would be new parking spaces.

### **3 SITE DESCRIPTION**

- 3.1 The application site is located in a residential area and comprises part of the verge along Penistone Road and Thyme Court, a small road containing seven parking bays with a turning head and a garage court with seven garages and seven hard surfaced parking spaces. Informal parking currently takes place in the turning head, adjacent to the access to the garage court and on the verge along Penistone Road. Properties in the locality predominantly comprise two storey terraced dwellings with gabled roof forms and first floor cladding.

### **4 PLANNING HISTORY**

- 4.1 None relevant.

### **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, and the Growing Together Neighbourhood Plan (2017).

#### **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 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 policies material to this application:

Policy E20 - New development

## 5.5 **Supplementary Planning Documents**

Northamptonshire Parking Standards (September 2016)  
Planning out Crime in Northamptonshire SPG 2004

## 5.6 **Other Material Considerations**

### Growing Together Neighbourhood Plan

The Growing Together Neighbourhood Plan (Covering Blackthorn, Goldings, Lings and Lumbertubs) was made in April 2017, and now forms part of the development plan for Northampton. The following policies are relevant to the determination of this proposal:

Policy H1: Housing mix.

Policy H2: Small-scale housing development.

Policy DES1: High Quality Design

Policy OS2: Outdoor Amenity Space

## 6 **CONSULTATIONS/ REPRESENTATIONS**

Comments received are summarised as follows:

- 6.1 **Environmental Public Protection (NBC)** – No objections subject to conditions to require a noise assessment due to the close proximity to Lumbertubs Way, address unexpected contamination, and seek mitigation measures to accord with the Council's Low Emission Strategy. In addition, an advice note relating to construction noise is recommended.
- 6.2 **Highway Authority (NCC)** – No objections subject to the extension of the lay-by on Penistone Road and the re-arrangement of parking within Thyme Court.
- 6.3 **Crime Prevention Design Officer** – Although these houses are orientated to face onto other houses across a green space and are in line with houses to the side of them the way they are facing means that they back onto the road and none of the proposed car parking is under observation from within the house. If they were turned around then car parking associated with the dwelling would be under supervision and they would address the street as per the SPG on Planning out Crime. Whichever way the dwellings face, the fencing should be supplemented with a trellis top to reduce climbing opportunities and the sheds should be of solid construction with no window and have a secure lock. All new doors and windows should comply with ADQ of Building Regulations and be 3rd party accredited.
- 6.4 **Twenty letters of objection** have been received from neighbouring residents. The letters include the following points:
- The proposal would worsen existing parking issues and would not benefit local residents
  - The scheme would result in the loss of informal parking and fewer parking options than is presently available.
  - There is a high level of car ownership in the local area.
  - Development will result in dangerous parking along the road and disruption to the bus route; the new parking spaces would not be safe or convenient.
  - There is no allowance for motorbike storage which currently takes place in the garages.
  - All of the existing garages are in use.
  - Some of the garages are used for storage purposes.
  - Vehicles regularly park on the grass.
  - Residents often have to park in other courts several 100 metres away.
  - Loss of parking spaces will affect residents' ability to access transport and health facilities.
  - The construction works will disrupt existing parking.
  - The applicant has not taken into account the parking concerns raised during the consultation exercise.

- Plans do not leave any communal areas for putting out refuse and recycling.
- Proposal will remove a play area.
- Thyme Court will become a less pleasant place to live.
- The supporting documents erroneously refer to other sites.
- Construction safety concerns.
- Development should include electric vehicle charging points.
- The loss of garaging will affect residents financially and the development may also impact on house prices.

6.5 In addition, **a petition has been submitted** raising objection to the applicant's plans to redevelop 7 garages sites across Lumbertubs including the current application proposals. The petition states that there have been 324 signatures, however a couple of pages have been omitted such that only 301 signatures have been provided to the Local Planning Authority

## 7 APPRAISAL

### Principle of development

- 7.1 The application site is located in a designated residential area and would comply with Policy S1 of the Joint Core Strategy, which details that development should be concentrated primarily in and adjoining the principal area of Northampton.
- 7.2 In addition, the site comprises land that has been previously developed and thus the redevelopment of such brownfield land is encouraged under the NPPF
- 7.3 However, 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 two dwellings 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.

### Layout, design and heritage

- 7.4 Saved Policy E20 of the Northampton Local Plan, Policy H1 of the Joint Core Strategy and Policies DES1 and H2 of the Growing Together Neighbourhood Plan place great importance on the quality of design of new developments and are in conformity with the NPPF, which advises that planning should always seek to secure high quality design.
- 7.5 The application proposes two semi-detached houses to the side of and in line with Nos 16-19 Thyme Court. Furthermore, the new houses would front onto the existing open space with private gardens to the rear to match the established pattern of development. In addition, the new houses would have gabled roof forms to reflect neighbouring properties. The proposed development would not have however have first floor cladding to match neighbours, but subject to the use of sympathetic bricks for the elevation treatment, it is considered that the new housing would integrate acceptably in the streetscene.
- 7.6 In respect of the new parking areas, the additional formal spaces in Thyme Court would in part mirror the existing provision to the southern side of the road. Furthermore, Penistone Road presently benefits from parking bays to the southern side such that the new bay proposed under the current application would not appear out of place.
- 7.7 The Police Crime Prevention Design Advisor advises that from a security perspective the scheme would be better orientated to face onto Penistone Road with windows serving active rooms facing the parking area to the side. However, and whilst the benefits of such suggestions are acknowledged, the layout reflects the existing character of the area (as detailed above) such that objections could not reasonably be sustained to the orientation of the dwelling. Furthermore, whilst the flank elevations of the new houses do not contain windows to a habitable room, they do have

windows serving a hallway and stairway such that there would be some, albeit limited, potential for surveillance from the proposed development.

- 7.8 Overall, and subject to conditions relating to floor levels, materials and details of external lighting, it is considered that the proposal would not have an adverse impact on the character and appearance of the area.

### **Residential amenity**

- 7.9 Saved Policy E20 of the Northampton Local Plan, Policy H1 of the Joint Core Strategy, Policies DES1, H2 and OS2 of the Growing Together Neighbourhood Plan and the NPPF all seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 7.10 In terms of the amenities of neighbours, the proposed houses would be set to the side of the dwelling at No 19 Thyme Court and separated by a pathway such that the new dwellings would have no implications for the residential amenity of this or any other neighbouring property subject to a condition preventing the insertion of first floor flank windows.
- 7.11 Turning to the amenities of future occupiers of the new dwellings, all habitable rooms would be served by windows. The gardens for the new dwellings would be smaller in size than is normally acceptable, however this would reflect the established character of properties in the locality and there is also an area of open space forward of the new dwellings. In addition, the Council's Environmental Health Officer has assessed the application and raises no objection subject to a condition require details of noise mitigation measures due to the close proximity of the site to Lumbertubs Way. Therefore, and subject to the aforementioned condition and a condition removing permitted development rights for extensions to ensure adequate private amenity space is retained for each plot, it is considered that the proposal would afford an acceptable standard of amenity for future occupiers of the site.
- 7.12 Overall, it is considered that the proposal would not give rise to an unacceptable impact with regard to the amenities of neighbours and would afford an acceptable standard of amenity for future occupiers of the site.

### **Parking and highway safety**

- 7.13 The application site currently benefits from 7 parking bays to the southern side of Thyme Court and a garage court that contains 7 garages and 7 further hard surfaces parking spaces, which equates to 21 parking spaces. However, garages are not generally counted as parking spaces under the County Parking Standards as they are often too small to be used for day to day parking. In addition, it is noted that informal parking presently takes place in the turning heads on Thyme Court (potentially 6 additional cars), on the accesses to the garage court (up to 4 cars) and along the frontage with Penistone Road. Such informal parking however cannot be relied upon in a parking assessment under the Parking Standards, although is nevertheless indicative of the level of parking demand in the locality.
- 7.14 The application proposes the provision of two semi-detached properties each with three bedrooms which would generate a parking requirement of 4 on plot parking spaces under the County Parking Standards. In addition, the proposal would result in the loss of 7 garages and 7 hard surfaced parking spaces. However, the proposal includes the provision of 15 additional formal parking spaces together with the retention of the 7 existing spaces to the south of Thyme Court such that the site would contain 22 parking spaces overall. In addition, whilst the proposal would replace a number of the existing informal parking opportunities with formalised bay, there would potentially remain scope for three informal parking spaces in the turning head to the southern side of Thyme Court.
- 7.15 It is considered that the parking and associated highway implications of the proposal are very finely balanced in this instance. However, the formalisation of parking into bays would clearly provide a safer and more reliable parking environment. In addition, the applicant has indicated that all

existing occupiers of the garages can be relocated to new garages less than 100 metres from existing residence. Furthermore, the County Highway Engineer has indicated that the application is acceptable with respect to parking and highway safety. As such, it is considered that objections cannot be sustained to the proposal on parking and highway safety grounds.

### **Other considerations**

- 7.16 The Council's Environmental Health Officer recommends a condition to address unexpected ground contamination should planning permission be forthcoming.
- 7.17 In addition, the Environmental Health Officer recommends a condition regarding the Council's Low Emission Strategy and also provides guidance relating to construction hours. In this respect, matters relating to the energy efficiency of buildings are addressed under the Building Regulations and there is no policy basis to require electric vehicle charging points for the nature of the development proposed. As all new properties have to comply with Building regulations, the proposal complies with Policy S10 of the JCS. 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.
- 7.18 The neighbour concerns regarding parking provision during construction works are noted and it is therefore recommended that a condition is imposed to seek to secure the provision of the new parking area prior to the construction of the new dwellings.
- 7.19 Concerns have raised relating to the financial implications of the proposal, however such matters are not planning considerations.

## **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. However, the Council 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, result in the reuse of a brownfield site and would contribute, albeit on a small scale, towards the Council's housing supply with associated social and economic benefits. Furthermore, subject to conditions, 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)01A, (P)02A, (P)03B, (P)04, and (P)05

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

3. 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 and where remediation is necessary a remediation scheme must be prepared 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.

4. Prior to the construction of the development hereby permitted, details of the existing and proposed ground levels and finished floor levels of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details.

Reason: In the interests of residential and visual amenity in accordance with Policy H1 of the West Northamptonshire Joint Core Strategy. Pre-commencement condition to ensure details are agreed in a timely manner and to ensure a satisfactory standard of development.

5. Prior to the construction of the development hereby permitted, a timetable for the construction of the parking spaces and manoeuvring areas shown on the approved plans shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and the parking spaces shall be 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 requirements of the National Planning Policy Framework. Pre-commencement condition to ensure details are agreed in a timely manner and to ensure a satisfactory standard of development.

6. Prior to the construction of the new dwellings hereby approved above ground floor slab level, a noise assessment incorporating a scheme for protecting the dwellings from traffic noise shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented concurrently with the development, completed before the first occupation of the development, and thereafter retained.

Reason: To protect the enjoyment of future occupiers of their dwellings amenity in accordance with Policy BN9 of the Northamptonshire Joint Core Strategy.

7. Prior to the construction of the development 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. Prior to the construction of the development hereby permitted above ground floor slab level, full details of all external lighting within the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained thereafter.

Reason: In the interests of appearance of the locality, residential amenity, and crime prevention in accordance with Policies H1 and S10 of the West Northamptonshire Joint Core Strategy.

9. Prior to the construction of the sheds shown on the plans hereby approved, full details of the sheds 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: To ensure the provision of adequate facilities in accordance with Policy S10 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 window(s) other than those hereby permitted shall be installed at first floor level in the side elevations of the proposed development.

Reason: To safeguard the privacy of adjoining properties in accordance with Policy H1 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 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.

## **10 BACKGROUND PAPERS**

- 10.1 N/2019/0319.

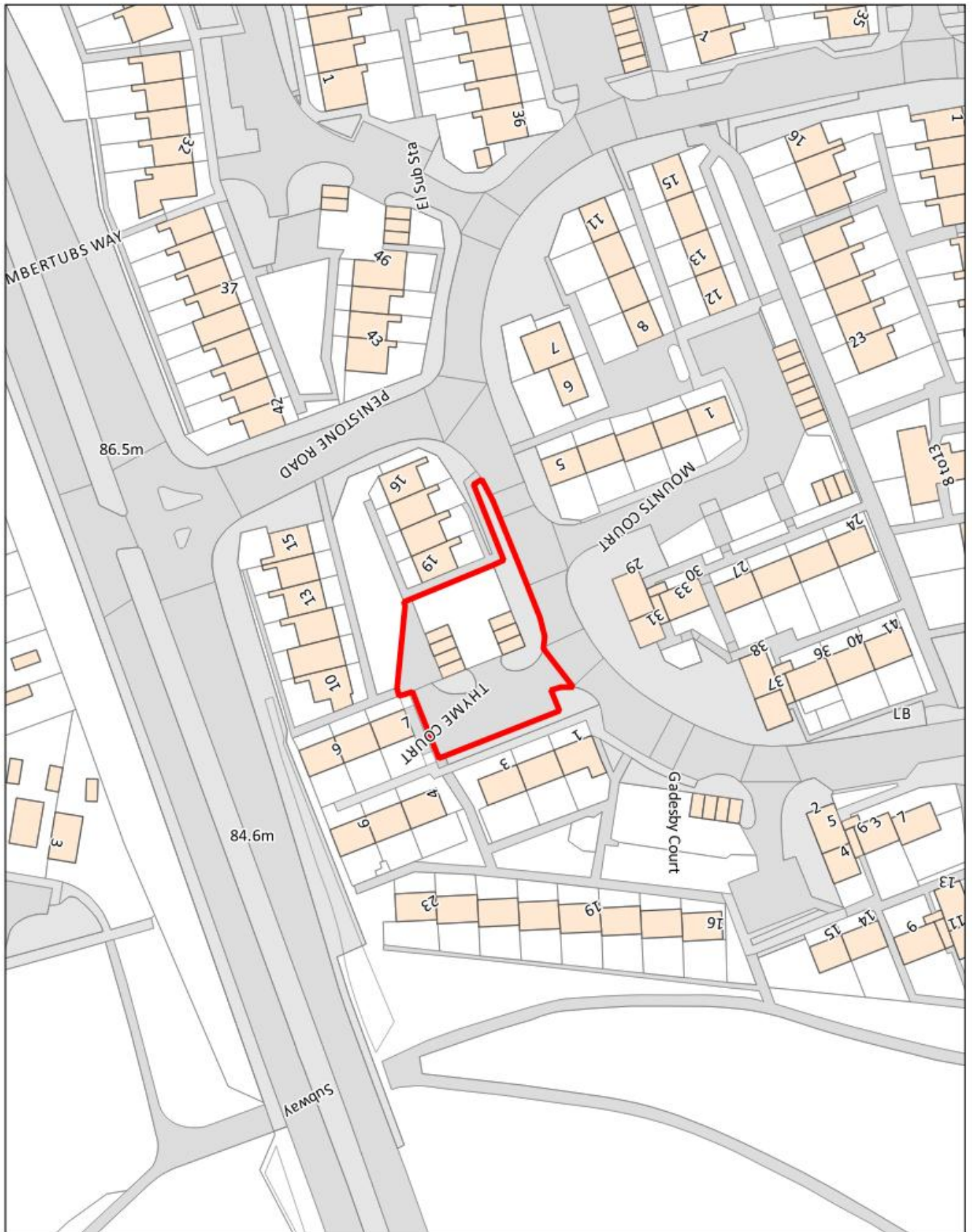
## **11 LEGAL IMPLICATIONS**

- 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 Thyme Court**

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Date: 20-06-2019

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