

PLANNING COMMITTEE: 2nd July 2019
DEPARTMENT: Planning Service
HEAD OF PLANNING: Peter Baguley

APPLICATION REF: N/2019/0392

LOCATION: Land adjacent to 37 Windermere Way

DESCRIPTION: Construction of 2no dwellings and car parking spaces

WARD: Eastfield Ward

APPLICANT: Baily Garner LLP
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, 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 construction of two dwellings with associated car parking spaces.
- 2.2 The new dwellings would be three bed semi-detached properties with gabled roof forms. Each dwelling would measure 8.7 metres in width, 6.1 metres in depth and 7.1 metres in height.
- 2.3 In addition, the proposal would include the provision of 17 parking spaces.
- 2.4 The scheme has been amended since its submission to omit a dwelling, retain a line of trees to the west of the site and re-arrange the parking and manoeuvring layout.

3 SITE DESCRIPTION

- 3.1 The application site is located in a residential area and comprises areas of parking and landscaping accessed off Windermere Way. More specifically the site includes a parking court to the side of No 37 Windermere Way with a landscaped strip to the rear and western side incorporating four silver birch trees to the side of 8 Troutbeck Walk; 5 parking spaces to the rear of 13 Churchill Avenue; and a grassed area between Nos 33 -37 (odd) Windermere Way and the flats at 87 -101 (odds) including a walled enclosure.
- 3.2 Properties in the locality predominantly comprise two storey houses and flatted blocks with a mix of facing materials.
- 3.3 The application site backs onto and is enclosed by paths that provide access onto a treed belt that forms part of Eastfield Park to the rear of the site.

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), and 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.

Section 15 - Conserving and enhancing the natural environment.

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 RC2 - Community Needs

Policy BN1 - Green infrastructure

Policy BN2 - Biodiversity

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**

Comment received are summarised as follows:

- 6.1 **Arboricultural Officer (NBC)** – The revised layout is far more acceptable in principle: the trees will need to be effectively protected from avoidable harm throughout the development and a revised arboricultural report will be required.
- 6.2 **Public Protection (NBC)** – No objections subject to conditions to address unexpected contamination, and working hours and an informative relating to the Council's Low Emission Strategy.
- 6.3 **Northamptonshire Police Crime Prevention Design Advisor** – There is no objection to this application in that the dwellings face the street and the vehicles are within view of routinely inhabited rooms. To reduce opportunities for crime, would recommend that the sheds should be relocated away from the boundary as they are often used as a means of entry into a garden. In addition, they should have no window and be fitted with a secure lock.
- 6.4 **Highway Authority (NCC)** – A turning head and footway is needed (Officer Note: Amended plans submitted to seek to address this but to date no revised comments received from Highways).
- 6.5 **Three neighbour objection letters** were received to the application as originally submitted. The letters included the following concerns:
- Object to the loss of communal areas in front of properties; these areas are in much demand in the school holidays and provide a safe environment for children to play. There are no play areas close to the site and the estate is slowly being stripped of its green areas and trees.
 - The loss of the green space will also impact on views from properties.
 - New buildings have already been approved in the area and it is unfair to subject the area to more housing and traffic.
 - Loss of parking; the site can currently accommodate some 20 car parking utilising a tandem parking arrangement and the plans will severely restrict parking options.
 - Unclear where cars can park during construction works.
 - Parking in the area is also used by the public to access Eastfield Park.
 - Parking shortage will create conflict between neighbours.
 - The ratio of parking for new and existing residents is unfair.
 - Existing residents should be provided with dropped kerb to allow cars to park on their frontages
 - Parking issues in the area are not helped by empty garages not being released for use by local tenants.
 - Lack of engagement from the applicant with neighbours.
 - Not all neighbours have been notified of the application (Officer Note: Neighbour notification letters sent to all properties that bound the site and a Site Notice has also been erected)
 - The supporting documents erroneously refer to other sites.
- 6.6 **One further letter of objection** has been received following the receipt of amended plans. This letter includes the following points:

- The revised scheme still does not include new dropped kerbs to existing properties on Windermere Way.
- The amended scheme would still have insufficient parking.

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 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 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.

Open Space

- 7.3 Policy RC2 of the Joint Core Strategy relates to open space and seeks to resist the loss of open space unless it can be demonstrated that:
- There is evidence that improvements can be made through the provision of a replacement facility of equal or better quality taking into account accessibility; or
 - The proposal will bring about community benefits that outweigh the loss of the facility; or
 - Having regard to the relevant open space study, the space is surplus or is little used.
- 7.4 In addition, Paragraph 97 of the NPPF also seeks to protect against the unjustified loss of open space of public value.
- 7.5 The application site includes two areas of open space: an area of open space beside No 8 Troutbeck Walk that contains four mature silver birch trees and a grassed area that is fronted onto by houses on Windermere Way and the flats on Churchill Avenue. The application originally proposed the loss of all the existing open space within the site, however the scheme has been amended to retain the strip of open space containing silver birch trees adjacent to No 8 Troutbeck Walk. The grassed area of open space fronted onto by the houses and flats would, however, still be lost as part of the amended proposal to facilitate additional parking. Whilst this open space does not contain any play or recreation facilities, it clearly serves as a recreational and amenity resource for local residents. However, the site neighbours Eastfield Park which affords recreational facilities, including play equipment to the far side of the tree belt, and it is considered that the community benefits arising from the proposed new family homes would outweigh the loss of open space in this instance.

Layout and Design

- 7.6 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.
- 7.7 The proposed houses would be set to the side of an existing run of terraced houses and would have a shallow pitched roof design with first floor cladding to reflect the appearance of neighbouring properties. The amended scheme would retain a landscape strip between the new houses and properties on Troutbeck Walk, which would provide a transitional area between the new and existing properties and allow views through to Eastfield Park. The new houses would also benefit from side windows to provide surveillance of this landscaped strip and the paths to Eastfield Park. In addition, all of the new parking areas would benefit from surveillance, although it

is recommended that a condition is imposed requiring details of external lighting to the site. The comments of the Police Crime Prevention Design Advisor regarding sheds providing opportunities for access to rear gardens are noted and this matter can be addressed by condition. As such, subject to the aforementioned conditions together with floor level and materials conditions, no objections are raised to the proposal with respect to the character and amenity of the area.

Residential amenity

- 7.8 Saved Policy E20 of the Northampton Local Plan, Policy H1 of the Joint Core Strategy and the Core Planning Principles in the NPPF all seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 7.9 In terms of the amenities of neighbours, the proposed semi-detached houses would be set to the side of the existing dwelling at No 37 Windermere Way and separated by a pathway. As such, the proposed dwellings would have no implications for the residential amenity of this property. Turning to the neighbour to the west, No 8 Troutbeck Walk, whilst the new dwellings would be set further back than this end of terrace dwelling, they would be separated from this neighbouring property by a treed landscaped strip and pathways. Furthermore, the proposed houses would not benefit from any first floor flank windows and this could be secured by condition. As such, the proposed dwellings would not give rise to an adverse impact with regards to the residential amenities of No 8. The proposal also includes the formation of parking areas including parking forward of the existing flats, however these spaces would not directly abut neighbouring properties and would not have a harmful impact with regards to residential amenity.
- 7.10 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 and the light received in the gardens would be restricted by the existing tree belt running along the boundary of Eastfield Park. However, these proposed gardens would reflect the established character of properties to the east and the site backs onto Eastfield Park such that there is ample open space available in the locality. Therefore, and subject to conditions 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 in this instance.
- 7.11 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

- 7.12 The application site currently benefits from two informal parking areas: a parking area to the rear of No 103 Churchill Avenue that can accommodate 4 parking spaces in accordance with the guidance in the County Parking Standards; and a parking area to the side of No 37 Windermere Way that can accommodate 5 parking spaces. It is noted that third party representations detail that additional informal parking presently takes place, with an extra car parking behind No 103 and tandem parking taking place to the side of Windermere Way such that at least 15 cars could potentially park under the existing site circumstances. 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.
- 7.13 The Parking Standards seek 2 parking spaces per 2/3 bed dwelling, which equates to 4 parking spaces for the proposed development. The application proposes 17 formal parking spaces, 6 forward of the new houses and 11 in front of the existing flats. Therefore, under the Parking Standards the proposal would provide parking to meet the demand from the proposed development and increase the existing levels of formalised parking provision. Furthermore, parking to the rear of No 103 would also be retained and it is considered that the proposal would not exacerbate existing parking provisions in the area taking into account the levels of informal parking place on site.

- 7.14 The comments of third parties regarding the potential for the scheme to provide on plot parking for existing properties are noted. However, such works would fall outside the application site and cannot be addressed under this application. Although, the revised layout would not prejudice such arrangements taking place.
- 7.15 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.
- 7.16 The application has been amended to seek to address the concerns of the Highway Engineer regarding a footway and turning.
- 7.17 Overall, it is considered that the proposal is acceptable with regards to parking and highway safety.

Other considerations

- 7.18 The Council's Environmental Health Officer recommends a condition to address unexpected ground contamination should planning permission be forthcoming.
- 7.19 In addition, the Environmental Health Officer has provided guidance regarding the Council's Low Emission Strategy and recommends a condition relating to construction hours. In this respect, matters relating to the energy efficiency of buildings are addressed under the Building Regulations. As all new properties have to comply with these, 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.

8 CONCLUSION

- 8.1 To conclude, 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 respect, the principle of residential development is acceptable under the development plan and the proposal would also contribute to the Council's five year housing land supply. The proposal would however result in the loss of a an area of open space, but a meaningful area of open space would remain and this limited harm is considered to be outweighed by the benefits to the community of providing housing to contribute to the Council's five year housing land supply. Furthermore, subject to conditions, no other 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)03B, (P)04A, (P)05B, (P)06A.

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. Notwithstanding the submitted details and prior to the commencement of development hereby permitted, an Arboricultural Report detailing the tree protection measures for all the trees to be retained as part of the development shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be constructed in accordance with the approved tree and hedge protection details.

Reason: In the interests of the character and appearance of the locality and biodiversity in accordance with Policies H1, BN1, BN2 and S10 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.

6. 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.

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) 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/2019/0395.

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 adj 37 Windermere Way**

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Date: 20-06-2019

Scale: 1:1,000

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