

**PLANNING COMMITTEE:** 3 September 2019  
**DEPARTMENT:** Planning Service  
**HEAD OF PLANNING:** Peter Baguley

**APPLICATION REF:** N/2019/0253

**LOCATION:** Lock up garages rear of 143 Churchill Avenue

**DESCRIPTION:** Demolition of 12no domestic lock up garages and erection of 1no new build dwelling and parking spaces

**WARD:** Eastfield 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 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 demolition of 12 existing garages and the erection of one bungalow. 6 parking spaces are also proposed. The proposed dwelling would have a width of 9.2 metres and a depth of 9 metres. The maximum ridge height of the dwelling is 4.8 metres.

2.2 During the course of the application the proposal has been amended, with the siting of the dwelling being moved northwards to the rear of the site and the parking provided forward of this.

#### **3 SITE DESCRIPTION**

- 3.1 The application site comprises a garage court located within a residential area. The site is located on the northern side of Skiddaw Walk, to the rear of a row of terraces facing Churchill Avenue.

## **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 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 and demolition noise.
- 6.2 **Northamptonshire Police** – House provides overlooking of parking and still addresses the street, parking is also visible from the road network. It would be beneficial for the rear garden fence to be supplemented with a trellis topping on all sides to reduce opportunities for climbing. A landscape buffer on eastern boundary by window would be helpful. The land to the front should be landscaped with bushes to reduce opportunities for flytipping.
- 6.3 **NCC Highways** – No objection.
- 6.4 5 neighbour letters have been received from 3 neighbouring properties objecting to the application. The concerns raised can be summarised as follows:
- Development on old persons home had already changed way neighbours have to live and this dwelling is closer.
  - Overlooking of neighbouring properties.
  - Loss of light to neighbouring gardens.
  - Lack of street lights in Churchill Avenue makes it unsafe.
  - No lighting in new parking area
  - One bungalow not worth upsetting a lot of local people.
  - Lack of replacement garages in area.
  - Loss of garages for parking and storage – existing lack of parking in the area and it is unsafe to park not in garages (vandalism).
  - Whole area will be open meaning kids will loiter, play football and be a nuisance.
  - Youths already regularly cut through rear garage court, and residents don't park here because of fear of damage.
  - If approved request street lights and footpath links blocked off to stop walk through vandalism.
  - Fail to see how one bungalow will help housing list.
  - Difficult to manoeuvre into existing garages within rear gardens of adjoining properties.
  - Lack of access for fire service.
  - Won't be able to clean car in this space without blocking access (does at moment). (*Officer response – this is not a material planning consideration*).
  - Disturbance to neighbouring properties from construction works (shift workers) (*Officer response – this is not a material planning consideration*).
  - Currently know who uses garages but won't know who is in area once new bungalow is built. (*Officer response – this is not a material planning consideration*).
  - Parking to rear not overlooked (*Officer response – following these comments the parking has been re-arranged and is no longer at the rear of the site*).

## 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.

- 7.3 A neighbour letter raised concern that it was not understood how the proposal would assist the housing list. It is understood that there is a demand for 1 bedroom bungalows for the elderly or disabled within Northampton.

### **Design**

- 7.4 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.
- 7.5 The application proposes a detached bungalow with hipped roof located within an existing garage court, surrounded by residential dwellings. The section of Churchill Avenue within which the site is located and Skiddaw Walk are largely characterised by two storey rows of terraced properties. Whilst the surrounding properties are largely two storey, it is not considered that a proposed bungalow would appear out of character due to its position set back from the street scene.

### **Amenity**

- 7.6 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.
- 7.7 The application site is bordered by residential properties to the east and west. To the west of the application site is a relatively new development which is separated from the proposed bungalow by an access road and boundary screening. As such it is not considered that the proposed bungalow would have an unacceptable impact upon these neighbouring properties. To the east of the application site is a terrace row of two storey residential dwellings and the proposed bungalow would be 7 metres from the boundary with these dwellings and 12 metres from the rear elevation. 143, 145, and 147 Churchill Avenue all have existing rear extensions or garages up to the boundary with the application site. The proposal has been amended to ensure that sufficient access width is retained for the garages within the rear gardens of these properties to remain accessible.
- 7.8 With regards to overshadowing concerns, the proposal is for a bungalow with a hipped roof. In line with this it is not considered that the proposal would result in unacceptable overshadowing to neighbouring properties. With regards to overlooking concerns, the main windows for the proposed bungalow are to the north and south and do not look towards neighbouring properties. One window is proposed on the eastern elevation. This window is at ground floor level and offers overlooking of the hardstanding area provided for the garages within 145 and 147 Churchill Avenue and acts as a form of surveillance of this area. The proposed window would not, however, offer views into neighbouring properties, being at ground floor and with existing boundary treatments being in place.
- 7.9 In line with the above it is considered that the proposal would not have an unacceptable impact upon neighbouring amenity.
- 7.10 It is also the case that the proposed dwelling provides 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 is provided.

### **Parking and highway safety**

- 7.11 Concern was raised within neighbour letters that there is an existing parking problem in this area and the loss of garages would exacerbate this. It is, however, also outlined that no-one parks in this area as it is currently unsafe.

- 7.12 The Northamptonshire County Council Parking Standards seek 1 on plot parking space per dwelling for 1 bedroom properties. The proposal provides 1 1xbedroom property and 6 parking spaces. 1 parking space would be allocated to the proposed dwelling and 5 parking spaces would be available for communal parking by existing residents and visitors. The proposal also provides 1 shed which could be used for bicycle storage.
- 7.13 The application site as existing provides 12 garages. It is understood that 8 of these garages are currently occupied and all of these have been offered a replacement garage within Churchill Avenue. It is the case, however that 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 0. The proposal provides 5 unallocated replacement parking spaces, a net increase of 5 parking spaces. These parking spaces are provided forward of the proposed dwelling, which offers natural surveillance of these parking spaces.
- 7.14 Northamptonshire County Council Highways Department have been consulted on this application and 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 Neighbour letters raised concern as to the impact of the construction noise on neighbouring properties, in particular those who work shifts, that the existing residents would not know who was in the new bungalow, and that it would be difficult to wash cars. These are not material planning considerations.
- 7.16 Concern was also raised that the proposal would result in a lack of access for the fire service. The proposal is set back in the site with an access road, and as such it is not considered that there would be an unacceptable access for the fire service as a result of this proposal.
- 7.17 Concern was raised that there are existing crime safety issues in this area, with cars being damaged, children playing football, and the fear of vandalism. The application adds a residential dwelling within this area with windows overlooking the car park and access road. This provides natural surveillance of these areas. In line with this, it is considered that the proposal is likely to improve crime safety in this area. The Northamptonshire Police have been consulted on this application and have raised no objection. Trellis topping to fencing is requested, and in line with this a condition is proposed requiring details on boundary treatments. Northamptonshire Police also request that the landscaping to the front (south) of the site is shrubs to discourage flytipping. With a large section of this area being grassed as existing, it is not considered reasonable to require planting in this area. The Northamptonshire Police also request planting to the east of the application dwelling. In order to provide adequate access to the garages within the existing neighbouring properties, it is not considered that planting can be provided within this area.
- 7.18 A neighbour letter also raised that should planning permission be granted, street lights should be turned back on and footpaths closed. It is not reasonable for the Council to require the closing of existing footpaths as a result of the proposed bungalow, nor can the Borough Council control when street lights are turned on and off. It is, however, considered that low level lighting should be provided within the parking area, and a condition is proposed requiring details on this.
- 7.19 The Council's Environmental Health Officer recommends a condition to address unexpected ground contamination should planning permission be forthcoming.
- 7.20 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.

## **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 Rev A, (P)02 Rev A, (P)03 Rev E, (P)04 Rev A, (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 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 E 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 E shall be constructed prior to the first occupation of the dwelling 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 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 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 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.

10. 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.

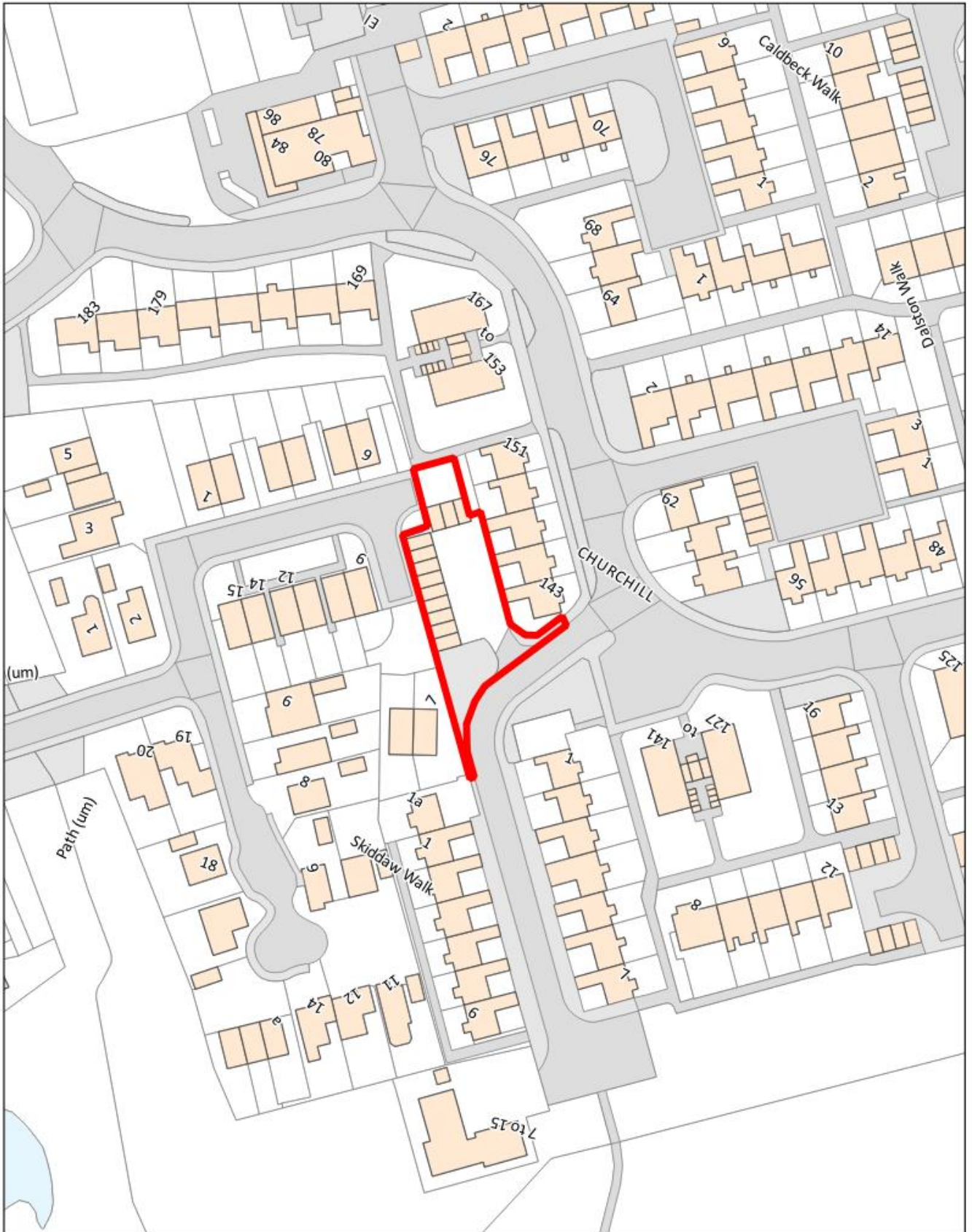
Reason: In the interests of appearance of the locality, residential amenity, and crime prevention in accordance with Policies H1 and S10 of the West Northamptonshire Joint Core Strategy.

## **10 LEGAL IMPLICATIONS**

- 10.1 The development is CIL liable.

## **11 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: **L/up garages rear of 143 Churchill Ave**

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Scale: 1:1,000

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