

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

APPLICATION REF: N/2019/0385

LOCATION: Lock Up Garages, Baukewell Court

DESCRIPTION: Demolition of 4no domestic garages and construction of 2no new dwellings with associated parking

WARD: Brookside 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 principle of residential development is considered acceptable in an established residential area and would contribute towards the Council's five year housing land supply. The siting, scale and design are considered acceptable and would be in keeping with the character and appearance of the surrounding area, without harmful impact on neighbouring amenity, trees, crime prevention and parking/ highway safety. The development is therefore compliant with the aims and objectives of the National Planning Policy Framework, Policies S1, S3, S10, H1, BN3 and BN9 of the West Northamptonshire Joint Core Strategy, and Saved Policy E20 of the Northampton Local Plan.

2 THE PROPOSAL

2.1 Permission is sought for demolition of 4 single garages and erection of 2, one-bedroom semi-detached bungalows. There would be a private garden to the rear measuring 11.5 metres deep and associated off street parking for 4 cars adjacent to the side wall of one of the properties. The application also proposes 3 new spaces opposite the site access along Tonmead Road. The property would have a pitched roof and measures 4.8 metres in height.

3 SITE DESCRIPTION

- 3.1 The site consists of a garage court with 4 garages. The site is surrounded by residential dwellings, primarily terraced. The site is accessed from Tonmead Road. There are no trees within the application site. The site is in a low risk flood zone.

4 PLANNING HISTORY

- 4.1 No recent planning applications.

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.

6 National Policies

- 6.1 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.

6.2 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 Design, Density and Mix

Policy BN3 - Trees

Policy BN9 - Planning and Pollution Control

6.3 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)

6.4 Supplementary Planning Documents

Northamptonshire Parking Standards (September 2016)

Planning out Crime in Northamptonshire SPG 2004

7 CONSULTATIONS/ REPRESENTATIONS

Comments received are summarised as follows:

- 7.1 **Northamptonshire Highways** - The proposed layout is considered acceptable. Recommend conditions for Construction Environment Management Plan and provision of additional parking spaces on Tonmead Road.
- 7.2 **NBC Public Protection** - No objection but recommend contaminated land condition, compliance with air quality and construction noise standards.
- 7.3 **Northamptonshire Police** - No objection as the houses address the street and there is overlooking of the side parking. The fencing should be supplemented with a trellis topping to make climbing more difficult.
- 7.4 **NBC Tree Officer** - No comments to make.
- 7.5 Neighbour objections from 4 separate addresses received on following grounds:
- Parking/highway safety concerns
 - Impact on access
 - Impact on daylight
 - Noise pollution
 - Loss of parking/garage
 - Loss of privacy
 - Over-development/site too small
 - Danger to children playing
 - Concern on construction/ delivery issues
 - Access concerns
- 7.6 Petition received with 324 signatures objecting to the proposal on parking grounds.

8 APPRAISAL

Main issues

- 8.1 The main issues for consideration are the principle of new residential development, impact on the character of the surrounding area, impact on adjacent and proposed residential amenity, trees, security and highway conditions/parking.

Principle of residential development

- 8.2 The application site is located in a 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. In addition, the site comprises land that has been previously developed and thus the redevelopment of such brownfield land is encouraged under the NPPF.
- 8.3 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.

Design and impact on the appearance and character of the area

- 8.4 Saved Policy E20 of the Northampton Local Plan and Policy H1 of the Joint Core Strategy place 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 proposed design and general appearance are considered acceptable within the area. Even though the immediate area consists primarily of two storey dwellings, the proposed bungalows would not be considered out of place. Any approval would also be subject to a materials condition to ensure that appropriate external appearance could be achieved.

Impact on amenity of neighbouring occupiers

- 8.5 The site is surrounded by residential properties on all four sides. To the immediate east is a row of two storey terraced dwellings, which are at a lower level than the application site. The front windows of the end property no.14 would be impacted upon by the new dwellings, however, given the separation of almost 12 metres from these neighbouring windows to the side wall of the proposed bungalows, it is considered that the impact would not be objectionable. The impact would also be reduced given that the proposal is for single storey dwellings with reduced bulk and massing.
- 8.6 In terms of the properties to the west, again the separation of 20 metres is such that the effect on their residential amenity in terms of loss of light, outlook, privacy and overbearing would be limited. Turning to the properties to the south, the rear of the proposed dwellings is of a substantial distance away and therefore any loss of amenity would be very limited. Given the separation to the properties on the opposite side of Tonmead Road, there would be no loss of amenity to these occupiers.

Amenity of future occupiers

- 8.7 Saved Policy E20 of the Northampton Local Plan and H1 of the Joint Core Strategy all seek to secure a sufficient standard of residential amenity for future occupiers. All habitable rooms would be served by adequate light and outlook and private amenity spaces, providing an acceptable level of residential amenity. Although the proposed rear gardens would be overlooked by the first floor windows of the properties to the west, it is considered that this relationship and separation is not uncommon and that the benefit of providing additional dwellings would outweigh this concern.

Parking and Highways

- 8.8 The application site currently comprises 4 single garages. 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. NPH has confirmed that only 1 out of the 4 garages are currently occupied. However, a desktop exercise was carried out and each current occupant would be offered an alternative garage close by on Mounts Court.
- 8.9 Off-street parking of 1 space each would be provided for the dwellings and complies with the Northamptonshire Parking Standards.
- 8.10 There are some issues with parking in the vicinity of the site at peak times. However the proposal also includes 11 other parking spaces for local residents, which has a 1 space net increase as compared with the existing situation. The site is sustainable and near to two bus stops within 50 metres of the application site on both sides of Tonmead Road. Therefore the proposal complies with Paragraphs 108 and 109 of the NPPF.
- 8.11 The Local Highway Authority recommend conditions for additional spaces on Tonmead Road and a standard Construction Environment Management Plan (CEMP). Given that the proposal is for 2 dwellings only, it is not considered reasonable to impose a condition for a CEMP. It is considered that the proposal would have an acceptable effect on the highway network.

Security and Crime Prevention

- 8.11 Northamptonshire Police Crime Advisor raises no objection subject to consideration be given to security measures including type of boundary treatment. Boundary treatment can be agreed by condition on any grant of planning permission. Most of the proposed car parking spaces would also benefit from direct surveillance.

Contamination and Environmental Health issues

- 8.12 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.

Landscaping and Trees

- 8.13 There are no trees proposed to be removed within the site and therefore no tree protection required. This accords with Policies S10 and BN3 of the JCS and the aims of the NPPF.

9 CONCLUSION

- 9.1 The site is in an existing residential area and the principle of development is acceptable and would contribute to housing land supply. In this instance, the proposal would comply with the development plan and national policy and subject to conditions, no harm has been identified that would significantly outweigh benefits. The proposal is considered acceptable subject to the following conditions.

10 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: P01, P02, P04, P05A P06B.

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

- 3) Notwithstanding the submitted plans, 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 and to ensure that the development will harmonise with its surroundings in accordance with Policy E20 of the Northampton Local Plan and S10 of the West Northamptonshire Joint Core Strategy.

- 4) The proposed parking spaces as shown on the submitted plan shall be constructed prior to the first occupation of the buildings hereby approved and 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 aims of the National Planning Policy Framework.

- 5) Prior to the occupation of development, full details of the method of the treatment of the external boundaries of the site shall be submitted to and approved in writing by the Local Planning

Authority. The approved details shall be implemented prior to the first occupation of the development hereby permitted and retained thereafter.

Reason: To ensure that the boundaries of the site are properly treated so as to secure a satisfactory standard of development in accordance with Policy E20 of the Northampton Local Plan and H1 of the West Northamptonshire Joint Core Strategy.

6) 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: To prevent overdevelopment of the site in accordance with Policy E20 of the Northampton Local Plan.

7) 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 additional windows including dormers and roof windows shall be installed to the dwellings hereby permitted.

Reason: In the interests of privacy in accordance with Policy E20 of the Northampton Local Plan.

8) 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 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.

9) No development shall be occupied until full engineering, drainage and construction details of the proposed additional parking spaces on Tonmead Road have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be carried out in accordance with the approved details prior to first occupation of the approved development.

Reason: In the interests of highway safety to comply with the aims of the National Planning Policy Framework.

11. BACKGROUND PAPERS

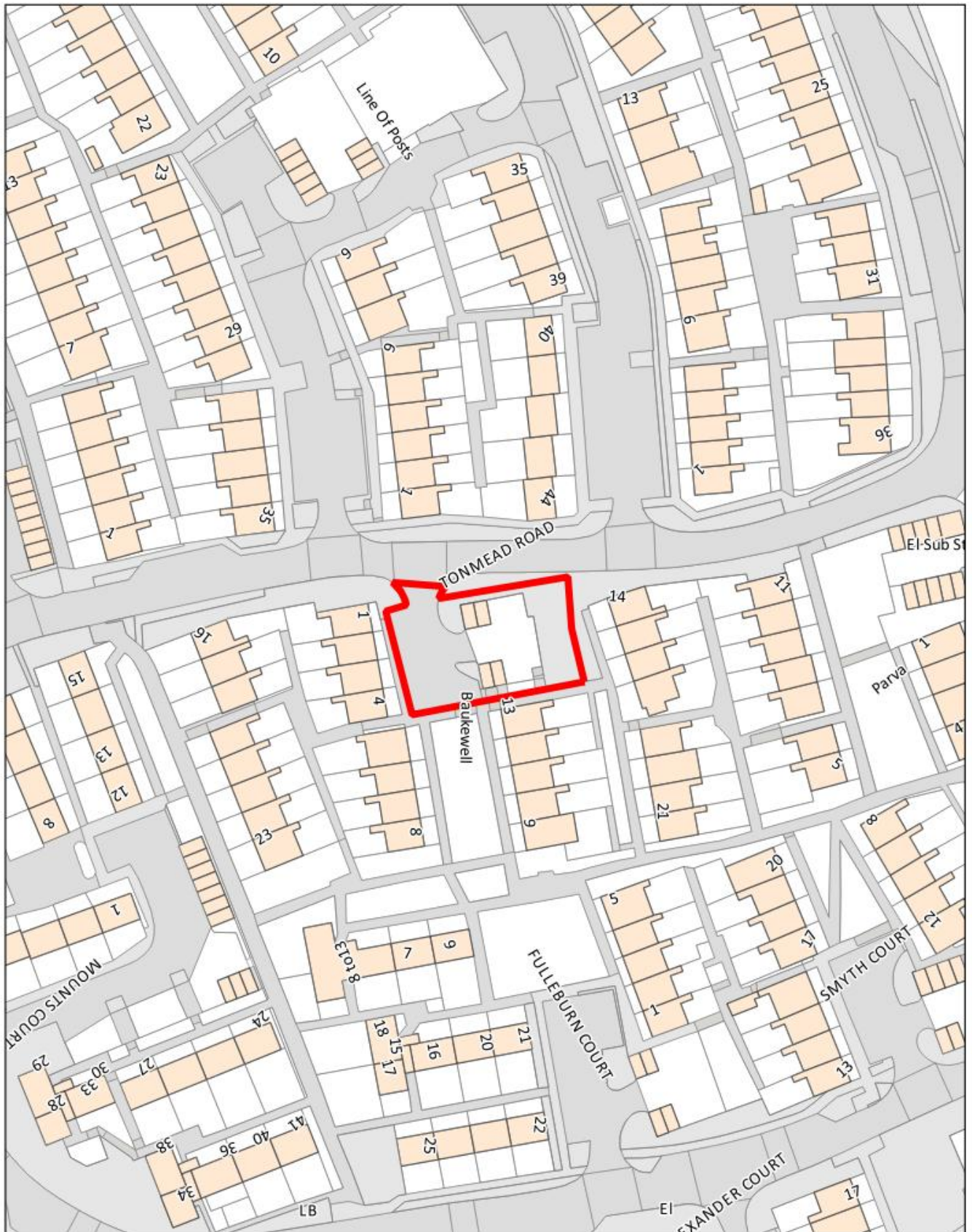
11.1 N/2019/0385

12. LEGAL IMPLICATIONS

12.1 The development is CIL liable

13. SUMMARY AND LINKS TO CORPORATE PLAN

13.1 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 at Baukewell Court**

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Date: 15-08-2019

Scale: 1:1,000

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