

PLANNING COMMITTEE: 24th September 2019
DEPARTMENT: Planning Service
HEAD OF PLANNING: Peter Baguley

APPLICATION REF: N/2019/0468

LOCATION: Garage 1 Lock Up Garages, Pell Court

DESCRIPTION: Demolition of 11no domestic lock up garages and construction of 6no new build units

WARD: Brookside 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, 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 11 existing garages and the erection of 3 pairs of semi-detached properties – 6 new properties in total. 34 parking spaces are also proposed (an increase of 28 above that existing). The proposed semi-detached buildings would be positioned to fall in line with existing terrace rows to the north and south, and each pair would have a width of 9.4 metres, a depth of 9.6 metres and a height of 8.2 metres.
- 2.2 During the course of the application the proposal has been amended, with the dwellings being rotated 90 degrees to complement the existing pattern of development and with the level of parking provision being increased.

3 SITE DESCRIPTION

- 3.1 The application site comprises a garage court and grassed space located within a residential area. The site is located on the northern end of Pell Court.

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** – Central parking lot is unobserved and there is a lot of exposed fence. Recommend trellis top to fence line. Sheds against fence line provide opportunity to access gardens and crime.
- 6.3 **NCC Ecology** – No objection raised. Raise disappointment that the site's key biodiversity features would be lost with little potential for replacement and the proposal would represent a net biodiversity loss.
- 6.4 **NCC Highways** – No objection subject to 25mm kerb and the marking of stop up area.
- 6.5 1 petition has been received with 324 signatures. This petition is titled 'Petition to stop Northampton Partnership Homes building new houses in Lumbertubs' and relates to 7 sites. The reason outlined is the concern with the loss of garages due to an existing parking problem, and the exacerbation of this parking problem as a result.
- 6.6 12 letters of objection and 1 letter of observation have been received. The concerns raised can be summarised as follows:
 - Area overcrowded and houses squeezed in.
 - Lack of parking in the area and the proposal does not add any parking.
 - High traffic in area unsafe for residents.
 - Existing issue of inconsiderate parking blocking access to houses and this could be exacerbated if more residents in area.
 - Don't see why spaces in turning head would be allowed as told previously couldn't have.
 - Overlooking of neighbouring properties.
 - Don't want to look at building site and then new houses.
 - Question what boundary treatment will be.
 - Want new play area not houses.
 - Bats visible in area and further investigations will be needed. Believe bat survey is inaccurate as bats are in trees nearest footpath for Bitten Court not the garages.
 - Concern existing trees are harming foundations, blocking light to footpaths. Want more trees removed. (*Officer Note: The impact of existing trees on the foundations and light of existing properties is not a material planning consideration in the assessment of this application*).
 - Issue with HIMOs in the area and Council not doing anything (*Officer Note: This is not a material planning consideration in the assessment of this application*).
 - Waste disposal, fly-tipping and general maintenance of the estate is poor. Drains can't cope – blocked with leaves (*Officer Note: This is not a material planning consideration in the assessment of this application*).
 - Believe only 6 houses have received letters of notification on the application, site notices are ignored and so whole estate should be notified (*Officer Note: All properties adjacent the red line of the application site were set a letter of notification. In addition, 4 site notices were displayed around the edge of the site notifying of the application*).
 - Ask whether a BT box will be moved as part of this application (*Officer Note: This is not a material planning consideration in the assessment of this application*).
 - Question why parts of letters are blacked out and accuse censorship (*Officer Note: Parts of neighbour letters are blacked out on the online viewing in compliance with the requirements of Data Protection*).
 - Concerned that parking issues in area only being looked at now and not previously (*Officer Note: This is not a material planning consideration in the assessment of this application*).

- Concern that drilling occurred on site on the 23rd May and Council should notify everyone beforehand (*Officer Note: This drilling was not related to the assessment of the planning application and was not undertaken by the Council's Planning Department*).
- Accuse assessment of application as being underhand as neighbours not notified when officers are visiting. (*Officer Note: It is the case that it is normal for Officers to visit the site without notifying neighbours and not to knock on all neighbours doors to discuss an application. The Officers are on site to assess the application and neighbours are provided the opportunity to submit their comments on the scheme through the planning application process*).
- Concern with address of application – it is titled adjacent 9 Pell Court on plans but should also cover all dwellings it is near. (*Officer Note: The addressed used is to assist in identifying the location of the site. The site plans clearly show the extent of the application 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.

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 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.
- 7.4 The application proposes three pairs of semi-detached properties. These dwellings are orientated to match the existing pattern of development in the area and would be two storey with tile hanging at first floor to match the surrounding character. It is considered that the proposed dwellings would complement the existing character and appearance of the area and as such would be acceptable in design terms.
- 7.5 Concern was raised in a neighbour letter that the proposal appears overcrowded and the houses are squeezed in. It is considered that the application site is of an ample size to accommodate 6 dwellings. Whilst smaller gardens are proposed to the dwellings, this is to accommodate the provision of additional parking for the neighbourhood. It is not considered that the proposed development appears cramped on site.

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. A neighbour letter raised concern that the proposal would result in overlooking of neighbouring properties. A further concern raised that neighbours do not want to look at dwellings on this site.

- 7.7 On the western side of the site it is proposed to erect one pair of semi-detached properties. This would be positioned approximately 5 metres from the side blank elevation of 9 Pell Court. Due to this position of the proposed property, and the side elevation of 9 Pell Court being blank, it is not considered that there would be an unacceptable impact upon the neighbouring amenity of this property as a result of this application. This pair of semi-detached properties is set away from neighbouring properties to the east, south, and west by parking and the road.
- 7.8 On the eastern side of the site, two pairs of semi-detached properties are proposed. These again follow the existing pattern of development to fall approximately in line with the row of terraces to the north and south, falling 6 metres from the blank side elevation of 24 Bitten Court to the north, and 14 metres from the blank elevation of 25 Bitten Court to the south. These properties are set away from neighbouring properties to the east due to existing park and the road.
- 7.9 It is considered that the proposal would not result in unacceptable overlooking concerns for any neighbouring properties, and would also not appear overbearing to any neighbouring properties. 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 separation between the eastern and western proposed buildings. As such it is considered that adequate living conditions for future occupiers is provided.
- 7.11 It is noted that the garden spaces for the eastern 4 properties are 4 metres long, which is smaller than would normally be expected. Whilst relatively small, it is the case that this estate is characterised by properties with small gardens. There are also a large number of open green spaces within this estate, including a large grassed area immediately to the north. It is also the case that on this estate large numbers of concerns are raised with the lack of parking provision. On balance it has been considered that the ability to provide 14 parking spaces within a central courtyard would justify the relatively smaller gardens provided to these properties.

Parking and highway safety

- 7.12 Concern was raised within a petition that there is an existing parking problem in this area and the loss of garages would exacerbate this. Neighbours letters raised additional concerns as to the parking issues in the area, safety issues due to traffic and existing inconsiderate parking.
- 7.13 The Northamptonshire County Council Parking Standards seek 2 on plot parking space per dwelling for 2 bedroom properties. The proposal provides 6 2 x bedroom properties and 34 parking spaces. The proposal also provides 1 shed per property which could be used for bicycle storage.
- 7.14 The application site as existing provides 11 garages. It is understood that 2 of these garages are currently occupied and one will be offered a replacement in Pell Court and another in Rillwood Court which is closer to their home. 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. There are currently 6 formal open parking spaces available on this site. The proposal provides 34 parking spaces, an increase of 28 formal parking spaces.
- 7.15 Northamptonshire County Council Highways Department have been consulted on this application and have raised no objection subject to suggested alterations which have been undertaken to the proposed site plan. In line with this, it is considered that the proposal would not have an unacceptable impact upon parking or highway safety. With the proposal providing 34 formal parking spaces, an increase of 28 above that existing, it is considered that there is likely to be an improvement to the parking situation in this area as a direct result of this proposal.

Ecology

- 7.16 A neighbour letter raised concern that there were bats on the site. As a result an ecology report was requested. This report advises that there is a negligible potential to support bats on the site,

but recommends a soft demolition approach and that if bats are found on site during demolition, all works must stop and further works must be carried out under a European Protected Species licence from Natural England and a formally agreed mitigation and method statement. Further recommendations are made regarding tree protection, hedgehog gates, and bat/invertebrate boxes.

- 7.17 NCC Ecology were consulted on the submitted ecology report and raised no objection. Concern was, however, raised by NCC Ecology that the tree and grassed area loss on site resulted in a net biodiversity loss.
- 7.18 It is considered that a condition should be attached to any permission requiring details of measures to be put on site to assist the natural ecology, such as bird and bat boxes and hedgehog gates as recommended within the submitted Ecology report. It is considered that with the introduction of such measures on the site, the loss of trees and grass from this site is mitigated such that there is a neutral impact upon biodiversity as a result of this development.
- 7.19 A neighbour letter raised concern that the bat survey is inaccurate. It is the case that the Ecological walk-over survey and daytime bat assessment submitted has been undertaken by a specialist qualified ecologist. With the report having been undertaken by a specialist qualified ecologist, and no evidence provided to demonstrate that the findings are incorrect, it is considered that the results of the submitted report must be accepted as accurate.

Other considerations

- 7.20 Northamptonshire Police raised concern with the proposed layout due to the central car parking area being unobserved. There are a number of properties which overlook this central parking area, and indeed the rear elevations of all six properties offer natural surveillance of this area. As such the creation of the central parking area is not considered unacceptable. Northamptonshire Police also advise that trellis topping to the fencing is required. A planning condition requiring details on boundary treatments is proposed.
- 7.21 The Council's Environmental Health Officer recommends a condition to address unexpected ground contamination should planning permission be forthcoming.
- 7.22 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 be reasonable to condition the boilers to be installed in the new properties. As all new properties have to comply with these aspects of the 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.
- 7.23 A neighbour letter raised concern that they would like a new play area and not houses. The Council must assess the planning application before them, being for 6 new dwellings and parking.

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

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

3. Prior to the commencement of construction works on site, 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. This is a pre-commencement condition to ensure timely submission of details.

4. Prior to the construction of the new dwellings 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 dwellings 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 dwellings 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 dwellings 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 dwellings hereby approved, full details of the sheds for each property shall be submitted to and approved in writing by the Local Planning Authority. The approved sheds 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 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. 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.

11. Prior to first occupation of the dwellings hereby approved, full details of proposed bird and bat boxes and hedgehog gates shall be installed to the development hereby approved. Full details of which shall be first submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided on site in full prior to first occupation of the dwellings hereby approved.

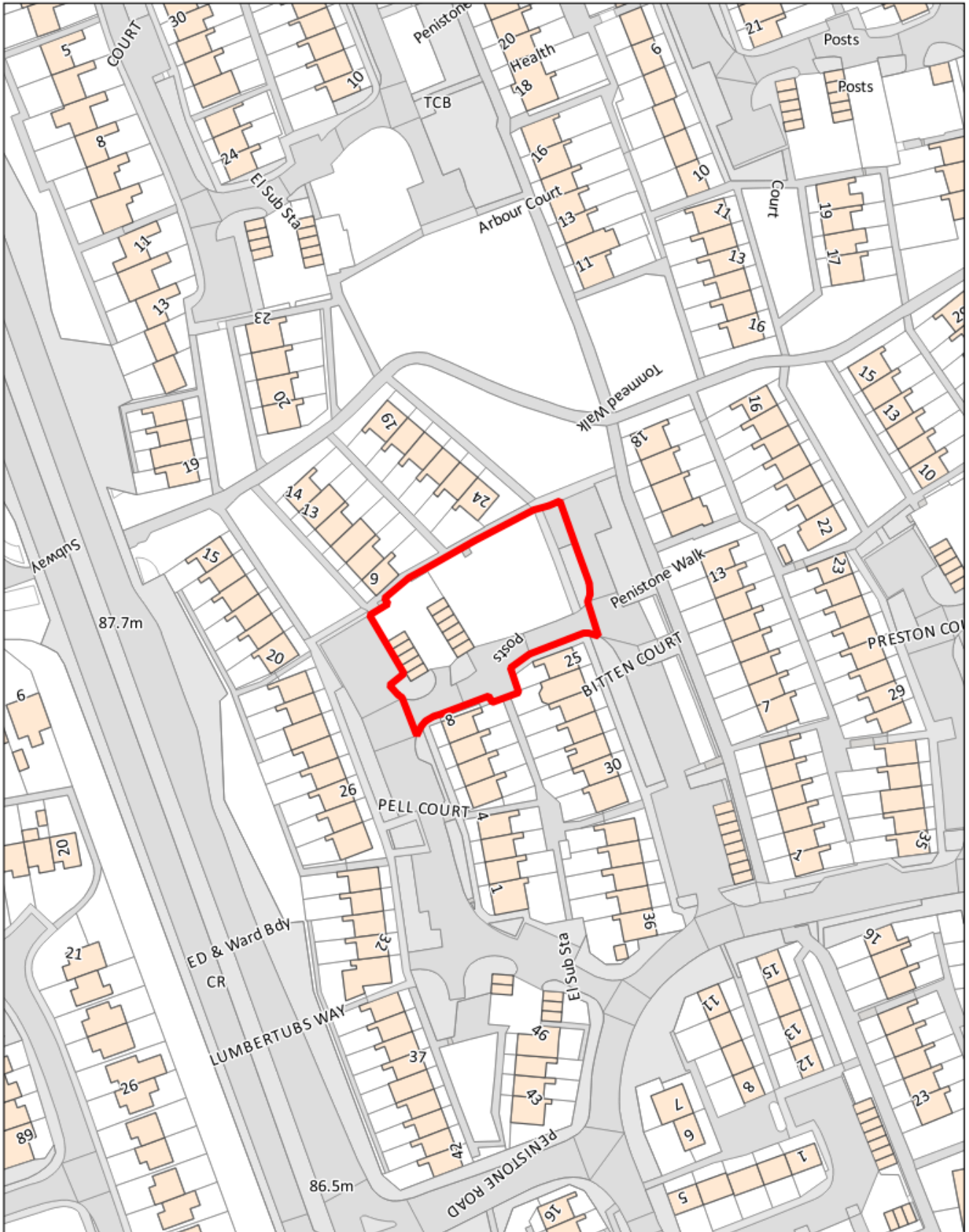
Reason: In the interests of wildlife and nature conservation in accordance with Policy BN2 of the West Northamptonshire Joint Core Strategy. This is a pre-commencement condition to ensure timely submission of details.

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: **Lock up garages, Pell Court**

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Scale: 1:1,250

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