

PLANNING COMMITTEE: 19th November 2019
DEPARTMENT: Planning Service
HEAD OF PLANNING: Peter Baguley

APPLICATION REF: N/2019/0980

LOCATION: Lock Up Garages, Margaret Street

DESCRIPTION: Demolition of 3no existing garages and construction of 2no houses

WARD: Castle Ward

APPLICANT: Northampton Partnership Homes
AGENT: Baily Garner

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:
- 1.2 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 in respect of design and appearance, highway safety and impact upon residential amenity. As such, subject to conditions, it is considered to accord with the requirements of the National Planning Policy Framework, Policies SA, S1, S10, H1, BN2, BN7 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 three existing garages and their subsequent erection of two terraced, two-bedroom dwellings.
- 2.2 It is proposed that the two dwellings will have a pitched roof and a ridge height of 7.4 metres. The width of each dwelling will be 4.7 metres wide and they will be 12.2 metres deep. The dwelling on the corner (west side of the site) will have a chamfered corner at ground and first floor to take account of the boundary of the site.
- 2.3 Each dwelling will have a private garden to the rear (south).

3 SITE DESCRIPTION

- 3.1 The application site comprises an area of hardstanding and three flat roof pre-fabricated garages that have a secure compound in front (on Margaret Street) formed by palisade fencing and a gate. The southern part of this compound is not within the red line of the site.
- 3.2 To the immediate east of the site is an existing terrace of dwellings, with no. 54 Charles Street abutting the boundary of the site. To the immediate north of the site is a footpath and then highway, with more terraced dwellings on the other side of Charles Street. To the west of the site is Margaret Street and a row of terraced dwelling. To the south of the site is a row of terraced dwellings that run north-south along Margaret Street.

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

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:

Section 2 – Achieving sustainable development
Section 4 – Decision-making
Section 5 – Delivering a sufficient supply of homes
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
Section 16 – Conserving and enhancing the historic 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 SA – Presumption in Favour of Sustainable Development
Policy S1 – The Distribution of Development
Policy S10 – Sustainable Development Principles
Policy H1 – Housing
Policy RC2 – Community Needs
Policy BN2 – Biodiversity
Policy BN5 – The Historic Environment and Landscape
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 are material to this application:

Policy E20 - New Development (Design)

5.5 **Supplementary Planning Documents**

Northamptonshire Parking Standards (2016)
Planning out Crime in Northamptonshire SPG (2004)
Boot and Shoe Quarter Conservation Area (2011)

6 **CONSULTATIONS/REPRESENTATIONS**

6.1 Comments received are summarised as follows:

6.2 **Public Protection (NBC)** – No objection subject to proposed conditions covering contaminated land, construction noise and EV charging points.

6.3 **Highway Authority (NCC)** – The LHA objects to the approval of this application on the grounds of insufficient parking provision. Each dwelling requires 2 parking spaces.

6.4 **Conservation Officer (NBC)** – The lock-up garages are on the site of former houses/corner shop that fronted Charles Street and are not of historic interest; the appearance of the site detracts from the character of this part of the Conservation Area. Have no objection to the proposed replacement houses, which will help to reinstate the former street scene and would suggest materials (bricks and roofing material) be agreed by condition.

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 urban area of Northampton.

7.2 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.

7.3 The site lies within the Boot and Shoe Quarter Conservation Area. The Planning (Listed Buildings and Conservation Areas) Act 1990 requires, at Section 72, Local Planning Authorities, when determining applications for planning permission, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. In this case a Historic Environment Assessment has been submitted with the application to demonstrate that the proposal will preserve or enhance the character or appearance of the area, as discussed in further detail below.

Heritage

7.4 The character of the Boot and Shoe Quarter Conservation Area is derived from the urban landscape and Victorian era terraced dwellings interspersed with red brick boot and shoe factories. The character of the area has some very obvious features such as terracing, buildings set at the

back of the footpath, little if any off-street parking, repetition of architectural detailing and buildings which address corners, such as corner shops with entrances on the corner of both streets.

- 7.5 In this particular case, the applicants have sought to follow the existing character of the surrounding area by setting the two proposed dwellings in line with the existing terrace on Charles Street and by chamfering the corner of the plot on the left (west) side of the site. The proposed chamfer at ground and first floor replicates similar architectural detailing visible in the wider area, reinforcing the historic character of the area. The proposed fenestration and brick arches above the windows will further help the dwellings to appear appropriate within its historic context.
- 7.6 The Conservation Officer has been consulted on the proposal and confirms that the lock-up garages are on the site of former houses/corner shop that fronted onto Charles Street. They are not of historic interest. The appearance of the site detracts from the character of this part of the Conservation Area and thus there is no objection to the proposed replacement houses, which will help to reinstate the former street scene. The Conservation Officer has suggested that external materials be agreed by condition.
- 7.7 It is considered that providing the external materials are a good match with those visible with the Conservation Area then the proposal will enhance the character and appearance of this part of the Boot and Shoe Quarter Conservation Area, in accordance with Section 16 of the National Planning Policy Framework, Policy BN5 of the West Northamptonshire Joint Core Strategy and Policy E26 of the Northampton Local Plan.

Layout and Design

- 7.8 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. The policies are in conformity with the NPPF, which advises that planning should always seek to secure high quality design.
- 7.9 As stated in the previous section of this report the external appearance of the two proposed dwellings seeks to follow the character of the surrounding Conservation Area. It is considered that the layout equally seeks to follow the character of the surrounding area. To the rear of each of the proposed terraced dwellings there will be a private rear yard of 5 metres, exactly the same as the existing neighbouring terraced dwellings to the east (no. 54 Charles Street to the east).
- 7.10 Whilst the proposed layout reflects the existing morphological character of the area, it prevents any on-plot provision of car parking. Car parking is dealt with in a subsequent section of this report, but it is considered that the requirement to preserve or enhance the character or appearance of the Conservation Area is greater than the need to provide on-plot car parking spaces in this instance. As such, greater weight is given to Policies E20 and E26 of the Northampton Local Plan in respect of design and layout than Northamptonshire County Council Parking Standards.
- 7.11 The proposed terraced dwellings will be located at the back of the existing footpath on Charles Street and to the side of the existing row of two storey terraced dwellings on Charles Street. They have been sited to reflect the front building lines and relationship with the street of adjacent properties.
- 7.12 It is considered that the scale of the proposed dwellings will relate positively to their surroundings, with a ridge height approximately 60cm higher than the existing dwellings to the east (54 Charles Street). The ridge height and roof pitch will reflect the prevailing character of the area and it is proposed to require details of the external materials by condition to ensure that the external walls have an appropriate character and appearance. As such, it is considered that the new dwellings would not appear unduly prominent or intrusive in the streetscene and will be constructed of suitable materials for this locality.
- 7.13 Overall, it is considered that the proposal would not have an adverse impact with regards to the character and appearance of the area.

Residential amenity

- 7.14 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.
- 7.15 In terms of the impact of the proposal upon the occupants of neighbouring dwellings it is considered that the scale of the proposed dwellings, along with their position within the site, will ensure that there is no detrimental impact upon amenity in terms of overlooking, loss of light, overbearing impact or increased levels of pollution, such as noise and light.
- 7.16 The proposed dwellings will be to the west of 54 Charles Street. The dwelling on the boundary with no. 54 will abut the existing gable end wall of no. 54 Charles Street. No windows are proposed in the side elevations of either of the two proposed dwellings and therefore there will be no overlooking of existing properties as a result of the side elevations of the proposal.
- 7.17 The proposed rear elevations (south) will face directly onto 5 Margaret Street, which has a blank gable end elevation facing to the north. As a result, the proposed windows on the rear elevations of the new dwellings will not result in any loss of privacy for the occupants of no. 5 Margaret Street.
- 7.18 There will however be some overlooking of the bottom of the rear garden of no. 54 Charles Street from the proposed dwelling on the east side of the site. The overlooking will be from a bedroom window. However, this will be at such an oblique angle and for such a small section of the garden that it will not have a detrimental impact upon the privacy of the occupants of no. 54 and thus it is considered that the impact upon amenity is acceptable. Conditions removing permitted development rights are proposed to ensure that this continues to be the case after the proposed dwellings are occupied.
- 7.19 To the north and west of the proposed dwellings there are existing footpaths and roads which prevent any loss of privacy due to the separation distance, which measures 11 metres to the north and 12 metres to the west, which is the same distance as the existing properties on Charles Street which are opposite each other.
- 7.20 It is therefore considered that the proposed dwellings will not have a detrimental impact upon the amenity of existing and future neighbouring occupants and as such the proposal is considered to accord with policies E20 of the Northampton Local Plan and Policy H1 of the Joint Core Strategy in respect of amenity.
- 7.21 It is also considered that the amenity of future occupants of the proposed dwellings will be acceptable. Internal room sizes are considered acceptable for two storey dwellings and both dwellings will have private rear yards with space for sheds and bin storage. The distance from the rear elevation of the proposed dwellings to the rear boundary fence is 5 metres, although there will be a further gap of 5 metres next to 5 Margaret Street, thus ensuring the yard provides adequate private amenity space without feeling oppressive or overlooked.
- 7.22 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

- 7.23 As stated above the proposal will not have any on-site parking. Northamptonshire County Council's Parking Standards require 2 off-street parking spaces per 2 bedroom dwelling. An objection from the Local Highways Authority has been received on this basis. However, in this case, in order to provide any off-street parking spaces within the plot the layout and design of the proposal would be detrimentally affected, and it would not be possible to reflect the character and appearance of the Boot and Shoe Quarter Conservation Area.

- 7.24 The surrounding streets have on-street parking and this is the dominant character of the area. Occupants of the proposed dwellings will be able to park on street as all the existing residents currently do and there is a total of 10 metres of highway space to the north of the proposal and a further 10 metres to the east that could be parked in by the occupants of the proposed dwellings. It is not considered that a refusal of the proposal on lack of parking could therefore be justified. In addition, Paragraph 109 of the National Planning Policy Framework states that Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 7.25 The site is within a sustainable location near to the town centre. It is not considered in this case that the proposed development would have an unacceptable impact upon highway safety.

Other Considerations

- 7.26 Environmental Health have suggested the inclusion of conditions relating to electric vehicle charging points, boilers, and construction hours. However, 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 it is therefore not considered to be reasonable to require by condition the type of boilers to be installed in the proposed dwellings. With respect to construction hours the proposal is only for a small-scale development and there are controls under Environmental Health and Highway legislation to address issues arising from such small construction sites, should they arise.

8 CONCLUSION

- 8.1 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 site is located in a residential area and therefore the principle of residential development on the site is acceptable under the development plan, with the proposed development also contributing to the Council's five year housing land supply.
- 8.2 The submitted information demonstrates that whilst the site lies in the Boot and Shoe Quarter Conservation Area the proposed layout and design take into account the existing character and appearance of the area and will result in a development that enhances the character and appearance. Furthermore, subject to conditions, no other harm has been identified that would significantly and demonstrably outweigh the benefits of the proposed development. Therefore, it is recommended that planning permission is granted subject to the imposition of suitably worded 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: 30641 (P)03 Rev C, 30641 (P)04 Rev C and 30641 (P)05 Rev C.

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. Development works at the site shall cease and an investigation and risk assessment must be 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 granted 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 commencement of construction works on site, details of the existing and proposed ground levels and finished floor levels of the development in relation to no. 54 Charles Street 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.

5) Prior to the construction of the development hereby approved above ground floor slab level, full 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 Policies H1 and BN5 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 or outbuildings shall be erected to the dwellings hereby permitted.

Reason: To prevent overdevelopment of the site in accordance with Policy H1 of the West Northamptonshire Joint Core Strategy.

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 shall be installed in any of the 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.

10 BACKGROUND PAPERS

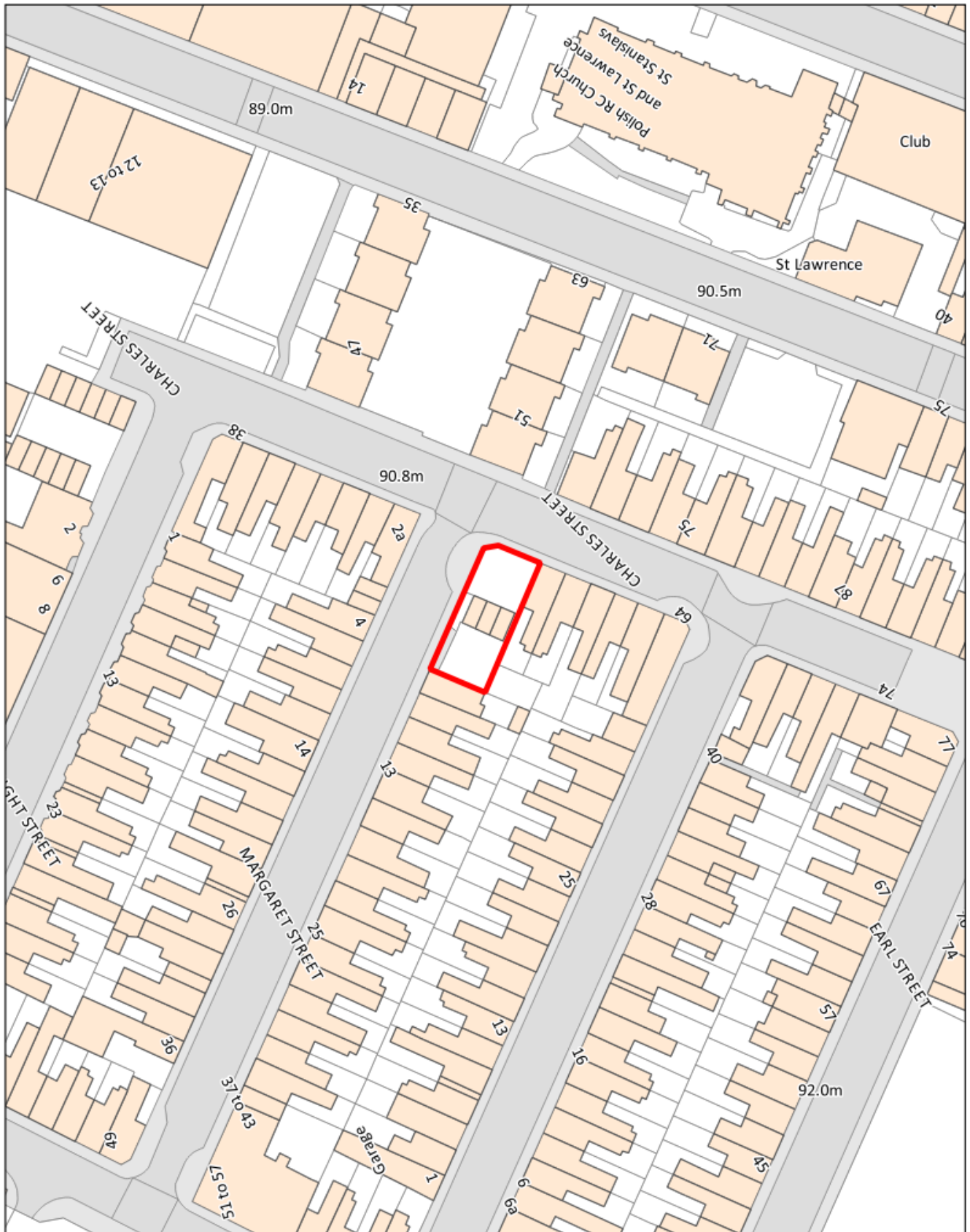
10.1 N/2019/0980.

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, Margaret Street**

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