

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

APPLICATION REF: N/2019/1141

LOCATION: 48A Tyes Court

DESCRIPTION: Variation of Condition 3 of Planning Permission N/2018/1513 (Demolition of domestic garages and construction of 2no new dwellings with associated parking) to amend the internal layout of the second floor

WARD: Brookside 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:

The proposed development would have no undue detrimental impact on the amenities of neighbouring occupiers and would not be out of keeping with the character and appearance of the street scene and wider area, and would represent an appropriate use for the site and contribute towards the Borough's housing land supply. The proposed development would therefore comply with Policies S1, S3, S10 and H1 of the West Northamptonshire Joint Core Strategy, Policy E20 of the Northampton Local Plan, Policies H1 and H2 of the Growing Together Neighbourhood Plan and the National Planning Policy Framework.

2 THE PROPOSAL

2.1 The proposal is an application for variation of condition to amend the internal layout of two previously approved dwellings. These would be reconfigured to provide four rather than three bedrooms in each of the property, by reconfiguring the second floor.

2.2 4 car parking spaces would continue to be provided to serve the development.

3 SITE DESCRIPTION

- 3.1 The site previously consisted of a small block of two garages, although these have been demolished and work has commenced on site. The surrounding area is comprised of three storey dwellings adjacent on either side. The wider context of the area is largely similar house types other than one block of two storey dwellings with a monopitch roof. The area is of a 1970s design ethos.

4 PLANNING HISTORY

- 4.1 N/2018/1513 – Demolition of domestic garages and construction of 2no new dwellings with associated parking. Approved 23/01/19.

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, and the Growing Together Neighbourhood Plan.

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:

Section 2 – Achieving sustainable development
Section 5 – Delivering a sufficient supply of homes
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 S3 - The Scale and Distribution of Housing 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

5.5 Supplementary Planning Documents

Northamptonshire Parking Standards (September 2016)
Planning out Crime in Northamptonshire SPG 2004

5.6 Other Material Considerations

Growing Together Neighbourhood Plan

The Growing Together Neighbourhood Plan (Covering Blackthorn, Goldings, Lings and Lumbertubs) was made in April 2017, and now forms part of the development plan for Northampton.

The following policies are relevant to the determination of this proposal:

Policy H1: Housing mix.

Policy H2: Small-scale housing development.

6 CONSULTATIONS/ REPRESENTATIONS

Comments received are summarised as follows:

- 6.1 **Environmental Health** – No further comments over those made on the original application (these stated no objections subject to a condition requiring action in the event of unexpected contamination being found).
- 6.2 **Local Highway Authority** – The change to the internal layout on the second floor has created an additional bedroom in each dwelling; therefore the proposed parking provision is no longer adequate. Each dwelling will require 3 on plot spaces as detailed in the Northamptonshire Parking Standards.

7 APPRAISAL

- 7.1 As an application for a minor material amendment, the issues to consider are whether there would be any change in the impact of the development on the street scene and character of the area, on the amenities of adjoining occupiers, or on highway safety and amenity, as a result on the proposed changes.
- 7.2 The plans show no significant changes to the external appearance of the dwellings, with the changes consisting of an internal reconfiguring of the second floor, to provide an additional bedroom within each house.
- 7.3 In terms of the street scene, as the appearance of the dwellings would be fundamentally unchanged, the impact would remain the same as with the previously approved scheme.
- 7.4 In respect of the impact on neighbouring occupants, the only change visible externally would be the change of one obscure glazed window in each of the dwellings to a clear glazed secondary window to a bedroom. This would allow for a slightly increased view into the neighbouring private garden, however this is usual within an urban environment and it is not considered that the occupiers of this neighbouring property (49 Tyes Court) would be unduly affected.
- 7.5 Regarding parking, the proposed development would continue to have 4 car parking spaces to the front. Under the previous approval, with three bedrooms per dwelling, this complied with the adopted parking standards. Under the amended plans each of the units would now have four bedrooms, and the adopted standards thereby require three spaces per property. There would, therefore, be a shortfall of parking for the proposed dwellings of two parking spaces and the Local Highway Authority have objected on this basis.
- 7.6 Whilst there would be a shortfall of two parking spaces for the proposed development, it is considered that this minor discrepancy would be unlikely to have a significant impact in terms of highway amenity or the amenities of residents of the area. This is due to the availability of parking courts within the area, such as that immediately opposite the site. It is also pertinent to note that the proposal relates to internal alterations only. If the houses had been built as approved, these internal changes to create one additional bedroom within each property could then have been carried out without the need for further permission. With the availability of parking courts within the

area, and with the proposal being internal alterations only which would not have required permission should the alteration have occurred once the building was complete, it is considered that the shortfall of parking would not amount to a reason for refusal.

8 CONCLUSION

- 8.1 The proposed development as amended is acceptable in principle and would provide a good standard of accommodation for future occupants whilst having no adverse impact on the amenities of adjoining occupiers and no significant additional impact on highway amenity.

9 CONDITIONS

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 30599 (P) 03, 30599(P) 06 A, 30597 (P) 04 B, 30597 (P) 05 Rev A.

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

- 2) The development shall be carried out in accordance with external facing materials as specified: Walls – Ibstock Sandalwood Buff Brick, Roof – Marley Eternit Rivendale Fibre Cement Artificial Slate, Blue Black.

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.

- 3) The parking spaces and manoeuvring area together as shown on approved plan 30599 (P) 03 shall be constructed prior to the first occupation of the buildings hereby approved and retained for the parking of vehicles 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.

- 4) 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 that risks from land contamination to the future users of the development and neighbouring land are minimised, in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.

- 5) 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 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.

- 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 E20 of the Northampton Local plan.

- 7) All trees shown to be retained in the approved plans shall be protected for the duration of the development in accordance with the Macintyre Trees Tree survey and Arboricultural Impact Assessment Report dated October 2018. The integrity of the control measures should be monitored by a competent arboriculturist throughout the development to ensure compliance, and the reports submitted to the local planning authority for verification.

Reason: In order to ensure adequate protection of existing trees on the site in the interests of achieving a satisfactory standard of development and maintaining the amenity of the locality in accordance with Policy E20 of the Northampton Local Plan and the National Planning Policy Framework.

- 8) The external boundaries of the site shall be constructed in accordance with the approved plan 30599 (P) 03 prior to the occupation of the buildings hereby permitted and retained in full accordance with the details 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 the National Planning Policy Framework.

- 9) All planting, seeding or turfing comprised in the approved details of landscaping as shown on the approved plans 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 Policy E20 of the Northampton local Plan and the National Planning Policy Framework.

10 BACKGROUND PAPERS

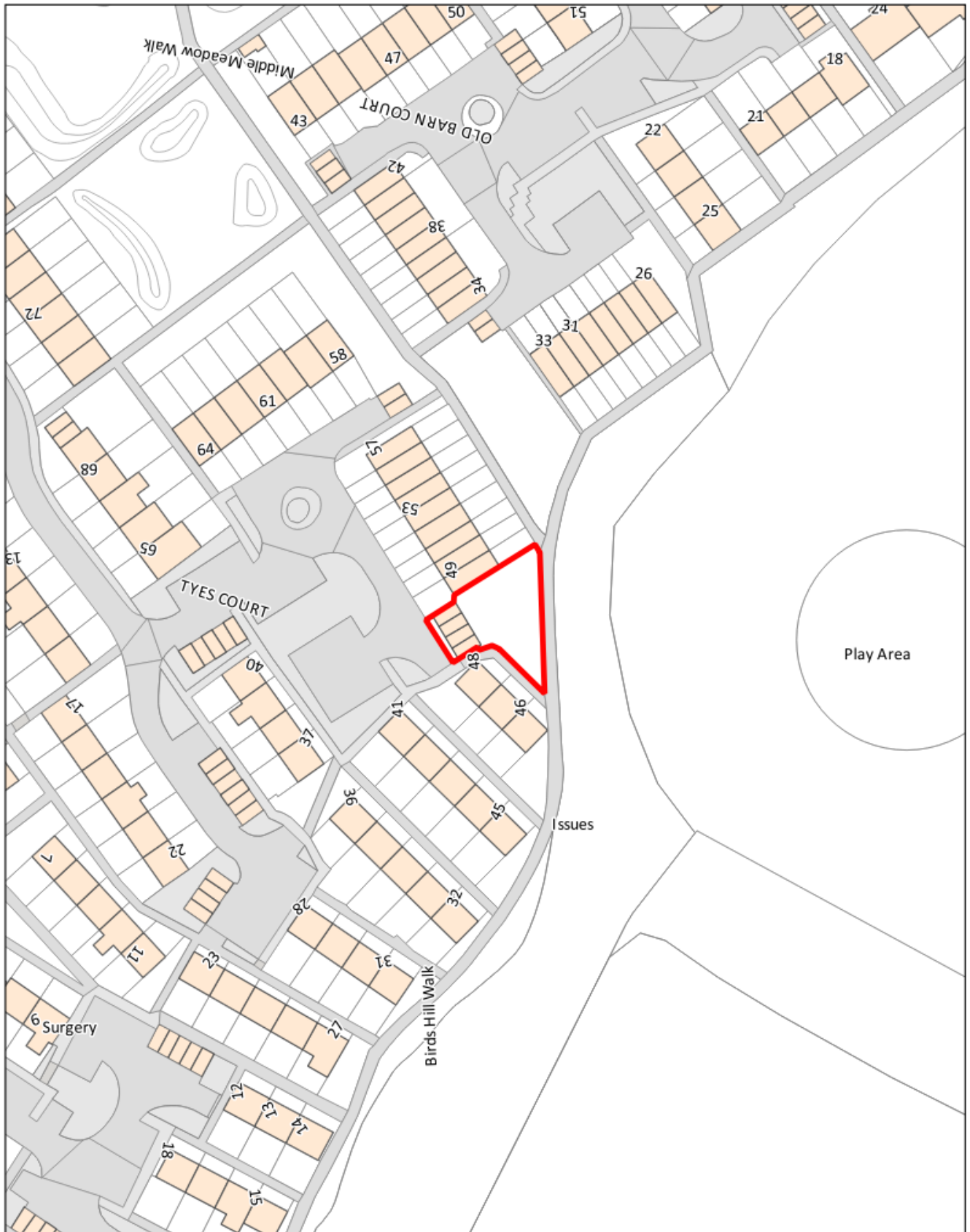
- 10.1 Application file N/2019/1141 and N/2018/1513.

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: **48A Tyes Court**

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Date: 08-11-2019

Scale: 1:1,000

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