

**PLANNING COMMITTEE:** 19<sup>th</sup> February 2019  
**DEPARTMENT:** Planning Service  
**HEAD OF PLANNING:** Peter Baguley

**APPLICATION REF:** N/2018/1681

**LOCATION:** Garages Adjacent to 7 Nethermead Court

**DESCRIPTION:** Demolition of domestic garages and construction of 1no new dwelling with associated parking

**WARD:** Brookside 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 principle of residential development on the site for a new dwelling is considered acceptable in a residential area and would contribute towards the Council's five year housing land supply. On balance, it is considered that the proposal would have an acceptable impact upon the character and appearance of the surrounding area, neighbouring amenity and highway safety. The development is therefore compliant with 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 the garages described below, and the erection of a two storey three bedroom dwelling. The proposed dwelling will be attached to the gable end of the row of terraced houses sited along the northern boundary of the site. The proposed unit will be in line with the front of the adjoining dwelling (No. 7 Nethermead Court) but will project about 2m to its rear. 4 car parking spaces will be provided along the eastern boundary with another to the front of the proposed dwelling.

- 2.2 The main entrance and lounge, bedroom and bathroom windows will be on the western elevation of the proposed building facing Nethermead Court, with kitchen and further bedroom windows proposed on eastern elevation facing the Lings Primary School. A small lounge window is proposed on the southern gable end.

### **3 SITE DESCRIPTION**

- 3.1 This application relates to a block of 4 garages located at the end of Nethermead Close some 80m to the south east of its junction with Hayeswood Road. Lings Primary School is located to the east. The immediate area is characterised by small rows of modern terraced housing with stepped ridge lines to take into account land levels falling to the south.

### **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 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 2 & 47 - Applications to be determined in accordance with the development plan.  
Paragraphs 8, 10, 11 & 38 - Achieve and approve applications for sustainable development.  
Paragraph 59 - To support the Government's aim of significantly boosting the supply of homes.  
Paragraph 91 - Promoting health and safe communities.  
Paragraph 103 - Manage growth to achieve sustainable transport.  
Paragraph 117 - Promoting an effective use of land in meeting the need for homes and other uses whilst safeguarding and improving the environment and ensuring safe and healthy living conditions.  
Paragraph 123 - Making optimal use of land by achieving appropriate densities.  
Paragraph 124 - Creation of high quality buildings and places, good design being integral to achieving a sustainable development.  
Paragraph 212 - The Framework is a material consideration which should be taken into account in dealing with applications.

#### **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)

#### **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 **Arboriculture Officer (NBC)** – No comments to make.
- 6.2 **Public Protection (NBC)** – Recommend conditions regarding contamination, electric vehicle charging points and low emission boilers.
- 6.3 **Highway Authority (NCC)** – Has no objections but has commented about the need for clarity in relation to the highway boundary, and recommends conditions in relation to access gradient, visibility and drainage.
- 6.4 **Northamptonshire Police** – No objections and has advised on security standards.
- 6.5 **Representations** – Objections from a resident are summarised as follows:
  - Excessive noise during construction.
  - Damage to property ensuing from construction works.
  - Loss of utilities.
  - Restricted vehicular access.

### **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 The Council cannot however 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.

#### **Layout and 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 are in conformity with the NPPF which advises that planning should always seek to secure high quality design.
- 7.4 The application site comprises a former garages court site set in a residential area, and would comprise the re-use of brownfield land which is encouraged under the NPPF.

- 7.5 The proposed development is set in line with dwellings to the north. Minimum separation distances required by the SPD on design are maintained to the south (side) and the west (front). The simple and utilitarian design has been amended and the revised design of the dwelling is in line with the nearby properties in terms of build form and external finish. The proposed development is therefore considered to be acceptable in terms of layout and design.
- 7.6 However, as the proposed dwelling will have relatively small garden and would have a close relationship with adjoining property, it is therefore necessary to impose a planning condition to remove permitted development rights for future extensions to avoid overdevelopment.

### **Residential amenity**

- 7.7 Saved Policy E20 of the Northampton Local Plan, Policy H1 of the Joint Core Strategy and the Core Planning Principles in the NPPF all seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 7.8 The proposed units will be in line with blank gable wall of dwellings to the north, with adequate separation distance to other neighbouring dwellings. The projection of 2m to the rear of No. 7 Nethermead Court would not impinge the 45 degree rule. Living conditions of the occupiers of the neighbouring properties will therefore not be adversely affected, subject to a planning condition as stated in paragraph 7.1 above.

### **Parking and highway safety**

- 7.9 The applicant has confirmed that of Blackthorn's original 221 garages, 23 had been demolished for various reasons prior to NPH's garage redevelopment programme starting; 66 garages were occupied as of December 2018. All garage licensees living in Blackthorn can be relocated within the estate.
- 7.10 In the instance of this application, the existing site contains 4 lock up garages and the provision for 1 hard standing parking space. The proposed scheme will provide a total of 5 parking spaces. The proposed dwelling requires a total of 2 parking spaces to meet parking standards. Therefore there is a surplus of 3 parking spaces to serve other residents.
- 7.11 The scheme is considered to be acceptable on grounds of amenity, parking and highway safety. As the existing access would be used, no additional conditions in relation to visibility splays and gradient would be necessary as recommended by the Highway Authority.
- 7.12 The submitted plans show a shed to serve the dwelling, this could serve as cycle store and details of which will be secured by condition.

### **Landscaping**

- 7.13 No trees are affected by the proposed works.

### **Contamination**

- 7.14 Due to the possibility of the presence of land contamination, Public Protection has recommended that site investigation is carried out and these requirements will be secured through conditions.

### **Other Matters**

- 7.15 Construction works would normally be undertaken during working hours and should not lead to undue noise and disturbance. The works should also not result in damage to existing properties or loss of utilities.

- 7.16 In respect of the provision of electric vehicle charging points, Northamptonshire Partnership Homes has confirmed that these are not being considered as the scheme is subject to a limited budget. Whilst desirable, it is considered that the more immediate benefits of the scheme outweigh this concern.
- 7.17 The issue in relation to the provision of boilers is regulated by Building Regulations and no additional planning conditions is necessary in this instance.

## **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. However, 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 instance, the proposal would comply with the development plan and would contribute, albeit on a small scale, towards the Council's housing supply with associated social and economic benefits. Furthermore, subject to conditions, 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)02, (P)03, (P)04 received on 25.01.2019, (P)05 received on 25.01.2019 and (P)06 received on 25.01.2019.

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

3. Prior to the construction of the development 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.

4. Prior to the construction of the development 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 building hereby permitted and retained thereafter.

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.

5. Prior to the construction of the development hereby permitted, 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. Pre-commencement condition to ensure details are agreed in a timely manner and to ensure a satisfactory standard of development.

6. The construction of the development hereby permitted shall not take place until a desk top study in respect of possible contaminants within the site is completed and a site investigation has been designed. The scope and methodology of the desk top study and the site investigation report shall be submitted to and approved in writing by the Local Planning Authority. The site investigation and appropriate risk assessments shall be carried out and the results shall be used to produce a method statement for the necessary remedial works (and a phasing programme), which shall be submitted to and approved in writing by the Local Planning Authority. All remedial works shall be fully implemented in accordance with the approved method statement and phasing programme. Confirmation of the full implementation of the scheme and validation report(s) shall be submitted to the Local Planning Authority within 2 weeks of completion (or within 2 weeks of completion of each respective phase).

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. Pre-commencement condition to ensure details are agreed in a timely manner and to ensure a satisfactory standard of development.

7. 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 and where remediation is necessary a remediation scheme must be prepared 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.

8. Notwithstanding the submitted details, full details of the storage shed 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: To ensure the provision of adequate facilities in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy.

9. The parking spaces and manoeuvring areas shown on the approved plans shall be constructed prior to the occupation of the building 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 requirements of the National Planning Policy Framework.

10. Full details of drainage relating to the proposed car park areas 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: To prevent drainage on to the highway in accordance with the aims of the National Planning Policy Framework.

11. 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 safeguard the privacy of adjoining properties in accordance with Policy H1 of the West Northamptonshire Joint Core Strategy.

## **10 BACKGROUND PAPERS**

10.1 N/2018/1681.

## **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: **Garages adj 7 Nethermead Court**

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