

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

**APPLICATION REF:** N/2018/1772

**LOCATION:** Garages 45 to 48, Collmead Court

**DESCRIPTION:** Demolition of 12 domestic lock up garages and construction of 2 new build dwellings

**WARD:** Talavera 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 new dwellings 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 3 blocks of 12 garages, the erection of a pair of semi-detached dwellings, and provision of 13 car parking spaces. The dwellings will be sited to the North East of Collmead Court some 82m from its junction with Blackthorn Road.

2.2 The proposed one-bed dwellings will be two storey in height with a ridged roof.

### **3 SITE DESCRIPTION**

- 3.1 The application relates to three blocks of flat roofed, brick built garages with each block comprising four individual garages located at either end of Collmead Court. The garage block to the north east of Collmead Court has an area of hardstanding to its front which has been laid out to park three cars. The other two blocks of garages at the other end of Collmead Court do not have any associated areas of hardstanding for parking. There are 7 trees within or in close proximity to the site. The proposal will result in the removal of four trees due to proximity to the proposed dwellings, the remaining trees could be retained with no impacts envisaged.

#### **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)

## 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 **Arboriculture Officer (NBC)** – No objections subject to the implementation of the arboricultural control measures specified in the Tree Report.

6.2 **Public Protection (NBC)** – Recommends conditions relating to contamination, electric vehicle charging points, low emission boilers and hours of construction.

6.3 **Highway Authority (NCC)** – No comments received.

6.4 **Northamptonshire Police** – No objections.

## 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 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 former garage court sites set amidst existing housing. Therefore the proposal would not result in the loss of residential garden land, and would comprise the re-use of brownfield land which is encouraged under the NPPF.

7.5 The proposed layout sets a pair of semi-detached dwellings in a residential area. Sufficient separation distances to existing dwellings has been allowed. The proposed dwellings will be broadly in line with existing dwellings on either side. Although set forward of the rear elevation of dwelling to the east at 27 Nether Jackson Court, the 45 degree rule will not be breached. The simple and utilitarian design proposed would be in keeping with existing buildings providing external materials to complement existing dwellings are used. The proposed development is therefore considered to be acceptable in terms of layout and design.

- 7.6 However, as the proposed dwellings will have relatively small gardens, 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 dwellings will be in line with those to the west, and set forward to those to the east. The 45 degree rule will not be breached. There are no neighbouring dwellings to the front or rear of the proposed development. It is considered that the proposal would not have significant impact on residential amenity, in terms of overbearing, overlooking and loss of light.

### **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 The existing site contains 12 lock up garages. The scheme proposed to create 13 spaces, 4 of which will be allocated to the proposed dwellings, leaving a surplus of 9 spaces to be utilised by the existing residents of the area. There is no change to the access from Collmead Court.
- 7.11 For the above reasons, the scheme is considered to be acceptable.

### **Trees**

- 7.12 There are 8 trees within or in close proximity to the site. 4 trees (T2-T5) will need to be removed to facilitate the development. The remaining trees can be retained subject to appropriate protective measures being implemented, and sensitive construction techniques being undertaken. A condition is recommended that the tree protection measures detailed in Sections 5 and 6 of the Tree Report are implemented.

### **Other Matters**

- 7.13 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.
- 7.14 The provision of boilers is regulated by Building Regulations.
- 7.15 The scale of the proposed development does not justify controlling hours of construction as this will be covered by Environmental Health legislations.

## **8 CONCLUSION**

- 8.1 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)01, (P)03, (P)04, (P)05 and (P)06.

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 buildings 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 sheds 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 S0 of the West Northamptonshire Joint Core Strategy.

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

10. Full details of the proposed surface treatment of the car parking areas shall be first submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To secure a satisfactory standard of development in accordance with Policy E20 of the Northampton Local Plan and S10 of the West Northamptonshire Joint Core Strategy.

11. Full details of drainage relating to the proposed car parking 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.

12. The tree protection measures detailed in Section 5 (Paragraphs 5.8 & 5.9) and Section 6 of the submitted Tree Survey and Arboricultural Impact Assessment Report by McIntyre Trees (Dated December 2018-Ver 18101\_10\_Fv1) shall be implemented throughout the course of the construction works.

Reason: To ensure appropriate protection of retained trees and in the interests of amenity in accordance with the requirements of Policies BN3 and S10 of the West Northamptonshire Joint Core Strategy.

13. 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.

14. 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**

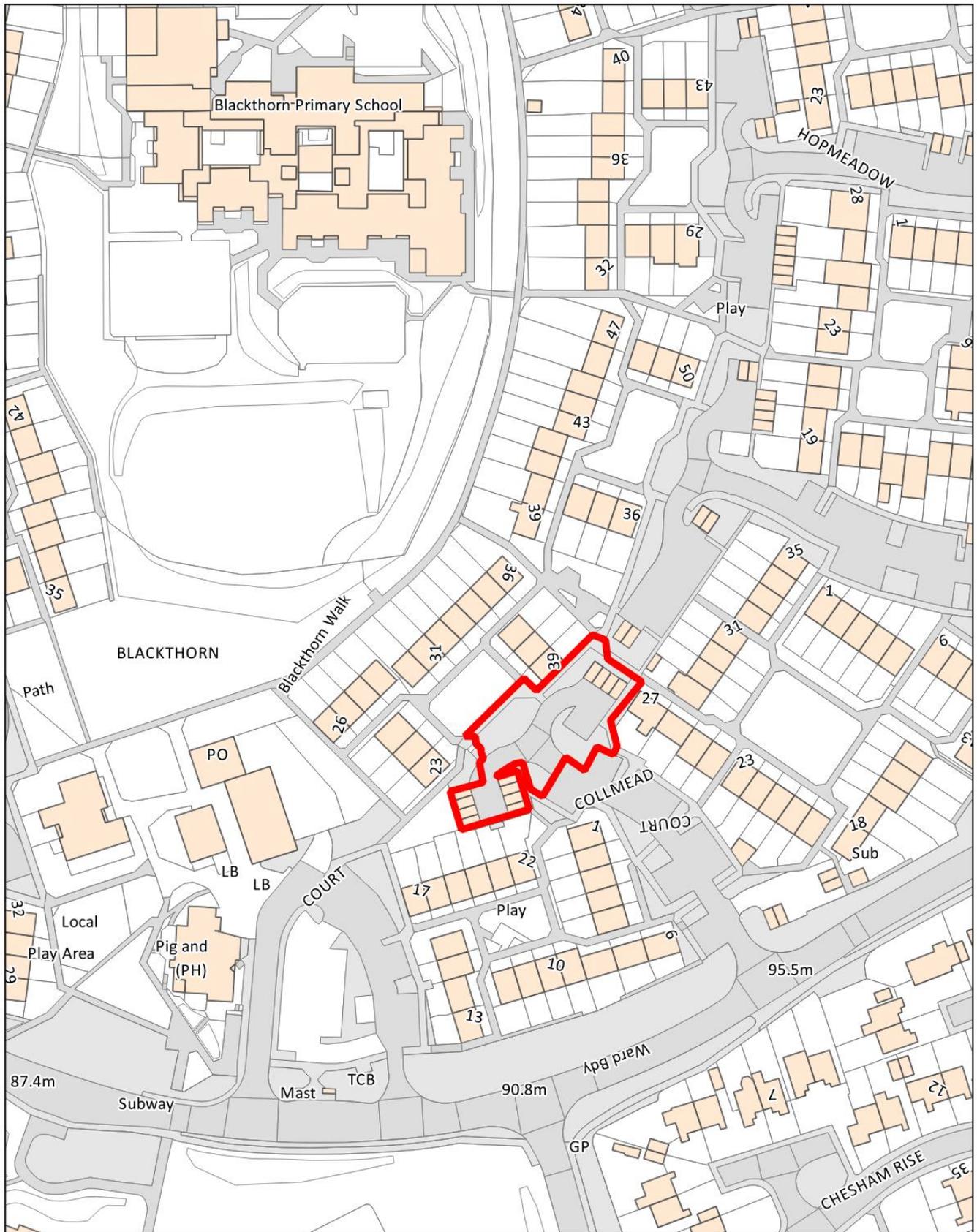
- 10.1 N/2018/1772.

## **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.



NORTHAMPTON  
BOROUGH COUNCIL

Title: **Garages 45 - 48 Collmead Court**

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