

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

**APPLICATION REF:** N/2018/1775

**LOCATION:** Lockup garages, Nether Jackson Court

**DESCRIPTION:** Demolition of 6no. garages and erection of 1 new build dwelling and parking

**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 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 two blocks of 6 garages, the erection of a bungalow, and provision of 4 car parking spaces. The dwelling will be sited to the North West of Nether Jackson Court some 107m from its junction with Greatmeadow Road.

### **3 SITE DESCRIPTION**

#### **3.1** The application relates to 2 blocks of flat roofed, brick built garages set at right angle to each other and comprising of 2 and 4 individual garages located to the north west of Nether Jackson Court. To the south of the existing garages is an area of hardstanding which has been laid out for parking

of 2 cars. There are 9 trees within or in close proximity to the site, 6 of the trees and the area of shrub growth on the site will need to be removed.

#### **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**

## **6 CONSULTATIONS/ REPRESENTATIONS**

Comments received are summarised as follows:

- 6.1 **Arboriculture Officer (NBC)** – requests a method statement in relation to the protection of retained trees.
- 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** – Object to the creation of a dead area to the east of the proposed dwelling (Note: the proposed scheme has now been amended to take into account of the concerns from the Crime Prevention Officer and the area in question has been incorporated into the curtilage of the proposed dwelling).

## **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 a former garages court site 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 bungalow will be located in a residential area. Sufficient separation distances to existing dwellings have been allowed. The simple build form with a hipped roof design proposed would be in keeping with existing buildings, providing bricks to complement existing dwellings are used. The proposed development is therefore considered to be acceptable in terms of layout and design.
- 7.6 The Police have previously objected to a dead area being created to the east of the proposed dwelling. The scheme has been amended to incorporate the 'dead area' within the proposed plot and the fence line has been repositioned as a result. The current scheme would not impact on public safety.

### **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 bungalow would be set in front of the neighbouring dwelling to the north west, and have a separation distance of almost 14m between its gable wall and the rear elevations of the dwellings to the east. It is therefore considered that residential amenities will not be adversely affected.

### **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 6 lock up garages with the provision for 2 hard standing spaces. The scheme proposes to create 4 spaces of which 2 will be allocated for use by the proposed unit. Therefore there will be a surplus of 2 parking spaces that can be utilised by existing residents of the local area.
- 7.11 As garages are not counted as parking spaces in the Northamptonshire Parking Standards, it is considered that the level of parking provision is acceptable. No comment has been received from the Local Highway Authority.

### **Trees**

- 7.12 There are 9 trees within or in close proximity to the site. 6 Trees (T3-T8) and all the areas of shrub growth will need to be removed as they sit on proposed parking areas and footprint of the dwelling. A larger tree (T9 – a Robinia) on the northern boundary of the site can be retained subject to careful demolition and construction works and retaining it outside the plot boundary.
- 7.13 Trees T1 and T2 (Whitebeams) are located outside the western boundary of the site. These trees can also be retained subject to careful construction techniques. A condition is recommended that the tree protection measures detailed in Sections 5 and 6 of the Tree Report are implemented.

### **Other Matters**

- 7.14 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.
- 7.15 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 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 Rev B, (P)04, (P)05, & (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 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 S0 of the West Northamptonshire Joint Core Strategy.

9. Full details of the proposed surface treatment of the car parking area 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.

10. Full details of drainage relating to the proposed car parking area 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. The tree protection measures detailed in Section 5 (Paragraph 5.7) and Section 6 of the submitted Tree Survey and Arboricultural Impact Assessment Report by McIntyre Trees (Dated December 2018-Ver 18101\_11\_Fv1) shall be implemented throughout the course of construction period.

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.

12. 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 dwelling 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**

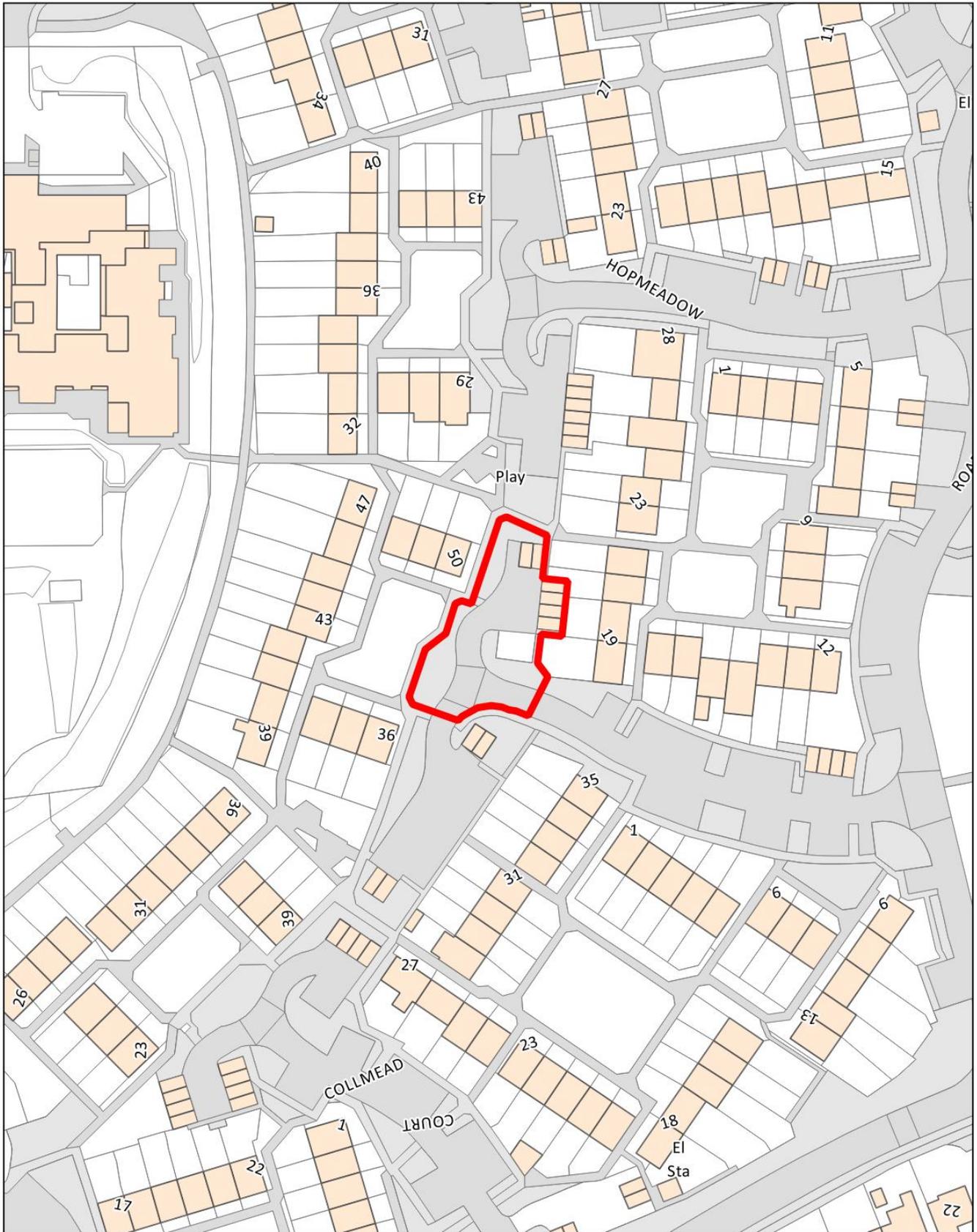
- 10.1 N/2018/1775.

## **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 at Nether Jackson Court**

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