



**NORTHAMPTON**  
**BOROUGH COUNCIL**

# **PLANNING AGENDA**

**Tuesday, 14 January 2014**

The Jeffrey Room, St. Giles Square, Northampton,  
NN1 1DE.

6:00 pm

## **Members of the Committee**

**Councillor:** Penny Flavell (Chair), Councillor Matthew Golby (Deputy Chair)

**Councillors:** John Caswell, Iftikhar Choudary, Nazim Choudary, Jamie Lane, Matthew Lynch, Lee Mason, Dennis Meredith, Brian Oldham, David Palethorpe and Mohammad Aziz Rahman

**Chief Executive** David Kennedy

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[democraticservices@northampton.gov.uk](mailto:democraticservices@northampton.gov.uk) or 01604 837722

# PLANNING COMMITTEE

## AGENDA

Meetings of the Planning Committee will take place at 6.00pm on 1 October, 29 October, 26 November and 17 December 2013, 14 January, 11 February, 4 March, 8 April, 6 May, 10 June, 1 July and 29 July 2014.

The Council permits public speaking at the Planning Committee as outlined below:

### Who Can Speak At Planning Committee Meetings?

- Up to 2 people who wish to object and up to 2 people who wish to support an individual planning applications or any other matter on the public agenda.
- Any Ward Councillors who are not members of the Planning Committee. If both Ward Councillors sit on the Planning Committee, they may nominate a substitute Councillor to speak on their behalf.
- A representative of a Parish Council.

### How Do I Arrange To Speak?

- Anyone wishing to speak (not including Ward Councillors who must let the Chair know before the start of the meeting) must have registered with the Council's Democratic Services section not later than midday on the day of the Committee.  
NB: the Council operate a 'first come, first serve' policy and people not registered to speak will not be heard. If someone who has registered to speak does not attend the meeting their place may be relocated at the discretion of the Chair.

Methods of Registration:

- By telephone: 01604 837356
- In writing to: Northampton Borough Council, The Guildhall, St. Giles Square, Northampton , NN1 1DE, Democratic Services (Planning Committee)
- By email to: [democraticservices@northampton.gov.uk](mailto:democraticservices@northampton.gov.uk) (if no acknowledgement is received please telephone)

### When Do I Speak At The Meeting

- A Planning Officer may update the written committee report then those registered to speak will be invited to speak.
- Please note that the planning officer can summarise issues after all the speakers have been heard and before the matter is debated by the Planning Committee Members and a vote taken.

### How Long Can I Speak For?

- All speakers are allowed to speak for a maximum of three minutes.

### Other Important Notes

- Speakers are only allowed to make statements – they may not ask questions or enter into dialogue with Councillors, Officers or other speakers.
- Consideration of an application will not be delayed simply because someone who is registered to speak is not in attendance at the time the application is considered
- Confine your points to Planning issues: Don't refer to non-planning issues such as private property rights, moral issues, loss of views or effects on property values, which are not a material consideration on which the decision will be based.
- You are not allowed to circulate new information, plans, photographs etc that has not first been seen and agreed by the Planning Officers
- Extensive late representations, substantial changes, alterations to proposals etc. will not be automatically accepted, due to time constraints on Councillors and Officers to fully consider such changes during the Planning Committee Meeting.

**NORTHAMPTON BOROUGH COUNCIL**

**PLANNING COMMITTEE**

Your attendance is requested at a meeting to be held:  
in The Jeffrey Room, St. Giles Square, Northampton, NN1 1DE.  
on Tuesday, 14 January 2014  
at 6:00 pm.

**D Kennedy**  
**Chief Executive**

**AGENDA**

**1. APOLOGIES**

**2. MINUTES**

(Copy herewith)

**3. DEPUTATIONS / PUBLIC ADDRESSES**

**4. DECLARATIONS OF INTEREST/PREDETERMINATION**

**5. MATTERS OF URGENCY WHICH BY REASON OF SPECIAL CIRCUMSTANCES THE CHAIR IS OF THE OPINION SHOULD BE CONSIDERED**

**6. LIST OF CURRENT APPEALS AND INQUIRIES**

Report of Head of Planning (copy herewith)

**7. OTHER REPORTS**

**8. NORTHAMPTONSHIRE COUNTY COUNCIL APPLICATIONS**

None

**9. NORTHAMPTON BOROUGH COUNCIL APPLICATIONS**

None

**10. ITEMS FOR DETERMINATION**

**(A) N/2013/0889 - FORMER MILLWAY PRIMARY SCHOOL LAND:  
AMENDMENTS TO SITE LAYOUT & PLOT SUBSTITUTIONS  
(N/2011/0241)**

Report of Head of Planning (copy herewith).

**WARD: Old Duston**

**(B) N/2013/1082 - LAND ADJACENT TO 1 ADAMS AVENUE: ERECTION OF  
2 RESIDENTIAL APARTMENTS**

Report of Head of Planning (copy herewith).

**WARD: Abington**

**(C) N/2013/1243 - LAND TO THE REAR OF 7A MILLWAY: OUTLINE  
APPLICATION FOR THE DEVELOPMENT OF 3 NEW HOUSES**

Report of Head of Planning (copy herewith).

**WARD: Duston**

**11. ENFORCEMENT MATTERS**

None

**12. ITEMS FOR CONSULTATION**

None.

## NORTHAMPTON BOROUGH COUNCIL

### PLANNING COMMITTEE

Tuesday, 17 December 2013

**PRESENT:** Councillor Flavell (Chair); Councillor Golby (Deputy Chair);  
Councillors Aziz, Caswell, I. Choudary, N Choudary, Lane, Lynch,  
Mason, Meredith, Oldham and Palethorpe

#### 1. APOLOGIES

There were none.

#### 2. MINUTES

The minutes of the meeting held on 26<sup>th</sup> November 2013 were agreed and signed by the Chair.

#### 3. DEPUTATIONS / PUBLIC ADDRESSES

**RESOLVED:** That the under the following items the members of the public listed be granted leave to address the committee.

- **N/2013/0214 82** Tresham Green – Mr R Kilsby, Agent
- **N/2013/0912** Nunn Mills Road,  
Professor Nick Petford, Vice Chancellor, University of Northampton  
Neil Rowley, Agent
- **N/2013/1047** Building plot adjacent to 15 Whitehill Crescent  
Cllr John Yates, Mr S Rockall and Mr R Cole.

#### 4. DECLARATIONS OF INTEREST/PREDETERMINATION

None

#### 5. MATTERS OF URGENCY WHICH BY REASON OF SPECIAL CIRCUMSTANCES THE CHAIR IS OF THE OPINION SHOULD BE CONSIDERED

None

#### 6. LIST OF CURRENT APPEALS AND INQUIRIES

The Head of Planning, Transportation and Regeneration submitted a List of Current Appeals and Inquiries.

The Development Management Team Leader explained the issues around the appeal for application N/2013/0479, it was noted this had since been dismissed by the Inspector.

**RESOLVED:** That the report be noted.

## 7. OTHER REPORTS

None

## 8. NORTHAMPTONSHIRE COUNTY COUNCIL APPLICATIONS

None

## 9. NORTHAMPTON BOROUGH COUNCIL APPLICATIONS

### (A) N/2013/0214 - 82 TRESHAM GREEN: EXTENSIONS TO EXISTING RETAIL PREMISES (A1) TO FORM SELF-CONTAINED HOT FOOD TAKEAWAY (A5), WITH INSTALLATION OF EXTRACTION FUME SYSTEM

The Head of Planning submitted a report and noted that although the application site fell within NBC ownership, it was not an NBC application. The addendum that had been circulated contained information relating to corrected measurements.

Mr Kilsby withdrew his request to address the Committee.

The Committee discussed the application.

### **RESOLVED:**

That the application be **APPROVED** subject to the conditions set out in the report.

## 10. ITEMS FOR DETERMINATION

### (A) N/2013/0912 - NUNN MILLS ROAD: OUTLINE PLANNING PERMISSION NEW CAMPUS FOR THE UNIVERSITY OF NORTHAMPTON

The Principal Planning Officer presented the report of the Head of Planning, as set out in the agenda, with a recommendation for approval in principle subject to the prior finalisation of a legal agreement with provisions for contributions to sustainable transport improvements, the details of which being delegated to the Head of Planning and conditions in the report and the addendum. The circulated addendum contained new information relating to the application. The Principal Planning Officer submitted a presentation on behalf of the University of Northampton.

The Principal Planning Officer also pointed out that there was a minor wording change to additional Condition 37 as contained in the addendum. Professor Petford (Vice Chancellor, University of Northampton) addressed the Committee and spoke in favour of the application.

Mr Rowley (applicant's Agent) addressed the Committee and spoke in favour of the application.

The committee discussed the report.

The Committee thanked all the organisations involved and congratulated the Planning Officers on their work.

### **RESOLVED:**

That the application be **APPROVED IN PRINCIPLE** subject to the following:

(1) Completion of a suitable legal agreement to secure:

- A financial contribution towards sustainable transport improvements to the value of £175,000, the details of which to be delegated to the Head of Planning;
- A financial contribution towards Monitoring – this is used to pay the costs of the monitoring compliance of the legal agreement.

(2) Subject to conditions as set out in the report and the following amended and additional conditions, and the issue being raised by the Highway Agency being addressed and for the following reason:

The proposal demonstrates that the scheme could be designed to respect the character of its locality and would not adversely impact upon residential amenity, visual amenity, heritage, transportation, biodiversity and flood risk and drainage related matters and is considered to be acceptable on its planning merits. For these reasons, the proposal would comply with Policies 1, 4, 3, 5, 6, 8, 9, 10, 15, 25, 28, 29, 30 and 36 of the Central Area Action Plan 2013, the West Northamptonshire Joint Core Strategy Submission and the National Planning Policy Framework.

It was also recommended that in the event that an appropriate legal agreement is not signed and completed within six calendar months of the date of this Committee meeting, delegated authority be given to the Head of Planning to refuse or dispose of the application at her discretion on account of the necessary financial contribution not being secured in order to make the proposed development acceptable in line with the Policies in the Central Area Action Plan and National Planning Policy Framework.

#### **Amended Condition 1:**

Approval of the details of the appearance, layout, scale and landscaping of the site (hereinafter called the reserved matters) shall be obtained from the Local Planning Authority before any development begins (other than site preparation, clearance or remediation) and the development shall be carried as approved.

Reason: This permission is in outline form only granted under Article 4 (1) of the Town and Country Planning Development Management Procedure) Order 2010.

#### **Amended Condition 15:**

Within six months of the commencement of development hereby permitted, a scheme for Hardington Dyke improvements shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include channel improvements for Water Framework Directive (WFD) enhancements. Provision for maintenance access shall be factored into the design. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme.

Reason: As per original report.

**Additional Conditions:**

**34.**At the earliest possible seasonal survey window, a Great Crested Newt survey shall be carried out by a suitably experienced ecological consultancy in accordance with the advice set out within their ecological submissions and a report of their findings shall be submitted to and approved in writing by the Local Planning Authority. The report will include, where the presence of Great Crested Newts are established, appropriate measures (including mitigation measures) to safeguard the protected species. Such measures shall be carried out in accordance with a programme to be incorporated in the report and agreed in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved scheme and thereafter maintained.

Reason: In the interests of biodiversity to accord with the National Planning Policy Framework.

**35.**At the earliest possible seasonal survey window, an additional ecological invertebrate survey shall be carried out by a suitably experienced ecological consultancy and a report of the findings be prepared and submitted to and approved in writing by the Local Planning Authority. The extent, site area and scope of the invertebrate survey shall be agreed in advance with the Local Planning Authority. The survey report shall be accompanied by a strategy, which shall provide full details of timing, measures for mitigation and enhancement and the development shall be implemented in accordance with the approved details.

Reason: In the interests of biodiversity to accord with the National Planning Policy Framework.

**36.**A habitat/nature conservation management plan (or similar) prepared by a suitably experienced ecologist which shall have the primary aim of ensuring that development complements and enhances the development site to ensure that there will be no adverse effect upon species and habitats listed under Section 41 of the Natural Environment and Rural Communities Act (2006) shall be submitted to and approved in writing by the Local Planning Authority within four months of the commencement of the development hereby permitted. The plan shall include:

- Description and evaluation of the features to be managed;
- Ecological trends and constraints on site that may influence management;
- Aims and objectives of management;
- Appropriate management options for achieving aims and objectives;
- Prescriptions for management actions;
- Preparation of a work schedule (including a 5 yr project register, an annual work plan and the means by which the plan will be rolled forward annually);



- Monitoring and remedial / contingencies measures triggered by monitoring.

Reason: In the interests of biodiversity to accord with the National Planning Policy Framework.

**37.** Before the development hereby permitted is commenced a written scheme of investigation for archaeological observation and brief for the recording (including photographs) of the remnants of the former power station shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

Reason: The site is of architectural and historical significance and it is important that remains are observed and recorded during the development and to accord with Policy 1 of the central Area Action Plan and accord with the aims of the National Planning Policy Framework.

**(B) N/2013/1047 - BUILDING PLOT ADJACENT TO 15 WHITEHILL CRESCENT: ERECTION OF DETACHED BUNGALOW**

The Development Management Team Leader presented the report of the Head of Planning, as set out in the agenda, with a recommendation for refusal. Further information relating to the application was contained within the circulated addendum. It was explained that Planning Permission for a previous proposal had been approved in 2009 but since construction had been undertaken it had become apparent that the building works had not been completed in accordance with the approved details.

Mr Rockall addressed the Committee and spoke against the application.

Mr Cole addressed the Committee and spoke in favour of the application.

The Committee discussed the application.

**RESOLVED:**

That the application be **REFUSED** for the reasons set out in the report.

**(C) N/2013/1142 - 49-53 ABINGTON STREET: CHANGE OF USE OFFICES (C2) TO RESIDENTIAL (C3) 4 ONE BEDROOM FLATS AND 2 TWO BEDROOM FLATS & ASSOCIATED WORKS**

The Senior Planning Officer presented the report of the Head of Planning, as set out in the agenda, with a recommendation for approval, subject to the conditions set out in the report. Further information was contained within the addendum that had been circulated at the meeting. It was noted that the Central Area Action Plan encouraged mixed use developments.

The Committee discussed the reports.

**RESOLVED:**

That the application be **APPROVED** subject to the conditions set out in the report.

**11. ENFORCEMENT MATTERS**

None

**12. ITEMS FOR CONSULTATION**

None

The meeting concluded at 7.13pm

Directorate: Planning and Regeneration  
 Head of Planning: **Susan Bridge**



**List of Appeals and Determinations – 14<sup>th</sup> January 2014**

<b>Written Reps Procedure</b>			
<b>Application</b>	<b>Del/PC</b>	<b>Description</b>	<b>Decision</b>
<b>N/2013/0226</b> APP/V2825/H/13/2200032	DEL	Non illuminated display boards (8 at 5m x 4m) at first floor and infill panel together with mural at ground floor at The White Horse Public House, 25A Harborough Road	<b>AWAITED</b>
<b>N/2013/0297</b> APP/V2825/A/13/2200829	PC	Erection of single-storey dwelling including detached garage (as amended by revised plans and additional information received 21/05/2013) at land rear of 25 Penfold Lane	<b>DISMISSED</b>
<b>N/2013/0371</b> APP/V2825/A/13/2207930	DEL	Replacement of front windows to UPVC sash windows at 4 Kingsley Road	<b>DISMISSED</b>
<b>N/2013/0607</b> APP/V2825/A/13/2205274	DEL	Erection of terraced dwelling at 14 Semilong Road	<b>AWAITED</b>
<b>N/2013/0640</b> APPV2825/A/13/2210083	DEL	Change of use from dental surgery (D1 use class) into 8 no. 1 and 2 bedroom flats (C3 use class) including 2 storey rear extension, installation of balconies, rear window and doors. (revised scheme following approval of N/2013/0142 to replace approved Juliet balconies) at 40-42 Derngate	<b>AWAITED</b>
<b>N/2013/0873</b> APP/V2825/A/13/2209030	DEL	Change of use from offices (Use Class B1) into house of multiple occupation for 13no. Occupants (Sui Generis) and installation of new window to rear roof at 85 St Giles Street	<b>AWAITED</b>
<b>N/2013/0874</b> APP/V2825/E/13/2209033	DEL	Internal alterations including removal of partition walls and toilets, block up doorways and installation of new doorways, alteration of third floor window to front elevation and installation of new window to rear roof and erection of boundary wall to rear at 85 St Giles Street	<b>AWAITED</b>
<b>Public Inquiry</b>			
		None	
<b>Hearing</b>			
		None	

The Address for Planning Appeals is: Mr Brian Rowe, Room 301, The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN.	Appeal decisions can be viewed at - <a href="http://www.planningportal.gov.uk">www.planningportal.gov.uk</a>
Local Government (Access to Information) Act 1985 Background Papers The Appeal Papers for the appeals listed	Author and Contact Officer Mrs Rita Bovey, Development Management Team Leader Telephone 01604 837237 Planning and Regeneration The Guildhall, St Giles Square, Northampton, NN1 1DE



## Addendum to Agenda Items Tuesday 14<sup>th</sup> January 2014

### 10. ITEMS FOR DETERMINATION

**10a**

**N/2013/0889**

Amendments to site layout for plots 16 - 22 and plot substitutions to plots 23, 24 & 25 of planning approval N/2011/0241 (erection of 52 dwellings)  
Land at former Millway Primary School, Millway

The application reference on the front page of the report should read **N/2013/0889** rather than N/2011/0241.

**10b**

**N/2013/1082**

Erection of 2 no. residential apartments and installation of 2m high entrance gates  
Land adjacent to 1 Adams Avenue

None.

**10c**

**N/2013/1243**

Outline application for the development of 3 new houses including parking and new access road from Millway  
Land to the rear of 7A Millway

#### Minor amendments to report:

The Ward stated in the Committee Report should be '**Old Duston**' as opposed to Duston.

It is stated in paragraph 6.10 of the Committee Report that objections were received from No. 7 and 9 Millway – objections were in fact received from Nos. **8 and 9 Millway** (not No. 7).

#### Additional representations:

The consultation period expired on 7<sup>th</sup> January 2014. The additional responses received since the publication of the Committee Report can be summarised as follows:

**Northants Police:** Pleased to note that the number of houses proposed has reduced and the potential for neighbour issues associated with inconsiderate parking has also reduced as a consequence.

**6no. neighbour responses from 5, 6A, 12, 23 & 27 Millway, 2 Hall Close:**

- The scheme would spoil the rural feeling and solitude around the church.
- The proposed paddock would not sustain many grazing animals.
- The additional traffic on this busy through-road would be dangerous to pedestrians and vehicles and could lead to fractured gas pipes.
- The houses situated either side of the new access road would lose their privacy.
- The application does not comply with the provisions of the development plan.
- The plot is only large enough for 1 no. property.
- The proposed development would exacerbate flooding issues.
- The proposed development would have a detrimental effect on St. Lukes Church and the surrounding conservation area.
- The height of the proposed development would unduly dominate homes nearby.

**Officer Response:** It is felt that the issues raised by the additional neighbour consultation responses received have already been appropriately dealt with and considered within the Committee Report.

It is reiterated that the Local Highway Authority have no observation to make on the application subject to the achievement of appropriate pedestrian visibility splays. The Environment Agency have assessed the proposals as having a relatively low environmental risk whilst the Council's Conservation Section have confirmed no objections.



**PLANNING COMMITTEE:** 14<sup>th</sup> January 2014  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**HEAD OF PLANNING:** Susan Bridge

**N/2011/0241:** Amendments to site layout for plots 16 - 22 and plot substitutions to plots 23, 24 & 25 of planning approval N/2011/0241 (erection of 52 dwellings), land at former Millway Primary School site, Millway

**WARD:** Old Duston

**APPLICANT:** Westleigh New Homes  
**AGENT:** JS & P Architecture

**REFERRED BY:** Head of Planning  
**REASON:** Major Development requiring S106 agreement

**DEPARTURE:** No

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## **APPLICATION FOR DETERMINATION:**

### **1. RECOMMENDATION**

#### **1.1 APPROVAL IN PRINCIPLE** subject to the following:

- (1) Prior finalisation of an agreement to tie this application with the S106 agreement for the original full planning application covering the site as a whole to secure:
  - The provision of 23% affordable housing (12 units) on the whole site.
  - A contribution towards off site affordable housing of £370,000.
  - 10% of the total units on the site to be mobility units.
  - The provision, retention and maintenance of the open space.
  - The adoption, maintenance, operation and management in perpetuity for all elements of the surface water drainage scheme, with contingency arrangements.
- (2) Planning conditions below and for the following reason:

The proposed development as an amendment to the previous permission would have no additional impact on the amenities of neighbouring occupiers or on the character and appearance of the area. The development would therefore be in line with the Policies H6, H17, H32, E20, E40 of the Northampton Local Plan and the advice contained in National Planning Policy Framework.

- 1.2 It is also recommended that in the event that the S106 legal agreement is not secured within three calendar months of the date of this Committee meeting, delegated authority be given to the Head of Planning to refuse or finally dispose of the application on account of the necessary mitigation measures not being secured in order to make the proposed development acceptable.

## **2. THE PROPOSAL**

- 2.1 Amendments to 10 of the previously approved plots forming the application for 52 single dwellings. The amendments include the re-positioning of plots 16-22 and house type substitution on plots 23-25.

## **3. SITE DESCRIPTION**

- 3.1 The site is an undeveloped former school site north of the remaining Millway School located to the west of Tollgate Way in south Duston. A footpath runs across the site from Millway in the existing residential area to the west through to Tollgate Way.

## **4. PLANNING HISTORY**

- 4.1 Full application N/2011/0241 for the erection of 52no. dwelling houses and associated parking and open space was approved on February 3<sup>rd</sup> 2012.
- 4.2 The development has subsequently been amended by three planning applications and two non-material amendment applications for amendments to house types and various minor amendments on a total of 27 of the plots. These were dealt with under application references N/2013/0224, N2013/0253, N/2013/0504, N/2013/0884, N/2013/0859.
- 4.3 Development work has now commenced on site, principally on the site access.

## **5. PLANNING POLICY**

### **5.1 Development Plan**

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 current Development Plan comprises of the saved policies of the Northampton Local Plan 1997.

## 5.2 **National Policies**

National Planning Policy Framework (NPPF)

## 5.3 **Northampton Local Plan**

E19 - Implementing Development

E20 - New Development

E40 – Planning and crime and anti-social behaviour

H7 - Housing Development Outside Primarily Residential Areas

## 5.4 **Supplementary Planning Guidance**

Northamptonshire County Parking Standards SPG 2003

Planning out Crime in Northamptonshire SPG 2004

Affordable Housing SPG 2004

## 6. **CONSULTATIONS/REPRESENTATIONS**

6.1 **Duston Parish Council** – No comments to make.

6.2 The application was advertised by site notice and notification letter and two separate objections were received from the same local occupiers, making the following points:

- This application for 52 houses on a relatively small plot needs to be reconsidered. Having reviewed the plans I feel that the central element is particularly ill conceived and will undoubtedly lead to car parking issues. As such I would conclude that no more than 40 houses should be allowed on the site.
- I am concerned that the planning application failed to recognise the existence of a public right of way over the site or make any reference to its closure during development.

## 7. **APPRAISAL**

7.1 Full planning permission was granted for the erection of 52 no. dwellings on this site in February 2012, following the finalisation of a S106 agreement to secure planning obligations. This application seeks to vary the house type and layout of 10 of the plots on the site. The principle of development has already been established and the main issues to consider are the impacts of the proposed changes in terms of the streetscene and the impact on adjoining occupiers.

7.2 It is also necessary to ensure that the Section 106 agreement in respect of the previous approval is repeated for this application to secure affordable housing across the whole development site.

7.3 In respect of the amendments proposed, plots 16 – 22 would have the house types as previously approved, but siting would be varied. For plots 16 to 18, which are adjacent to established dwellings to the north boundary, the alterations would be minor in nature and whilst these would bring the siting of the dwelling on plot 16 1m closer and plot 17



1.5m closer to the boundary with the neighbouring properties, this would still leave a separation of 15m from the boundary with the garden of no. 47 Hawkstone Close and 16m from the boundary with the garden of no. 51, and 34m between the facing walls of the proposed house and this neighbour. Whilst there are windows facing towards these neighbours, including main bedroom windows, it is considered that the remaining separation is sufficient to prevent any overlooking overshadowing or visual dominance in respect of these neighbouring properties.

- 7.4 For plot 19, a more significant alteration is proposed, by moving the footprint of the dwelling approximately 6m to the west. However the separation distance with the nearest established neighbour to the north would still remain as 50m. There is therefore no undue impact as a result of the proposed amendment.
- 7.5 Plot 22 would be moved towards the boundary with the established neighbouring properties at 7a and 9 Millway, however a separation of over 50m would remain to these neighbours. No first floor side facing windows are proposed on this unit, and a condition is proposed to prevent the installation of additional windows in the future.
- 7.6 For plots 23, 24 and 25 a different design of dwelling is now proposed, however these are broadly similar in design style to what was previously proposed and therefore would not affect the overall character of the development.
- 7.7 Overall, it is considered that the amended dwellings now proposed would be acceptable and would not affect the overall character of the development, and would not result in any significant additional adverse impact on adjoining occupiers.
- 7.8 The objections received from one nearby occupier are noted. However these refer to the development as a whole i.e. 52 dwellings. This application relates only to ten of these dwellings at the northern end of the site and therefore the reference to the design in the central part of the site or consideration of the public footpath fall outside the scope of the current application. However, concerns over the blocking of the footpath have been conveyed to the County Council as the Local Highway Authority.

## **8. CONCLUSION**

- 8.1 The proposed amendment to the development is considered to be acceptable in principle and would have no additional impact when compared to the previously approved scheme.
- 8.2 The obligations of the previous Section 106 agreement should be applied to this application for consistency.

## 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: 11-113 113 C, 11-113 114 C, 11-113 P105 C, 11-113 P106 C, 11-113 P131 B, 11-113 P132 B, 11-113 P133 A, 11-113 P134, 11-113 P180 A, 11-113 P181 A, 11-113 P190, 11-113 P191, 11-113 P210, 11-113 P211, 11-113 P220, 11-113 P221, 11-113 P400, 11-113 P402, 11-113 P500-2, 11-113 P901-2.

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

- (3) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a detailed scheme of hard and soft landscaping for the site. The scheme shall include indications of all existing trees and hedgerows on the land and details of any to be retained. The landscaping scheme shall be implemented according to the approved details prior to the occupation of the development.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy E20 of the Northampton Local Plan.

- (4) All trees shown to be retained shall be protected for the duration of the development by stout fences to be erected and maintained on alignments to be approved in writing by the Local Planning Authority before any development works shall take place. Within the fenced area no development works shall take place on, over or under the ground, no vehicles shall be driven, nor plant sited, no materials nor waste shall be deposited, no bonfires shall be lit nor the ground level altered during the periods of development.

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.

- (5) No development shall take place until the applicant or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of archaeological research in accordance with

the National Planning Policy Framework.

- (6) Full details of the method of the treatment of the external boundaries of the site together with individual plot boundaries shall be submitted to and approved in writing by the Local Planning Authority, 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 standard of development in accordance with Policy E20 of the Northampton Local Plan.

- (7) Prior to the commencement of any construction work on site (Including demolition), a full ecological survey of the site shall be undertaken, the results of which shall be submitted to and approved in writing by the Local Planning Authority. Should any protected species be identified on the site (as defined under the Wildlife and Countryside Act 1981 (as amended) and the Protection of Badgers Act 1992), a scheme for the protection of these species shall be submitted to and approved in writing by the Local Planning Authority with the ecological survey, and implemented in accordance with the approved scheme and retained thereafter.

Reason: In the interests of wildlife and nature conservation in accordance with the National Planning Policy Framework.

- (8) Full details of security measures to be incorporated into the design of the housing shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall thereafter be carried out in full accordance with the approved details.

Reason: To secure a satisfactory standard of development, in accordance with Policy E20 of the Northampton Local Plan.

- (9) 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 the carriageway surface level of Tollgate Way to the eastern of the site 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 E20 of the Northampton Local Plan.

- (10) Details and/or samples 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 Policy E20 of the Northampton Local Plan.

- (11) Prior to the commencement of the development hereby permitted, capacity assessments to assess the impact of the development on the local highway network, together with any identified mitigation measures, shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

Reason: To ensure a satisfactory relationship with the highway network in accordance with the National Planning Policy Framework.

- (12) The development permitted by this planning permission shall only be carried out in accordance with the Flood Risk Assessment (FRA) approved under application N/2011/0241 Banners Gate Reference 11021 Revision 5 dated 26 January 2012 and the following mitigation measures detailed within the FRA:

1. Remove blockage from the 375mm diameter surface water drain.

Reason: To reduce the risk of flooding to the proposed development and future occupants. In accordance with the National Planning Policy Framework.

- (13) Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

1. Assessment of groundwater levels.
2. Surface water drainage discharge to sewer should be limited to Anglian Water restriction of maximum 10l/s.
3. Onsite surface water drainage should be designed to 0.5% (1 in 200) plus climate change standard.
4. Assessment of overland flood flow.
5. The maintenance and/or adoption proposals for every element of the surface water drainage system proposed on the site for the lifetime of the development.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance. In accordance with the National Planning Policy Framework

- (14) No development shall commence until details of a scheme, including phasing, for the provision of mains foul water drainage on and off site has been submitted to and approved in writing by the Local Planning

Authority. No dwellings shall be occupied until the works have been carried out in accordance with the approved scheme.

Reason: To prevent flooding, pollution and detriment to public amenity through provision of suitable water infrastructure in accordance with the National Planning Policy Framework.

- (15) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows shall be installed in the first floor of the south western elevation of the proposed dwelling at Plot 22 without the prior written consent of the Local Planning Authority.

Reason: To safeguard the privacy of adjoining properties in accordance with Policy E20 of the Northampton Local Plan.

## **10. LEGAL IMPLICATIONS**

- 10.1 None

## **11. BACKGROUND PAPERS**

- 11.1 Application files N/2011/0241 and N/2013/0889.

## **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.





**PLANNING COMMITTEE:** 14<sup>th</sup> January 2014  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**HEAD OF PLANNING:** Susan Bridge

**N/2013/1082:** Erection of 2no. residential apartments and installation of 2m high entrance gates on land adjacent to 1 Adams Avenue

**WARD:** Abington

**APPLICANT:** Mr J Socha  
**AGENT:** Architectural Solutions

**REFERRED BY:** Councillor Danielle Stone  
**REASON:** Over-development

**DEPARTURE:** NO

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## APPLICATION FOR DETERMINATION

### 1. RECOMMENDATION

1.1 **APPROVAL** subject to conditions and for the following reason:

Residential development in a primarily residential area is acceptable in principle where it would not be detrimental to the character of the surrounding area or would result in over-intensive development of the site. The development by virtue of its scale, form and design would be in keeping with the character of the area and would not cause adverse impact on residential and highway safety and as such accords with the guidance contained in the National Planning Policy Framework and Policies E20 and H6 of the Northampton Local Plan.

### 2. THE PROPOSAL

2.1 The application seeks planning permission to erect two residential apartments. One of these would be a one bed unit at ground floor level with the other being a two bed unit at first and second floor level. No car parking would be provided to serve either of the apartments,

however cycle parking and a bin store would be provided in an existing garage/store building to the rear.

- 2.2 The application also proposes the erection of two metre high gates at the entrance to a vehicular parking area which would be retained to the rear of the development.

### **3. SITE DESCRIPTION**

- 3.1 The site forms a section of a car parking area serving an adjacent commercial unit and abuts a row of terraced commercial properties which fronts onto Wellingborough Road. The site is adjoined by a row of terrace houses to the north. Evidence on site and information submitted as part of the application indicates that there was formerly a building on the site.

### **4. PLANNING HISTORY**

- 4.1 No history relevant to this application.

### **5. PLANNING POLICY**

#### **5.1 Development Plan**

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 current Development Plan comprises of the Northampton Local Plan 1997.

#### **5.2 National Policies**

National Planning Policy Framework (NPPF)

#### **5.3 Northampton Local Plan**

E20 - New Development

H6 - Housing Development within Primarily Residential Areas

#### **5.4 Supplementary Planning Guidance**

Northamptonshire County Parking Standards SPG 2003

Planning Out Crime in Northamptonshire SPG 2004

### **6. CONSULTATIONS/ REPRESENTATIONS**

Representations received are summarised as follows:

- 6.1 **Councillor Danielle Stone** - over development of the site.



- 6.2 **NBC Community Wellbeing** - the access should be level and the stairs designed as ambulant disabled.
- 6.3 The nearby occupiers were consulted on the application but no representation received.

## **7. APPRAISAL**

### **Policy Context**

- 7.1 The site is located within a primarily residential area as defined in the Northampton Local Plan. Policy H6 allows for the principle of residential development in such a location where it would not result in over intensive development of the site or be detrimental to the character of the area. Policy E20 contains similar advice.
- 7.2 The NPPF encourages Local Planning Authorities to plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (paragraph 50). Paragraphs 56 and 57 of the NPPF also encourage good design.
- 7.3 The NPPF also requires Local Planning Authorities to have a demonstrable five year housing supply and, if permitted, this development would make a contribution towards the achievement of this.

### **Principle of Development**

- 7.4 The proposal would provide two residential units within a residential area. The principle of development is therefore considered to be acceptable and in light of the above policies.

### **Impact on the Character and Appearance of the Area**

- 7.5 The development would create a further two storey building at the end of a row of terraced properties. The design, scale and form of the proposal would reflect that of the existing terrace, subject to appropriate materials to be used, the development would be in keeping with the street scene.
- 7.6 At present the site comprises car parking and open hard surfacing with views through to garages and store buildings at the back of the site. The development would result in the screening of these which is also considered to be of benefit to the appearance of the area.
- 7.7 It is not considered that the erection of two apartment units would represent an over-development of this site or constitute excessive development in the context of the wider area.
- 7.8 No amenity space is proposed to serve the apartments, however, this is not considered to be unacceptable given the nature of the proposed

units. Adequate bin and cycle storage will be provided at the rear of the site.

- 7.9 The proposed 2m high entrance gates would provide security to the site and the rear of the existing commercial properties on Wellingborough Road and is considered acceptable in terms of visual amenity.

### **Impact on amenity of neighbours**

- 7.10 The proposed building will be attached to no.3 Adams Avenue. There is a small rear projection approximately 1.67m on the ground floor and there is no window proposed to the north elevation. It is not considered that the proposal would cause undue impact on this property in terms of overlooking and overshadowing.
- 7.11 There are three windows proposed on the south side elevation, however, two of these would be high level windows. It is not considered that there would be any unacceptable overlooking or overshadowing on the adjacent commercial properties.

### **Car Parking**

- 7.12 No car parking is proposed to serve either apartment, the development would result in some loss of car parking to serve adjacent commercial units. However it is considered that the site is located in close proximity to public transport links, cycle facilities are to be provided and that consequently to refuse the application on the issue of parking would be unreasonable.
- 7.13 At present the occupiers of 205 Wellingborough Road have both pedestrian and vehicular rights of access through the car parking area. These would not be affected by the development.

## **8. CONCLUSION**

- 8.1 The proposed development is acceptable and would be in-keeping with the locality and would not result in any undue impact on residential and general amenity and highway safety in accordance with Development Plan Policy and the NPPF.

## **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: 13/S224/1 & 13/S224/7C.

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

3. Details and/or samples 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 Policy E20 of the Northampton Local Plan.

4. The bin store and cycle parking facility indicated on the approved plans shall be provided before the first occupation of the development hereby permitted and retained thereafter.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy E20 of the Northampton Local Plan.

## **10. BACKGROUND PAPERS**

- 10.1 N/2013/1082.

## **11. LEGAL IMPLICATIONS**

- 11.1 None.

## **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.



Name: Planning  
 Date: 19th December 2013  
 Scale: 1:1250  
 Dept: Planning  
 Project: Committee

Title

## Land adjacent to 1 Adams Avenue

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**PLANNING COMMITTEE:** 14<sup>th</sup> January 2014  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**HEAD OF PLANNING:** Susan Bridge

**N/2013/1243** Outline application for the development of 3 new houses including parking and new access road from Millway, land to the rear of 7A Millway

**WARD:** Duston

**APPLICANT:** Mr. Stephen Pickering

**REFERRED BY:** Head of Planning  
**REASON:** Called in by Cllr Suresh Patel due to the traffic impacts and the impact of the development upon the adjacent conservation area

**DEPARTURE:** YES

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## **APPLICATION FOR DETERMINATION:**

### **1. RECOMMENDATION**

#### **1.1 APPROVAL** for the following reason:

The proposed development is considered to preserve the character and appearance of the Duston Conservation Area, respect the setting of the Grade I Listed Church of St. Luke, and have an acceptable impact upon residential amenity and highway safety in accordance with Policies E20, E26, H7 and H10 of the Northampton Local Plan and the guidance contained within the National Planning Policy Framework.

### **2. THE PROPOSAL**

**2.1** The proposals are in outline and for the erection of 3no. detached dwellings. All matters are reserved apart from access. The proposed access would run the line of the existing private driveway that currently serves No.7a Millway and the existing associated paddocked area to

the rear. The proposals include the widening of this access to 4.5m for the first 10m (the remainder of the access road being a minimum of 3m in width).

The proposals would preserve a rectangular paddock of approximately 50m by 30m to the eastern side of the site where the site immediately abuts the grounds of the Church of St. Luke. The 3no. dwellings would be positioned within the western portion of the existing rear paddock area. The dwellings would be 2 and 2 ½ storeys in height. All existing trees of value and hedgerows would be retained as part of the scheme.

### **3. SITE DESCRIPTION**

- 3.1 The site is regular in shape and 0.3ha in area – it constitutes a paddock located to the rear of No.7 and No.7a Millway with a single driveway access from Millway. The site makes up part of a wider School / College Site as allocated under Policy L2 of the Northampton Local Plan, although this allocation is superseded by the County Council's Schools Review where the site is classified as surplus to requirements. Abutting the southern boundary of the site there is a development of 52no. dwellings currently being constructed. The site abuts the southern boundary of the Duston Conservation Area and also abuts the Grade I Listed Church of St. Luke. The site's levels fall steadily from east to west towards an open watercourse that runs the western side of the site.

### **4. PLANNING HISTORY**

*N/2013/0634* Outline application for the development of 7no. new houses including access from Millway and accesses to No. 7 & 7a Millway (Application withdrawn)

*N/2005/0290* Insertion of 2no. dormer windows into garage roof at 7A Millway (Approved subject to conditions)

*99/0823* New dwelling house with attached garage at land adjacent to 7 Millway (Approved subject to conditions)

*97/0630* Development of 10no. detached two storey dwellings with road (Application withdrawn)

*88/0689* Land adjoining 7 Millway, erection of 3no. detached dwellings (Refused)

*85/0979* The formation of an access and erection of a detached bungalow (Refused)

*84/0845* The erection of small detached bungalow served by shared access drive (Refused)

*81/1010* A single garage at 7 Millway (Approved subject to conditions)

80/0793 The erection of detached house at 7 Millway (Approved subject to conditions)

78/1314 Situate at plot between No. 5 and 9 Millway (Approved subject to conditions)

## **5. PLANNING POLICY**

### **5.1 Development Plan**

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 current Development Plan comprises of the Northampton Local Plan 1997.

### **5.2 National Policies**

National Planning Policy Framework (NPPF)

### **5.3 Northampton Local Plan**

E20 - New Development

E26 - Conservation Areas

H7 - Housing Development outside Primarily Residential Areas

H10 - Backland Development

## **6. CONSULTATIONS/ REPRESENTATIONS**

6.1 Consultation of local neighbours and consultees has been undertaken and a number of responses have already been received as detailed within this report. The consultation period is due to expire on 7th January 2014 (following the publication of this Committee Report). Any further responses received shall be reported to Members through the Addendum. Representations received are summarised as follows:

6.2 **NBC Environmental Health:** The site is located in an area where the underlying geology is associated with elevated levels of naturally occurring arsenic. There may have been historical uses of the land that may have caused contamination. Appropriate planning conditions should be attached.

6.3 **NBC Conservation:** There were significant concerns about a previous application on the site for 7no. houses (N/2013/0634), which was considered over-development of the site and which allowed for no buffer zone between consented modern development (N/2011/0241) and the setting of the church / churchyard and Duston Conservation Area. The current proposed application provides for an area of open green space (in the form of a paddock) which mitigates the impact of the development on the setting of the heritage assets. It was the

subject of pre-application discussions and the principle of the proposal is considered to be acceptable. Consideration will need to be given at detailed stage to the design and materials of the properties to ensure that they enhance the setting of the conservation area. Consideration needs to be given to ensuring that the development / green space is designed to prevent the creation of further plots in the future. No objections.

- 6.4 **NBC Arboriculture:** The location of the proposed dwellings appears to be outside the Root Protection Areas of the trees adjacent to the site. There are no arboricultural reasons why this application should be refused. A tree protection plan should be secured via condition, which should also cover the southern boundary hedge.
- 6.5 **Local Highway Authority:** No observations to make on this application subject to achieving pedestrian visibility splays of 2.4m x 2.4m at the entrance.
- 6.6 **Northants Police:** No comments received.
- 6.7 **Environment Agency:** Assessed the proposals as having relatively low environmental risk – no further comments.
- 6.8 **Anglian Water:** No comments received.
- 6.9 **Duston Parish Council:** Concerns that the development is adjacent to the conservation area. The Duston Conservation Area Appraisal and Management Plan should be referred to, as should Policies H10 and E26 of the Northampton Local Plan. This is an overdevelopment of the site that would have a detrimental effect on the conservation area and already existing properties on Millway and their amenities. Development at the site would exacerbate existing flooding issues, cause pedestrian access issues and traffic and parking issues. Concerns about increased traffic flows.
- 6.10 Objections have been received from **7 and 9 Millway and Churchway House, Main Road**. Their objections can be summarised as follows:
- Highway and pedestrian safety would be compromised through additional traffic
  - The setting of the conservation area and the semi-rural feeling of the area would be compromised.
  - The small paddock offers is insufficient to protect view of the church and will be built upon in the future.
  - There is an on-going problem with flooding from the culvert that runs the side of the site.



- The dwellings (of up to 2 ½ storeys) would be too tall for the area and would provide overlooking.

## 7. APPRAISAL

### *Principle*

- 7.1 Although the site is allocated as a School / College Site under Policy L2 of the Local Plan, this allocation was effectively superseded by the County Council's Schools Review that classified the wider site as surplus to requirements. The adjacent site (contained within the same Local Plan designation) is currently being developed for residential use, the southern, eastern and northern (with the exception of the Church of St. Luke) boundaries of the application site abut residential properties.
- 7.2 Given the surrounding context of the site, it is considered that the principle of some form of residential development on the site is acceptable subject to compliance with relevant planning policy guidance including appropriate consideration being given to the site's heritage-related constraints.

### *Design, Conservation & Setting of Listed Building*

- 7.3 The indicative design and layout of the scheme has been influenced by comprehensive pre-application discussions with the applicant. It has been important to assess the proposals in the context of both the Duston Conservation Area and the grounds of the Grade I Listed Church of St. Luke.
- 7.4 The site and its immediate environs are specifically referred to in the Duston Conservation Area Appraisal and Management Plan (Appraisal). This Appraisal highlights the Church as the oldest and most architecturally significant building within the conservation area and also notes the architectural qualities of the adjacent Churchway House.
- 7.5 The Appraisal refers to the negative impact that the modern houses of Hawkstone Close have upon the setting of the Grade I Listed Church. This impact is exacerbated by their close proximity to the boundary wall and their design, which makes no attempt to allude to any rural or vernacular building form. It is stated within the Appraisal that any more development in this area would have a detrimental impact upon the churchyard and the war memorial – the open fields to the south of the churchyard add considerable value to the historic character of the area.
- 7.6 This resubmitted application takes into account the provisions and guidance offered by the Appraisal. Most significantly, the size of the application site has been reduced (in comparison to application N/2013/0634) via the retention of part of the existing paddock located to the eastern side of the site. This newly formed paddock would be rectangular in shape and measure approximately 30m x 50m. NBC

Conservation have commented that this paddock area mitigates the impact of the development on the setting of the surrounding heritage assets. The subsequent outward views to the south from the churchyard would continue to benefit from the openness provided by this paddock. The development area would abut the grounds of Churchway House, which, although of architectural merit, is not listed nor locally listed – the built extent of which is setback some 35m from the site's boundary. The proposals are considered to be acceptable in a heritage / conservation context.

- 7.7 The paddock area to be retained falls outside of the identified application site area; although it is outlined in blue on the site location plan to indicate that it is the same ownership as the application site itself. Access would continue to be afforded to the paddock through the application site, the responsibilities for the management and maintenance of this area would continue to be the private responsibility of the land owner. Pre-application advice has specifically steered the applicant away from any form of development upon this parcel of land given the conservation constraints afforded to it.
- 7.8 Although the application is only in outline form, an indicative layout plan has been provided to demonstrate that 3no. detached houses can be accommodated within the site. The full and finer details of this layout and the details of the appearance and design of the individual dwellings would be dealt with at reserved matters stage. In accordance with the comments of NBC Conservation, full consideration will need to be given to the design and materials of the properties to ensure they are of a suitable vernacular form to enhance the setting of the conservation area.

### ***Residential Backland Development & Amenity***

- 7.9 The site constitutes residential backland given that it is directly associated with, and in the same ownership as, 7a Millway. The only access to the site is from Millway. Policy H10 of the Northampton Local Plan states that backland development will not be granted unless it can be shown that the siting and layout of the development will not be detrimental to the character and amenity of the locality and will not cause disturbance to or adversely affect the privacy of adjoining dwellings. The preamble to this policy contained within the Local Plan refers to better results often being achieved where development consists of several plots comprehensively laid out.
- 7.10 The application site is relatively spacious with a site area of up to 50m in width to a length of some 80m when measured from the back of the rear garden areas serving No.7 and & 7a Millway. The proposals do not therefore represent tight and heavily constrained backland development that would be harmful to the amenities of either future occupiers of the development or existing neighbouring occupiers.

- 7.11 The applicant has indicated within their submission that the dwellings would be 2 and 2 ½ storeys in height. It is considered that development below a full 3no. storeys in height would be acceptable in this location. A strong landscaped buffer exists to the southern boundary of the site whilst the new built form would be set at least 40m from existing built form to the west, east and north of the site. The topography of the site, although slightly sloping down to Millway, is relatively flat; it is considered that the levels of the site do not raise potential amenity issues. The proposals would not be overbearing nor overshadow the adjoining neighbours. There would also not be any sensitive overlooking issues given the notable separation distances involved.

### ***Highways***

- 7.12 The proposals involve the use and upgrade of the existing private driveway access that serves both 7a Millway and the existing paddocked area to the rear. The driveway is already hard-surfaced in tarmac for the first approximate 35m from Millway, with the remainder of the access being gravelled.
- 7.13 The driveway is 3m in width. To comply with the standards of the Local Highway Authority (LHA) however, it is required that the first 10m of the driveway measures a minimum of 4.5m in width to allow vehicles to pass each other. Further, any vehicular access is required by the LHA to be afforded 2.4m x 2.4m pedestrian visibility splays to its either side. The proposals involve minor works to the stone wall frontage of 7a Millway to provide the appropriate driveway width and splays. The stone wall would be slightly relocated in part and rebuilt with the same materials.
- 7.14 The full detail layout of the scheme and associated hard-surfacing within the site shall be dealt with at reserved matters stage. The applicant has demonstrated that adequate access would serve the scheme. Further, the LHA have not raised any objections nor concerns as regards the additional traffic that the development would generate on the local highway network.

### ***Flood Risk***

- 7.15 The application site is situated within Flood Zone 1, the lowest risk flood zone. The application site contains a ditched watercourse running the western side of the site. The applicant has stated that this watercourse shall be culverted through the development, that surface water disposal is expected to be via soakaways and that private hard paved areas will be permeable.
- 7.16 The consultation response from the Environment Agency (EA) states that the proposals are of relatively low environmental risk and that no further comments are submitted. The EA's Flood Risk Standing Advice (FRSA) references the importance of sound surface water

management. Surface water run-off is identified as the main flood risk issue to consider in Flood Zone 1. In accordance with the FRSA, the applicant has identified the preferred use of Sustainable Drainage Systems (SuDs) through soakaways.

- 7.17 The Parish Council and a local resident at 9 Millway have identified that there have been local flood events associated with the watercourse. The County Council's Surface Water Flood Map Briefing Note details that EA have produced new surface water maps to inform people about areas that are at risk from surface water flooding. The map identifies the area in close proximity to this particular watercourse as being at high risk. In this context, notwithstanding the Flood Zone 1 location, it would be considered prudent to apply a planning condition requiring full details of surface water drainage provisions to be submitted for approval prior to the commencement of development.

### ***Trees***

- 7.18 The Council's Arboricultural Officer has confirmed no objection to the proposals in an arboricultural context. A planning condition should be applied to ensure that appropriate tree protection is applied during construction to existing trees upon and overhanging the site. This includes to the important southern boundary hedge.

## **8. CONCLUSION**

- 8.1 The proposed development is considered to preserve the character and appearance of the Duston Conservation Area, respect the setting of the Grade I Listed Church of St. Luke, and have an acceptable impact upon residential amenity and highway safety in accordance with Policies E20, E26, H7 and H10 of the Northampton Local Plan and the guidance contained within the National Planning Policy Framework.

## **9. CONDITIONS**

- (1) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan; Floor Plans (2203/1); Elevations (2203/2); Site Plan & Section (2203/3); Entrance Detail (Drawing 101).

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

- (2) Approval of the details of the appearance, landscaping, layout and scale ("the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: This permission is in outline only granted under Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2010.

- (3) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

- (4) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or, if later, before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

- (5) Prior to the commencement of development, a desktop study (including a site walkover) in respect of possible contaminants shall be submitted to and approved in writing by the Local Planning Authority. The study shall include details of the scope and methodology of site investigation (if required), the results of any such investigation shall be used to produce a method statement for any remedial work, which, if required, shall be submitted to and approved in writing by the Local Planning Authority. All remedial works found to be required shall be fully implemented in accordance with the approved details and a validation report shall be submitted to and approved in writing by the Local Planning Authority within 2 weeks of the completion of the development hereby approved. In the event that contamination that was not previously identified is found at any time when carrying out the approved development, it must be reported immediately in writing to the Local Planning Authority and subsequently investigated, remediated and validated in accordance with the full requirements of this condition.

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 the National Planning Policy Framework.

- (6) Prior to the commencement of any development, a scheme for the provision and implementation of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and completed fully concurrently with the development in accordance with the approved details and maintained thereafter.

Reason: To secure satisfactory drainage of the site in accordance with the advice contained in the National Planning Policy Framework.

- (7) Details and/or samples of all proposed external facing materials including the surfacing of the access road 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 preserve or enhance the character and appearance of the Duston Conservation Area in accordance with Policies E20 & E26 of the Northampton Local Plan.

- (8) Full details of the height, appearance and materials of the stone wall to be rebuilt at the Millway access point shall be submitted to and approved in writing by the Local Planning Authority; the wall shall be rebuilt prior to the first occupation of the development in full accordance with the approved details on the alignment detailed under approved plan: Entrance Detail (Drawing 101).

Reason: In the interests of highway safety and to safeguard the character and appearance of the Duston Conservation Area in compliance with Policy E26 of the Northampton Local Plan and the guidance contained within the National Planning Policy Framework.

- (9) All trees shown to be retained in the approved plans and the mature hedgerow running the southern boundary of the site shall be protected for the duration of the development by stout fences to be erected and maintained on alignments to be approved in writing by the Local Planning Authority before any development works shall take place. Within the fenced area no development works shall take place on, over or under the ground, no vehicles shall be driven, nor plant sited, no materials nor waste shall be deposited, no bonfires shall be lit nor the ground level altered during the periods of development.

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.

- (10) A Management Plan detailing arrangements for the management and maintenance of the paddock area to be retained to the immediate east of the application site shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby permitted; management and maintenance shall be carried out in accordance with the approved Management Plan thereafter.

Reason: To ensure that the settings of both the Duston Conservation Area and Grade I Listed Church of St. Luke are protected in perpetuity in compliance with Policy E26 of the Northampton Local Plan and the guidance contained within the National Planning Policy Framework.

## **10. BACKGROUND PAPERS**

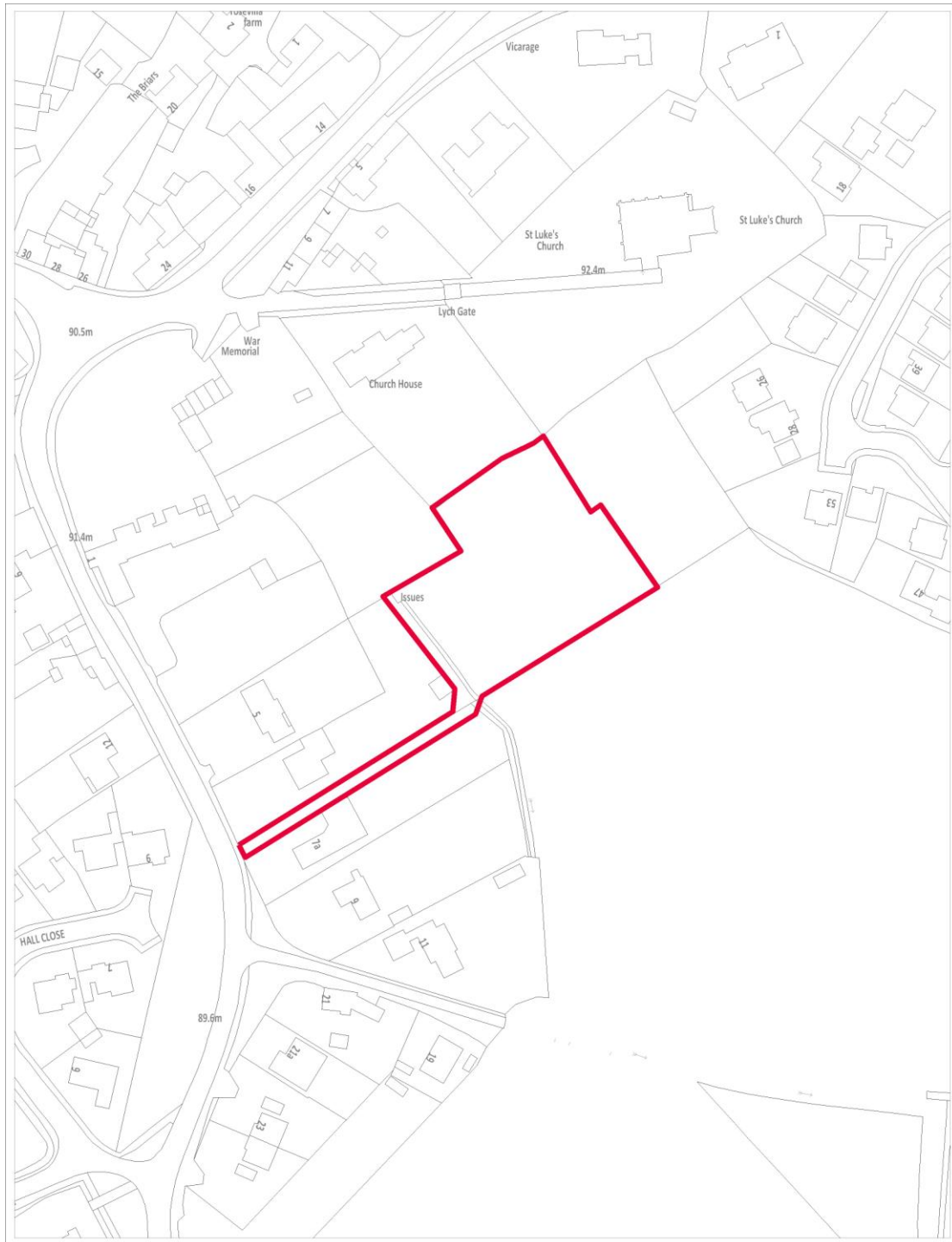
10.1 N/2013/1243 & N/2013/0634

**11. LEGAL IMPLICATIONS**

11.1 None for the Council as Local Planning Authority.

**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.



Name: Planning  
 Date: 31st December 2013  
 Scale: 1:1250  
 Dept: Planning  
 Project: Committee

Title  
**Land to rear of 7A Millway**

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