



NORTHAMPTON
BOROUGH COUNCIL

PLANNING COMMITTEE: 27th October 2009
DIRECTORATE: Planning and Regeneration
HEAD OF PLANNING: Susan Bridge

N/2009/0610 - Full: Proposed erection of 4 no. detached dwellings with associated garages, access and parking at Land to rear of 76 Church Way.

WARD: Weston

APPLICANT: Individual Homes
AGENT: None

REFERRED BY: Head of Planning
REASON: Previous application on this site called in by Councillor Hadland.

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

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

The proposed development would have no undue detrimental impact upon the visual amenity of the locality, the residential amenity of nearby occupiers or highways safety and therefore accords with policies E20, H6 & H10 of the Northampton Local Plan and Planning Policy Statement 3 Housing.

2. THE PROPOSAL

2.1 The proposal entails the construction of four dwellings (2 x one and a half storey and 2 x two and a half storey) on a large backland site to the rear of no. 76 Churchway; a detached two storey house. It is proposed to retain no. 76. Access is proposed to the south of the existing house from Churchway. This application is a revision of a previous approval on this site for three dwellings, using the same

access and follows the withdrawal of a proposal for five dwellings.

3. SITE DESCRIPTION

- 3.1 The site comprises all of the land at no. 76 Church Way, covering an area of 0.31 hectares. The site slopes significantly towards the rear and includes a number of protected trees as well as a large pond. The proposed development area is concentrated to the rear of the existing house, which is to be retained.

4. PLANNING HISTORY

- 4.1 The erection of three houses on substantially the same site was approved on November 15th 2004 under reference N/2004/1140. This used the same means of access as the current proposal.
- 4.2 An application for the erection of five dwellings, made under reference N/2008/1228 was withdrawn on January 21st 2009.
- 4.3 An application for four dwellings was made under reference N/2009/0093 and was withdrawn on August 14th 2009.

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 East Midlands Regional Plan, the saved policies of the Northamptonshire County Structure Plan and Northampton Local Plan 1997.

5.2 National Policies

PPS1 Delivering Sustainable Development
PPS3 Housing
PPG13 Transport

5.3 East Midlands Regional Plan

Policy 2 – Promoting Better Design
Encourages highway access and parking that improves both safety and the quality of public space, whilst seeking design that reduces crime and the fear of crime.

5.4 Northampton Borough Local Plan

H6 – Other housing development within primarily residential area
E20 - New development
E40 - Crime and Vandalism

5.5 Other Policy Considerations

Supplementary Planning Guidance (SPG);
Parking
Planning Out Crime

6. CONSULTATIONS

6.1 **County Highways: *Initial Comments:*** Having studied the documents relating to this application; in particular the Design & Access Statement, I would only reiterate my previous comment relating to this site; this being that it be conditioned on any permission given that: The turning head in front of No 76 be kept clear at all times and not be used as a parking space and to be maintained as a turning head to remove the possibility of vehicles reversing out on to the public highway.

6.2 **County Highways: *Further Comments Following Committee Request:*** I would confirm that although the driveway is somewhat narrow in places it is still of a sufficient width to be acceptable. There is adequate visibility at the entrance to the development. The turning head is sufficient. The turning head at the front of No 76 is to be tied down by condition as previously discussed and agreed. The parking provision is sufficient.

It would not be possible to refuse and sustain a refusal for this application on highway grounds. There is already permission given for three dwellings on this site, if the Committee wish to refuse this application on any other grounds than highway matters that would have to be their decision.

6.3 **Arboricultural Officer:** There are numerous trees at the site including trees within TPO No.11. Trees to the Western edge of the site have added importance as a screen to the proposed development and as such any removal will require replacement plantings. The proposed drive I believe is within the Root Protection Areas (RPA) of trees within Group 2 of the above TPO and will require specialist no-dig design. Plot A is also within the RPA of protected trees and would require specialist foundations and ground protection to facilitate construction without compacting the underlying rooting area.

6.4 **Public Protection: *Initial Comments:*** The land should be investigated for prior contaminative uses and more particularly possible excessive levels of natural Arsenic. I attach some guidance notes for information. I would therefore recommend that if you are minded to recommend approval it should be subject to the conditions on the attached schedule. Please note that with effect from 6 April 2008, a Site Waste Management Plan (SWMP) must be produced for all construction projects worth over £300,000. A SWMP records the amount and type of waste produced on a construction site and how it will be reused, recycled or disposed.

6.5 **Public Protection: *Further Comments re. Disturbance From Vehicle Noise Following Committee Request:*** obviously there will be additional

noise from passage of vehicles at various times but I would not expect this to be of any real significance, given ordinary domestic use, and assuming the main access road is hard surfaced and not gravel.

7. REPRESENTATIONS

7.1 The application was advertised by notification letter and objections were received from the occupiers of 17, 18, 19 and 20 Favell Way, and 76 and Church Way, making the following points:

- We had permission to build at the bottom of our garden (17 Favell Way), adjacent to the site, still hope to be able to implement these plans.
- Concerned over problems with waterlogging, want to ensure there is adequate drainage if the plans are passed.
- Loss of amenity due to proximity to raised decking area.
- Plans indicate obscure glazed windows, will this always be the case?
- Back of our house will be in full view of the ground floor windows of house C. Decking area will be overlooked by anyone standing on access road.
- Will bring a minimum of four cars, if not 8 or more, as well as access problems will add to noise and fumes.
- Boundary fence is small and affords little protection.
- Development is on land covered by a Tree Preservation Order.
- Proposed scheme is a cramped and visual obtrusive form of development, out of keeping with other properties in the locality in general and visually intrusive.
- Development would be out of keeping with this low density residential area.
- Would have a detrimental effect on established character of the area.
- Original application for three houses was a more acceptable number.
- Closeness of access driveway to boundary fences would be a security and vandalism risk for all adjoining properties. Permanent stone or brick wall should be provided.
- Amount of traffic entering and exiting this driveway onto a bend in the road should also be a major consideration.
- Church Way is used as a rat run for traffic, more and more backland planning applications are being passed and the volume of traffic is reaching an unacceptable and dangerous level.
- The character of the village is being destroyed.
- Considered to be significant over development of a backland site
- Would have wholly unacceptable relationship with adjacent property (78 Church Way, "Lomond"). Outlook over garden, and into rear windows, resulting in a severe loss of privacy and amenity.
- Proposal attempts to shoe-horn four substantial dwellings onto the site, resulting in over bearing impact on existing properties.

- Vehicles passing along the drive would pass close to the rear windows of Lomond, this could only be solved by a fence or hedge which could have an overbearing impact on the property.
- Additional dwellings on a private drive would not be easily accessible to service vehicles, likely that these would park on the road causing inconvenience to other road users.
- Length and width of the drive would result in cars meeting on the drive and having to reverse possibly the length of the drive and possibly sound their horns which would disturb neighbours.
- Additional visibility splays result in removal of boundary walls which is characteristic of this part of Church Way.
- Additional activity along access road would increase risk of crime and vandalism.
- PPS3 encourages the efficient use of land for housing but also emphasises the need to respect the character and amenity of existing residential areas.
- There is a wider issue of overdevelopment within Church Way. Approx 20 houses have been approved or are proposed, with associated cars etc. Has the planning authority taken on board the implications on what is a narrow village road being used as a rat run?

8. APPRAISAL

- 8.1 The site is designated within the Local Plan as falling within a primarily residential area. The principle of residential development is therefore acceptable in this location.
- 8.2 Policy H6 sets out the criteria against which residential development will be assessed, stating that “within the primarily residential areas identified on the proposals map, planning permission for residential development will be granted except where:
- A) The development would be at a scale and density which would be detrimental to the character of the surrounding area or would result in an over intensive development of the site.**
- 8.3 The proposal is for four detached houses within a backland site.
- 8.4 The proposal represents a revision to a previous approval on this site which proposed three larger houses of a broadly similar style.
- 8.5 There are other examples of ‘backland’ development behind the main road frontages and it is not considered that the development would be out of keeping with the character of the area or the wider pattern of development.
- 8.6 The proposal would result in a density of 12.9 dwellings per hectare, which is below the national indicative minimum density as set out in PPS3, but is considered to be an appropriate density given the

character of the area. In light of this, the proposal could not be considered an overdevelopment of the site.

- 8.7 It is considered that the houses now proposed would be in keeping with the character of the area being of a similar footprint to many neighbouring properties and of a style which is considered appropriate to the area.
- 8.8 Two of the houses (A and B) would have rooms within the roofspace whilst the two houses (C and D) closest to Church Way would be in more of a dormer bungalow style, but incorporating full two storey elements.
- 8.9 Houses C and D would face towards the rear gardens of neighbouring properties at 18 and 19 Favell Way but would be separated from these by a distance of 34 and 39m respectively, with the distance to the site boundaries being 13.5 and 9m respectively. Additionally these two units have been designed such that the first floor window would be obscure glazed and serving only bathrooms, with the bedroom windows facing to the rear. This would, therefore, prevent any overlooking of these properties. The occupiers of no. 18 Favell Way have objected due to overlooking of the raised patio area to the rear of their property, however this would be 13.5m from the facing property at plot C and it is considered that any overlooking of the patio area from street level could be overcome by a suitable boundary treatment and planting.
- 8.10 In respect of the adjacent property at 78 Church Way, the nearest new property on Plot C would be offset from the rear of this property but would be within 10m of the boundary with its garden. However, overlooking would again be prevented by the use of obscure glazing at first floor level.
- 8.11 The proposal entails the creation of a new means of access adjacent to the side boundary of no. 78 Church Way (indicated on the submitted plans as 78A but now re-numbered) and 18 and 19 Favell Way. This is in common with the previous approval for three houses and it is not considered that this would result in any additional impact on the occupiers of this property.
- 8.12 To the north of the site are tennis courts and an area of open space which would not be adversely affected by the development.

B) The development would not comply with the council's highway design guide and guide to parking standards.

- 8.13 Members will recall that this application was deferred at the September 22nd Committee with a request for further clarification from County Highways on the following points:
- That the access driveway is of sufficient width throughout its length

to serve the development

- That the junction of the driveway with Church Way is fully acceptable in terms of highway safety including the visibility splays.
- That the turning head at the end of the proposed drive is sufficient
- That the arrangements re the turning head to the front of no. 76 are satisfactory
- That the level of parking proposed for each of the houses is sufficient.

8.14 The response from County Highways, as set out above, confirms the acceptability of the development on all these points.

8.15 The means of access to the site is from Church Way, utilising part of the side garden of no. 76. This entails the removal of the front wall to the highway and the provision of a side access to the parking area to the front of no. 76.

8.16 The previous approval was for three houses and a garage for the original house at no. 76. The proposal now entails four houses but no. 76 would not be provided with a garage. However, a garage has recently been constructed, under a separate permission, to the side of no. 76. However whilst this would increase the use of the private drive, comments from County Highways indicate that this is acceptable, subject to the turning head to the front of no. 76 being kept clear and not used as a parking space.

8.17 The proposal has been amended from the previously withdrawn application by the inclusion of this turning head within the application site, which will allow this to be controlled by condition. Following concern from the owners of no. 76 about this space being used by all occupiers, clarification has been sought from County Highways who have confirmed that it need only be kept clear for the occupiers of 76. This turning space would potentially be available to all, however in practice it would not be required by the occupiers of the new houses. The condition controlling this element has been amended from that proposed at the previous committee meeting to reflect this point.

8.18 Parking is provided in the form of a double garage for each of plots A and B and a single garage for Plots C and D. Additional parking would be available to the front of all plots.

8.19 PPS3 states that on average a maximum ratio of 1.5 parking spaces per plot should be provided. This maximum would not be exceeded by the proposal. The site is not well served by public transport and this level of car parking is therefore considered necessary and appropriate.

8.20 Concern was raised under the previous application by one of the

neighbours as to the possibility of dustbins being left at the site entrance for collection. Consultation with the Council's Waste Management section indicates that bins would have to be left at the highway boundary. However, this is in common with all other backland sites and in the absence of any objection from County Highways it is not considered that this issue can be regarded as sufficient to warrant refusal.

C) The development would be piecemeal in character and likely to prejudice the possible satisfactory development of a larger area.

- 8.21 The development is a comprehensive scheme encompassing the whole of this garden area and therefore cannot be viewed as being piecemeal in character.

D) The development would result in the loss of, or the loss of potential for garaging, parking, social, educational, recreational or other facilities for which there is a need in the area, or trees or land of significant amenity value.

- 8.22 The site includes a number of trees which are protected by a tree preservation order and includes building within the root protection area of these trees. Comments from the Arboricultural Officer suggest that full details of the method of construction should be provided and conditions to this effect are proposed.

9. CONCLUSION

- 9.1 It is considered that the proposal represents only a moderate increase over and above the number of dwellings previously approved and given that it has been designed to minimise the impact on adjoining occupiers, it is considered that no undue adverse impact would result either on adjoining occupiers, as a result of increased highway congestion or due to any impact on the protected trees.

10. 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. 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.
3. Full details of the proposed surface treatment of all roads, access and

parking areas, footpaths and private drives including their gradients shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction work on site. 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.

4. 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 scheme shall be implemented in accordance with the approved plans prior to the occupation of any of the dwellings hereby approved.

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

5. Full details of the driveway construction within the root protection area of adjacent protected trees shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any work on site. The details submitted shall include a fit-for-purpose specialist no-dig construction incorporating a 3-dimensional cellular confinement system to negate soil compaction and allow moisture throughput. The driveway in this area shall thereafter be constructed in full accordance with the submitted details.

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.

6. Full details of root protection measures during construction, including protective fencing for during development, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any work on site and the development shall thereafter be carried out in full accordance with the approved details. The submitted details shall specify how the underlying rooting area is to be protected and shall include details of specialist foundations and ground protection measures to facilitate construction within the Root Protection Areas. During the period on construction within the fenced protection area(s) 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.

7. 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 neighbouring properties 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.
8. The turning head to the front of No 76 Church Way as shown on the approved plan (reference AC1) shall be maintained for the use of all future occupiers of 76 Church Way, for so long as the development hereby approved remains in existence, unless otherwise agreed in writing by the local planning authority. Reason - To ensure that the proposed development does not prejudice the free flow of traffic or conditions of highway safety in accordance with Policy E20 of the Northampton Local Plan.
9. Unless otherwise agreed in writing by the Local Planning Authority, the junction of the new access and the existing highway shall be laid out in accordance with the approved details thereof as set out on drawing ref. AC1 and maintained for so long as the development hereby approved remains in existence.
Reason - To ensure that the proposed development does not prejudice the free flow of traffic or conditions of highway safety in accordance with Policy E20 of the Northampton Local Plan.
10. The first floor windows in the south-eastern elevations of units C and D shall be glazed with obscured glass and shall be of fixed type before the development hereby permitted is first occupied and thereafter retained in that form at all times.
Reason - To safeguard the privacy of the adjoining properties in accordance with Policy H6 of the Northampton Local Plan.
11. No development shall take place until a desktop 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.

12 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 in accordance with the requirements of Condition 11, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition 11, 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 in accordance with Condition 11.

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 advice contained in PPS23 Planning and Pollution Control.

13. 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.

11. LEGAL IMPLICATIONS:

11.1 None.

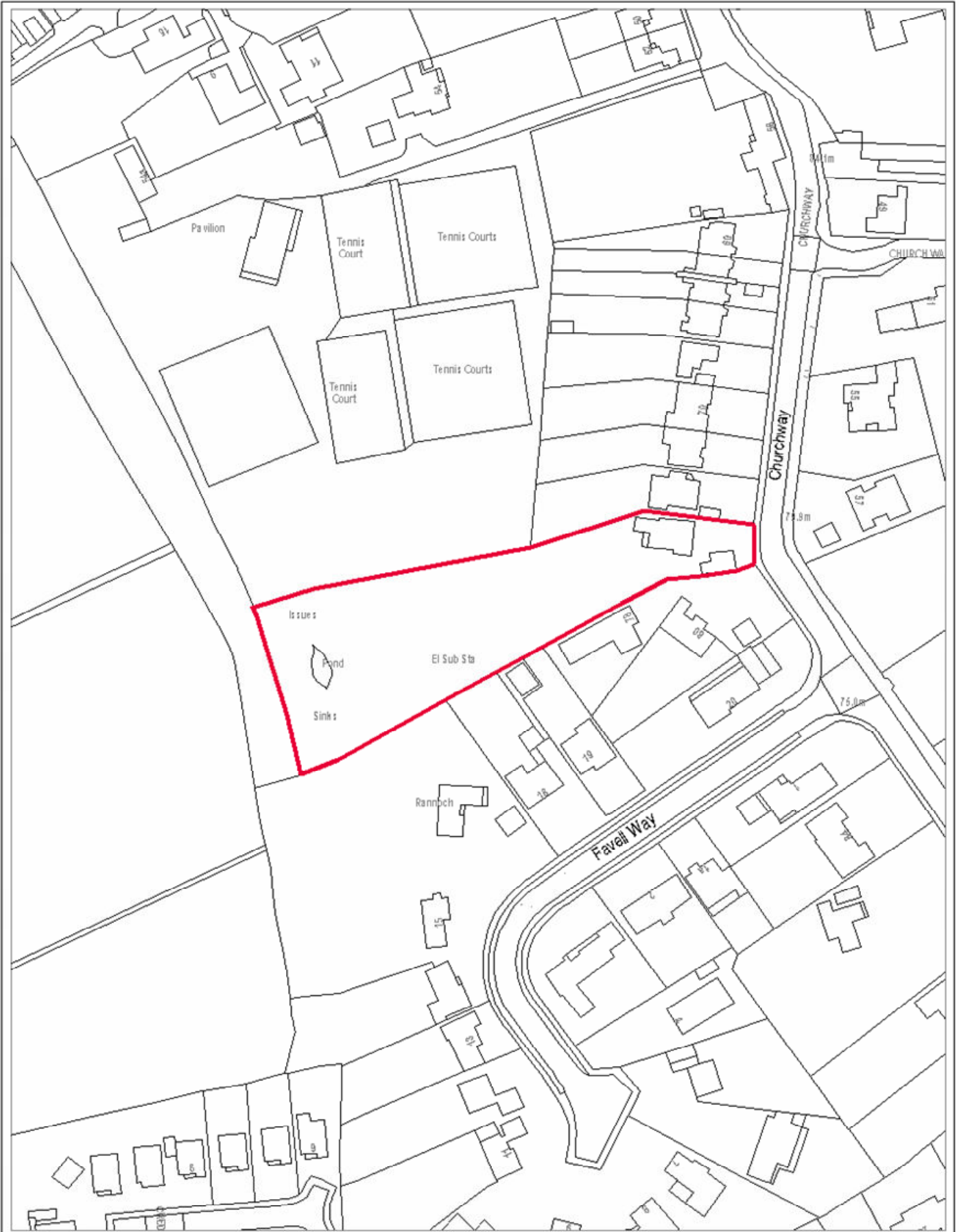
12. BACKGROUND PAPERS

12.1 Application file N/2009/0610

13. SUMMARY AND LINKS TO CORPORATE PLAN

13.1 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.

Position:	Name/Signature:	Date:
Author:	Andrew Holden	08/10/09
Development Control Manager:	Gareth Jones	09/10/09



Im: Jon Martin
 Dt: 8th September 2009
 S: 1:1250
 P: Planning
 T: Location Plan

Title
Building Plot Rear of 76 Church Way
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