

**PLANNING COMMITTEE:** 23<sup>rd</sup> August 2011  
**DIRECTORATE:** Planning and Regeneration  
**HEAD OF PLANNING:** Susan Bridge

**N/2011/0437:** **Erection of five dwellings – outline application**  
**Land to the rear of 29-31 and 33 Ash Lane, Collingtree, Northampton**

**WARD:** Nene Valley

**APPLICANT:** Mr. S. Holton  
**AGENT:** Mr. P. Johnson, Berrys

**REFERRED BY:** Cllr. M. Hill  
**REASON:** Concerns regarding the scale of the development, its relationship with adjacent properties and the impact on the conservation area

**DEPARTURE:** No

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## **APPLICATION FOR DETERMINATION**

### **1. RECOMMENDATION**

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

1.2 The proposed development would not adversely impact upon the character and appearance of the locality, the amenities of the occupiers of surrounding properties and highway safety. The proposal therefore complies with the requirements of PPS1, PPS3 and PPG13 and Policies H6 and H10 of the Northampton Local Plan.

### **2. THE PROPOSAL**

2.1 The application seeks outline planning permission to erect five dwellings within this backland site. These would comprise four bungalows and one house. Access to the site would be via a new private driveway, which would run from the road between the existing dwellings at 29-31 and 33 Ash Lane. All matters are reserved with the exception of access, meaning that, if approved, a further reserved

matters application or applications would need to be submitted covering appearance, landscaping, layout and scale.

### **3. SITE DESCRIPTION**

- 3.1 The application site is a backland site located on the periphery of Collingtree Village and currently forms part of the private rear garden of 33 Ash Lane. The southern boundary of the application site is approximately 22m from the top of embankment adjacent to the M1 motorway. The area to the east of the application site is in use for residential purposes, generally comprising houses that were constructed over the last few decades. The application site is approximately 100m from the western boundary of the Collingtree Conservation Area. A reserved matters application was approved in 2003, which granted planning permission for three dwellings on the land to the west of the site.

### **4. PLANNING HISTORY**

- 4.1 N/2010/0328 – Outline application for five dwellings with access – Withdrawn  
N/2010/0502 – Outline application for three dwellings with access – Approved
- 4.2 The first 2010 application was withdrawn in the light of Environmental Health advice outlining concerns due to the potential negative impacts from noise and air quality issues resulting from the proximity of the motorway.
- 4.3 The approved scheme from 2010 included three dwellings that were located within a smaller area, albeit further away from the motorway. The site area that is the subject of this application is the same as that included with the previously approved scheme, although the indicated scale of the dwellings has been reduced.

### **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  
PPS23 – Planning and Pollution Control  
PPG13 – Transport

PPG24 – Planning and Noise

5.3 **Northampton Borough Local Plan**

E12 – Protection of trees and hedgerows

E20 – New Development

E40 – Planning and crime and anti-social behaviour

H6 – Residential Development

H10 – Backland Development

5.4 **Supplementary Planning Guidance**

Northamptonshire County Parking Standards

Planning Out Crime in Northamptonshire

6. **CONSULTATIONS/REPRESENTATIONS**

6.1 **Environmental Health (NBC)** – There are concerns regarding the submitted noise assessment, given that it has been carried out during periods when the M1 was not at its busiest. The main concerns regarding the development relate to air quality, as it is possible that the boundaries of the Air Quality Management Area could vary to include the development site. Furthermore, recent discussions into best practice call into question the findings of the submitted Air Quality Assessment. It is questioned whether all five dwellings could be constructed in areas, where the level of air quality is acceptable. Although there is an extant consent for three dwellings on the site, it is considered that this offers greater flexibility to overcome this issue.

6.2 **Arboricultural Officer (NBC)** – The submitted arboricultural report and tree constraints plan identify a number of trees to be retained at the site and means for their protection during the development process. These recommendations should be subject to conditions.

6.2 **Highway Authority (NCC)** – There should be a 0.5 break on each side of the site entrance to allow for the clearance of vehicles. There should be a physical separation between all three vehicular entrances. In addition, the first five metres of the access road should be surfaced with a bound material.

6.3 **Councillor M. Hill** – Requests that the application be determined by the Planning Committee on account of the proposal's scale and impacts on adjacent properties, visual amenity and the conservation area.

6.2 **Collingtree Parish Council** – The proposal is for a development that is of a density that is significantly higher than the surrounding area. The poor air quality would prevent a satisfactory standard of residential accommodation from being secured and past decisions do not set a precedent for this proposal. The air quality issues may make it difficult to sell the dwellings, meaning that in future a proposal may be made for more building on site. Extra traffic, combined with the layout of Ash Lane would adversely impact upon highway safety.

6.3 Letters of objection from the occupiers of **21, 23, 25, 27, 32** and **34 Ash Lane**. Comments can be summarised as:

- The vicinity of the application site is characterised by large, detached houses with similarly sized gardens. This creates an open feel to the vicinity, which would be eroded by the proposed development due to its scale and density.
- The previously approved scheme does not set a precedent for this application on account of it being for dwellings that were of a scale that were comparable to the prevailing vernacular.
- There have been recent changes to the planning policies with regards to the building on garden land
- The proposed development would not take advantage of any opportunities to improve the area
- The proposed dwellings would lead to a loss of outlook, have an overbearing affect and lead to a loss of privacy.
- The proposal would be detrimental to residential amenity as a result of increased noise and disturbance from the use of the access way
- The site contains a number of important trees and hedgerows and create a significant wildlife habitat.
- The trees on the site contribute to amenity levels and form an important buffer between Collingtree and the motorway. The number of trees has already been reduced, which has increased noise. The number of trees would be reduced further.
- Compared with the existing dwellings, car parking is limited and parking on Ash Lane would have a detrimental impact on highways safety.
- Ash Lane is hazardous for traffic and pedestrians due to the blind corner. Furthermore, three accesses to this road would be created in close proximity to one another.
- Growth in Collingtree has put a strain on the original road layout.
- The submitted air quality and noise level assessments do not include details of the prevailing meteorological conditions and these would have an impact on its findings. Usage of the M1 may increase, which would have a negative impact on air quality.
- The development would exacerbate health problems within the area
- Further applications may be submitted for larger developments
- If the application were approved, it is recommended that conditions removing permitting development rights be applied and restricting building heights, removal of trees and providing adequate parking.

## 7. APPRAISAL

### *Principle of the development*

- 7.1 The site is allocated within the Local Plan as being suitable for residential development. Furthermore, the application site is identical to that, which was gained planning permission in 2010 for three dwellings. The proposal would lead to the loss of garden space to 33 Ash Lane. However, given the size of the garden it is considered there would be sufficient (in excess of 780m<sup>2</sup>) private garden space retained within the curtilage of no.33. Therefore the principle of the subdivision of the site is acceptable.
- 7.2 The indicative layout drawing submitted with the application indicates that there would be a level of car parking consistent with the requirements of the SPG on car parking. In addition, a satisfactory level of private amenity space is indicated to be included within the curtilage of each dwelling and as such the proposal is compliant with the requirements of PPS3 – Housing and Local Plan Policy H6 of the Northampton Local Plan.
- 7.3 Policy H10 of the Northampton Local Plan indices that backland developments should not be permitted in instances where undue disturbance would be created for the occupiers of existing properties. In this instance, it is considered that due to the main parts of the neighbouring existing dwellings at 29-31 and 33 Ash Lane being set back from the access roads, it is considered that the proposal would not create any undue noise and disturbance to these residents. In the case of the dwellings to the east of the site, it is considered that on account of the screening effect of a mature hedgerow along the eastern site boundary there would be no significant loss of amenity. It is also noteworthy that the proposed access is essentially the same as that approved under extant planning permission N/2010/0502, albeit that that scheme is for two fewer dwellings, and that the Council's environmental health service has raised no concerns over this aspect of the proposed development.
- 7.4 It is noted that objections have been raised regarding the density of the proposed development. However, the proposed density of 25 dwellings per hectare is not significantly different from that within the immediate vicinity and therefore the proposed development would not have a significant adverse impact upon the character of the site's immediate environs. As the site is approximately 100m from the western boundary of the Collingtree Conservation, it is considered that the proposed residential development would not have a significant adverse impact upon the character and appearance of the Conservation Area and as a result of this, it is considered that the proposal would not breach the requirements of PPS5 – Planning for the Historic Environment and Policy E26 of the Northampton Local Plan.

***Access and highways considerations***

- 7.5 As set out previously, the matter of access to the site is to be considered within this application. The access arrangements are a

replication of that previously deemed acceptable (N/2010/0502). Whilst it is acknowledged that the number of dwellings has been increased by two from three to five, it is considered that on account of the reduction in scale of the dwellings combined with the substitution of houses with bungalows, there need not be a significant intensification in the use of this access or the number of residents when compared to the previous approval. The Highways Authority has raised no objections to the proposed increase in the numbers of dwellings, subject to improved access arrangements as set out below. As a result of this, it is considered that the requirements of PPG13 – Transport have been complied with.

- 7.6 The proposal includes the provision of adequate visibility splays, which would ensure that vehicles entering and exiting the site would have adequate opportunities to observe other road-users and pedestrians within Ash Lane. In order to secure a satisfactory standard of development, a condition is recommended that would require that details of the surface treatment be submitted to and approved by the Local Planning Authority.
- 7.7 The proposed indicative layout includes the provision of a suitable turning head adjacent to plots four and five. This is considered necessary in order to alleviate the need for vehicles to either reverse onto or off of Ash Lane. In terms of car parking, it is noted that the indicative layout shows that each dwelling has two car parking spaces (of a combination of driveway and garage spaces), which is the equivalent to the maximum amount specified within the Supplementary Planning Guidance – Parking. As a result of this, it is considered that the likely parking demands would be accommodated within the development without detriment to the safety of Ash Lane.
- 7.8 It is noted that NCC Highways have requested that 0.5m of the hedgerow adjacent to Ash Lane be removed. In order to ensure an adequate level of visibility in the interests of highway safety, a condition to this effect is considered necessary and reasonable.
- 7.9 For the foregoing reasons, it is considered that the proposed development would not give rise to circumstances prejudicial to highway safety or the free-flow of traffic in accordance with requirements of PPG13 – Transport.
- 7.10 Although the proposal would necessitate the removal of the garage from 29 and 31 Ash Lane, it is considered that on account of the large scale of the driveway, there would be sufficient room to accommodate the parking requirements of this dwelling, without detriment to highway safety.

***Design, layout and impact on neighbours***

- 7.11 Whilst this is an outline application, with the design and layout being reserved for future consideration, indicative parameters have been

submitted. The submitted details indicate that the dwellings on Plots 1-4 (i.e. those adjacent to the eastern boundary) would be no more than 6m in height and no windows in the gable ends of plots 1 and 2. It is considered that this arrangement would prevent any significant loss of amenity to the occupiers of neighbouring properties by reason of the restricted height combined with the existing and future boundary treatment which can be controlled via condition. Conditions covering the maximum height of these dwellings are recommended.

- 7.12 Although the dwelling proposed on Plot 5 would be larger as it is a house, it is considered that on account of the larger separation distance to the existing dwellings to the north and east and those unconstructed, but approved on the adjacent site to the west there would be no undue detrimental impact upon residential amenity despite the larger scale of this element of the proposal.
- 7.13 It is noted that observations have been submitted regarding the density of the proposed development. However, this is comparable to the existing dwellings within the immediate vicinity of the site. Although the proposal constitutes backland development, it is considered that due to the limited views into the site from public viewpoints, combined with likely future landscaping and a comparable density, the overall impacts on the character of the area would be neutral.
- 7.14 Although officers have concerns regarding the relationships between the proposed dwellings situated on Plots 1 and 2 and Plots 4 and 5, it is considered that these matters could be adequately addressed during the reserved matters application, without detriment to the character of the area or amenities of surrounding occupiers.
- 7.15 It is considered that many of trees within the site make a significant contribution to the site's character. An assessment of the site's trees has been carried out and, following review by the Council's Arboricultural Officer, a number have been identified for retention. In order to maintain the mature Horse Chestnut tree that is located adjacent to the western boundary, a condition is recommended that would ensure that no development is carried out within 10m of this tree. Retention and protection of all trees to be retained can be adequately controlled by condition. This would ensure that the development is in accordance with the requirements of Local Plan Policy E12.

### ***Environmental Health matters***

- 7.16 Although the number of dwellings has been increased from the previous approval from three to five units, the separation distance between the dwellings and the M1 has been maintained. In order to ensure a satisfactory level of residential amenity and compliance with PPG24 – Planning and Noise, a condition is recommended that would require an assessment of noise to be carried out each plot and

a scheme to be agreed for the attenuation of noise within the buildings. This accords with the advice of the Council's Environmental Health service.

- 7.17 The site is located in close proximity to the M1 and adjacent to an Air Quality Management Area. The concerns of the Environmental Health Service are noted and it is understood that the cause of their concerns is that questions have been raised regarding the best practice for carrying out air quality assessments in the intervening period since the granting of the 2010 permission. Furthermore, the boundaries of the Air Quality Management Area may be revised in the future, which could potentially create a conflict with the residential accommodation.
- 7.18 In response to these comments, weight must be given to the extant outline consent, which was approved under the same planning policy context, in which this application is being considered. A further reserved matters application would need to be submitted for the development and in principle this would offer an opportunity to respond to concerns regarding air quality through the layout and detailed arrangement of internal accommodation. However, due to the size of the site, its shape and proximity to the motorway, in reality there is relatively little scope to do so beyond that offered by three unit fallback scheme because the relative position of the dwellings to the motorway is unchanged between this and the preceding application. For these reasons therefore the issue of air quality cannot be given a significant amount of weight.
- 7.19 The consultation response from Environmental Health comments that the position of the dwellings approved within the 2010 outline planning may need to be revised in order to ensure a satisfactory level of air quality and that by incorporating five dwellings within the site any flexibility would be lost. Whilst it is acknowledged that the precise site layout has yet to be formally approved, an indicative layout was included within the previous application. By reason of the prospective size of the proposed dwellings and the need to maintain suitable separation distances between dwellings, it is considered that there is little flexibility to achieve significant variations in the positioning of dwellings within that proposal.
- 7.20 Although there is likely to be some variation in the number of residents that could be housed within the approved and proposed developments, it is considered that as a result of the reduction in scale of the dwellings as now proposed between this proposal and that approved in 2010 means that there is unlikely to be a significant increase in the number of residents.
- 7.21 As a result of these scenarios, it is considered that the increase from three to five dwellings would not create a significantly worse residential environment than that permitted in 2010. As a result of this, it is considered that refusal on these grounds would be unreasonable and could not be sustained.



## **8. CONCLUSION**

- 8.1 In conclusion, it is considered that the proposed development would not unduly impact upon the character and appearance of the wider area, highway safety or residential amenity. As a result of this, it is considered that, subject to conditions, the scheme is acceptable and compliant with national and local planning policies.

## **9. CONDITIONS**

(1) Approval of the details of 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 3(1) of the Town and Country Planning (General Development Procedure) Order 1995.

(2) The development hereby permitted shall be begun either before the expiration of three 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.

(3) Notwithstanding the details submitted, full details of the surface treatments to 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 and retained thereafter.

Reason: In the interests of visual amenity and highway safety in accordance with PPS1 and Policy E20 of the Northampton Local Plan.

(4) Notwithstanding the details submitted, no development shall take place within 10m of the Horse Chestnut tree adjacent to the south western boundary and identified as T1 within the submitted Tree Assessment Report dated June 2010.

Reason: In the interests of general amenity and in accordance with Policy E11 of the Northampton Local Plan.

(5) Unless otherwise agreed in writing by the Local Planning Authority, the development shall be carried out in accordance with the details as submitted within the Tree Assessment Report dated June 2010 including the retention of the trees identified to be retained therein.

Reason: In the interests of general amenity and in accordance with Policy E11 of the Northampton Local Plan.

(6) All trees to be retained as required by conditions 4 and 5 above

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 E11 of the Northampton Local Plan.

(7) Notwithstanding the details submitted provide a noise scheme for each of the plots which shows the acoustic protection to be used in the building envelopes and at all openings shall be submitted and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and retained thereafter.

Reason: In the interests of residential amenity and to ensure compliance with PPG24 - Planning and Noise.

(8) Notwithstanding the details submitted a scheme detailing a strategy for ensuring a satisfactory level of air quality within the development hereby permitted shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall include the provision of a suitable ventilation system. Development shall be carried out in accordance with the approved details and retained thereafter.

Reason: In the interests of residential amenity and in accordance with PPS23 - Planning and Pollution Control

(9) The development hereby permitted shall be for no more than five dwellinghouses.

Reason: For the avoidance of doubt in the interests of the amenity of future occupiers and occupiers of neighbouring properties and protecting the character and appearance of the locality in accordance with Policy E20 of the Northampton Local Plan and H6, and PPS1 – Delivering Sustainable Development, PPS3 – Housing, PPS23 - Planning and Pollution Control and PPG24 - Planning and Noise

(10) Unless otherwise agreed in writing by the Local Planning Authority, the height of the dwelling hereby permitted and located on Plot 1-4 shall be limited to a maximum height of 6m above finished floor level.

Reason: In order for the local planning authority retain adequate control of the development to ensure that it harmonises with the scale and character of development in the vicinity of the site and to protect the amenities of neighbouring occupiers in accordance with Local Plan Policies E20 and H6 and PPS1 and PPS3

(11) Unless otherwise agreed in writing by the Local Planning Authority, the height of the dwelling hereby permitted and located on Plot 5 shall be limited to a maximum height of 7.4m above finished floor level.

Reason: In order for the local planning authority retain adequate control of the development to ensure that it harmonises with the scale and character of development in the vicinity of the site and to protect the amenities of neighbouring occupiers in accordance with Local Plan Policies E20 and H6 and PPS1 and PPS3

(12) Prior to the commencement of construction works on site, details of the existing and proposed ground levels and finished floor levels of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.

Reason: In the interests of residential and visual amenity in accordance with Policy E20 of the Northampton Local Plan.

(13) Notwithstanding the details submitted, full details of site visibility splays shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details, implemented prior to the development hereby permitted being first brought into use and retained thereafter.

Reason: In the interests of highway safety in accordance with the requirements of PPG13.

## **10. BACKGROUND PAPERS**

- 10.1 N/2010/0328  
N/2010/0502

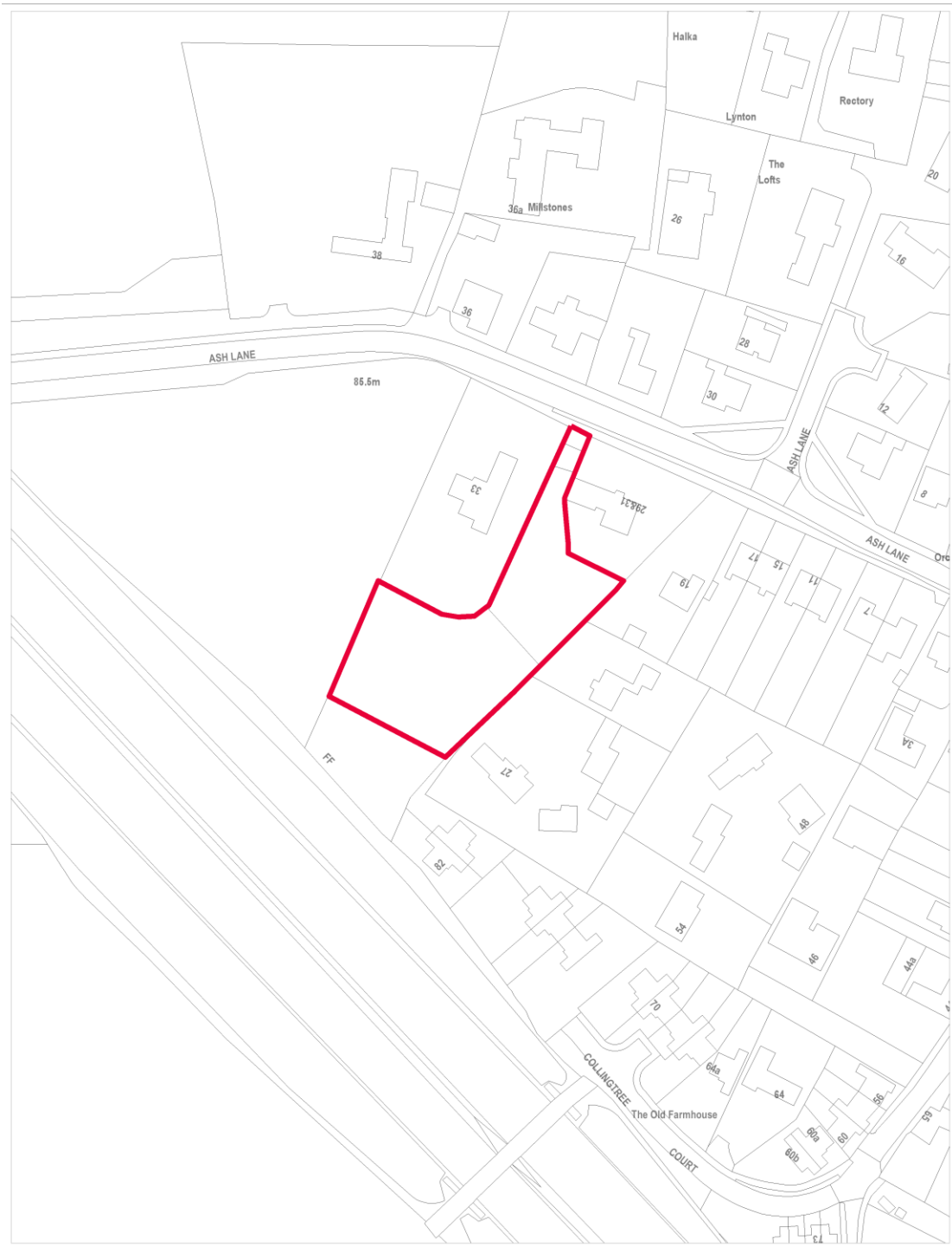
## **11. LEGAL IMPLICATIONS**

- 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.

<b>Position:</b>	<b>Name/Signature:</b>	<b>Date:</b>
<b>Author:</b>	Ben Clarke	29/7/11
<b>Development Control Manager Agreed:</b>	Gareth Jones	02/8/11



 <p><b>NORTHAMPTON</b> BOROUGH COUNCIL</p>	<p>Name: SW          Date: 5th July 2011          Scale: 1:1250          Dept: Planning          Project: Site Location Plan</p>	<p>Title</p> <h2>Land to the rear of 29-33 Ash Lane</h2> <p>Produced from the 2011 Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright          Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100019655</p>
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