



NORTHAMPTON
BOROUGH COUNCIL

PLANNING COMMITTEE: 1st May 2012
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Susan Bridge

N/2011/1234: **Erection of three additional dwellings (as amended by revised plans received on 12th March 2012)**
86 Church Way, Northampton

WARD: Weston

APPLICANT: Dr Andrew Robinson
AGENT: Mrs Kimberly Robinson-Green

REFERRED BY: Cllr N Duncan
REASON: Concerns about scale of development and impact on adjoining occupiers

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 the National Planning Policy Framework and policies E20, H6 and H10 of the Northampton Local Plan.

2. THE PROPOSAL

2.1 The proposal entails the erection of three dwellings within the garden area of no. 86 Church Way, with the original dwelling to remain also.

2.2 The two houses towards the rear of the site (Plots 2 and 3) would be two storeys in height with low eaves, whilst the house towards the front

(Plot 1) would be a dormer style and would be one and a half storeys in height when viewed from the driveway and the road but due to being within a lower ground level on the site would appear as two and a half storeys from the adjacent property at 88 Church Way.

3. SITE DESCRIPTION

- 3.1 The site comprises the extensive garden area of no. 86 Church Way. The original dwelling is set back from the road and the site is partly screened from the road by an established stonewall and a number of mature trees.

4. PLANNING HISTORY

- 4.1 The original house at no. 86 was approved in 1963 with extensions approved in 1972.

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:

National Planning Policy Framework

5.3 Northampton Borough Local Plan

E20 - New Development

H6 - Other housing development: within primarily residential area

H10 - Backland Development

E40 Crime and Vandalism

5.4 Other Policy Considerations

Northamptonshire County Parking Standards SPG 2003

Planning out Crime in Northamptonshire SPG 2004

6. CONSULTATIONS

- 6.1 **Arboricultural Officer** – Agreed Arboricultural report subject to the use of cellweb on the new driveway.

- 6.2 **Environmental Health** – No objections, but request a site investigation condition is attached to any planning permission.

- 6.3 **Highway Authority** – Requested amendments to the access road and visibility splays which have now been provided by revised plans.

7. REPRESENTATIONS

- 7.1 The application was advertised by notification letter and **objections** were received from the occupiers of **67, 77, 79, 84, 88 and 94 Church Way and 2, 4, 5 and 6 Favell Way** making the following points in summary:

- Out of character with the existing plots of Church Way which are single houses on large plots.
- Overlooking and overshadowing of neighbouring properties.
- Tandem / backland development contrary to policy - “Garden Grabbing”
- Previous developments have been to the rear, this would be visible from Church Way.
- Buildings would be higher than adjacent sites.
- Drive does not provide adequate visibility splays.
- Inadequate parking, meaning that visitors will park in Church Way. Church Way is a narrow winding lane, cannot cope with additional traffic.
- Trees on the site should be protected.
- Stonewall at the front of the site should be preserved.
- Natural spring runs through the site.

8. APPRAISAL

Principle of Residential Development

- 8.1 The National Planning Policy Framework (NPPF) in respect of housing this sets out the criteria for new housing policies, including the identification of new housing sites. Of direct relevance to this application is the advice that Local Planning Authorities should consider setting out policies to resist the residential development of residential gardens, where this would cause harm to the local area. At present no new policies of this type have been adopted, although Policy H10 continues to apply, as discussed below.
- 8.2 Policy H6 of the Northampton Local Plan sets out the criteria against which residential development will be assessed, stating that planning permission for residential development will be granted except where adverse impacts are identified in respect of the character of the area, highway design, piecemeal development or loss of potential for parking / garaging or protected trees.
- 8.3 Policy H10 deals with Backland Development and states that “Planning permission for the development of residential backland 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. This includes existing dwelling(s) within whose curtilage the development is proposed.”

- 8.4 The site is designated in the Local Plan as falling within a primarily residential area. It is considered that the principle of residential development is acceptable in this location due to this policy designation. The considerations in respect of Policies H6 and H10 are set out below.

Character of the Area

- 8.5 The existing dwelling at no. 86 Church Way would remain on the site and the other three proposed dwellings would be built within the garden area. This would result in a higher density of development than the surrounding area, and this could be potentially affect the character of the area.
- 8.6 However, Church Way is characterised by a wide variety of different housing types, built over many years and including historic as well as more recent infill developments. Whilst the development is denser than most of that accessed from Church Way, it would be of a similar character to other housing in the wider area and it is considered on this basis that it would not adversely impact on the local character. Furthermore, the density of the development, in particular the smaller rear garden areas, would not be readily apparent from the street and therefore the character of the area would be unaffected.

Impact on Adjoining Occupiers.

- 8.7 The originally submitted plans showed the dwelling towards the front of the site, referred to as Plot 1, as being 5m from the adjacent dwelling at 88 Church Way. This would be acceptable as a side to side separation, however no. 88 is unusual in that this has side facing windows, serving habitable rooms, in close proximity to the site boundary. The proposed siting of the dwelling would, therefore, have had an unacceptable impact on this neighbour. Amendments were therefore requested and the dwelling on this plot is now proposed to be 9m from these side facing windows, and would not be directly in front of the windows. It is considered therefore that the impact on this neighbour would be acceptable.
- 8.8 In respect of the property at 5 Favell Way, to the rear of the site, a separation of at least 30m would be provided between facing windows in respect of Plots 2 and 3, meaning that no significant adverse impact would result.
- 8.9 In respect of 4 Favell Way, this neighbouring house is very close to the site boundary, but is directly behind the existing house at no. 86 rather than either of the neighbours. Plot 2 would not face directly towards the rear of this neighbour, and although the distance between the buildings

is only 16m, due to the angle between windows no overlooking would result. It is further considered that there would be no overlooking of the garden area of this property from Plot 2, due to over 10m separation being provided between this property and the rear of the site, together with substantial vegetation on the boundary.

- 8.10 The layout of the proposed dwellings is such that they are offset from the existing house at no. 86, and as such no direct overlooking of this property or its garden would result.

Highways / Parking

- 8.11 The site would use the existing site access onto Church Way, modified to provide the visibility splays and angle of approach to the highway as requested by the Highway Authority.
- 8.12 Parking would be provided for each of the new houses, with a total of four for Plot 1 and two for Plots 2 and 3, including garage spaces. There is additional capacity for parking on the highway and the two spaces for the original house would be retained. It is considered therefore that adequate parking is provided and that overspill parking onto Church Way is unlikely to occur.

Protected Trees

- 8.13 There are three trees on the site protected by Tree Preservation Orders. Comments from the Arboricultural Officer indicate no concerns as to the siting of the dwellings, but a requirement for cellweb to be used in driveway construction, to protect tree roots.

9. CONCLUSION

- 9.1 It is considered that the proposed development would be in character with the wider area and would have no adverse impact on the street scene, the amenities of adjoining occupiers or in terms of highway safety or demand for parking.

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.

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. A detailed scaled plan showing the proposed design layout, all trees to be retained (and including replacement plantings), their corresponding BS 5837:2005 Root Protection Areas, the location of protection barriers outside of the RPA's, all service runs (if within the RPA requiring trenchless techniques will be required – details to be submitted for approval), any soil levelling (to be outside of the RPA's), storage areas for plant and materials, temporary works huts and location of the specialist driveway as required under condition 6 shall be submitted to and approved in writing by the Local Planning Authority before the commencement of any work on site. The development shall thereafter be carried out in full accordance with the approved 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 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.

7. Full details of root protection measures during construction 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 area.

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.

8. All trees shown to be retained in the approved plans shall be protected for the duration of the development by (a) stout fence(s) to be erected and maintained on (an) alignment(s) 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.

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 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.

10. Unless otherwise agreed by the Local Planning Authority, the junction of the new access and the existing highway shall be laid out together with the provision of visibility splays in accordance with details to be first submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted. Development shall be carried out in accordance with the approved details.

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.

11. 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 additional

windows, doors or dormer windows shall be installed in any elevation of the proposed development without the prior written consent of the Local Planning Authority.

Reason - To safeguard the privacy of the adjoining properties in accordance with Policy H6 of the Northampton Local Plan.

12. 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.

13. 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 12, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition 12, 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 12.

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.

14. Details of the provision for the storage of refuse and materials for recycling shall be submitted to and approved in writing by the Local Planning Authority, implemented prior to the premises being used for the permitted purpose 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.

15. Full details of the method of the treatment of the external boundaries of the site, including any alterations to the stone boundary wall fronting Church Way, together with individual plot boundaries shall be submitted to and approved in writing by the Local Planning Authority, implemented in accordance with the approved plans prior to the occupation of the buildings hereby permitted and retained thereafter. No alterations to the existing boundaries shall be carried out other than in accordance with these details.
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.

9. LEGAL IMPLICATIONS:

- 9.1 None.

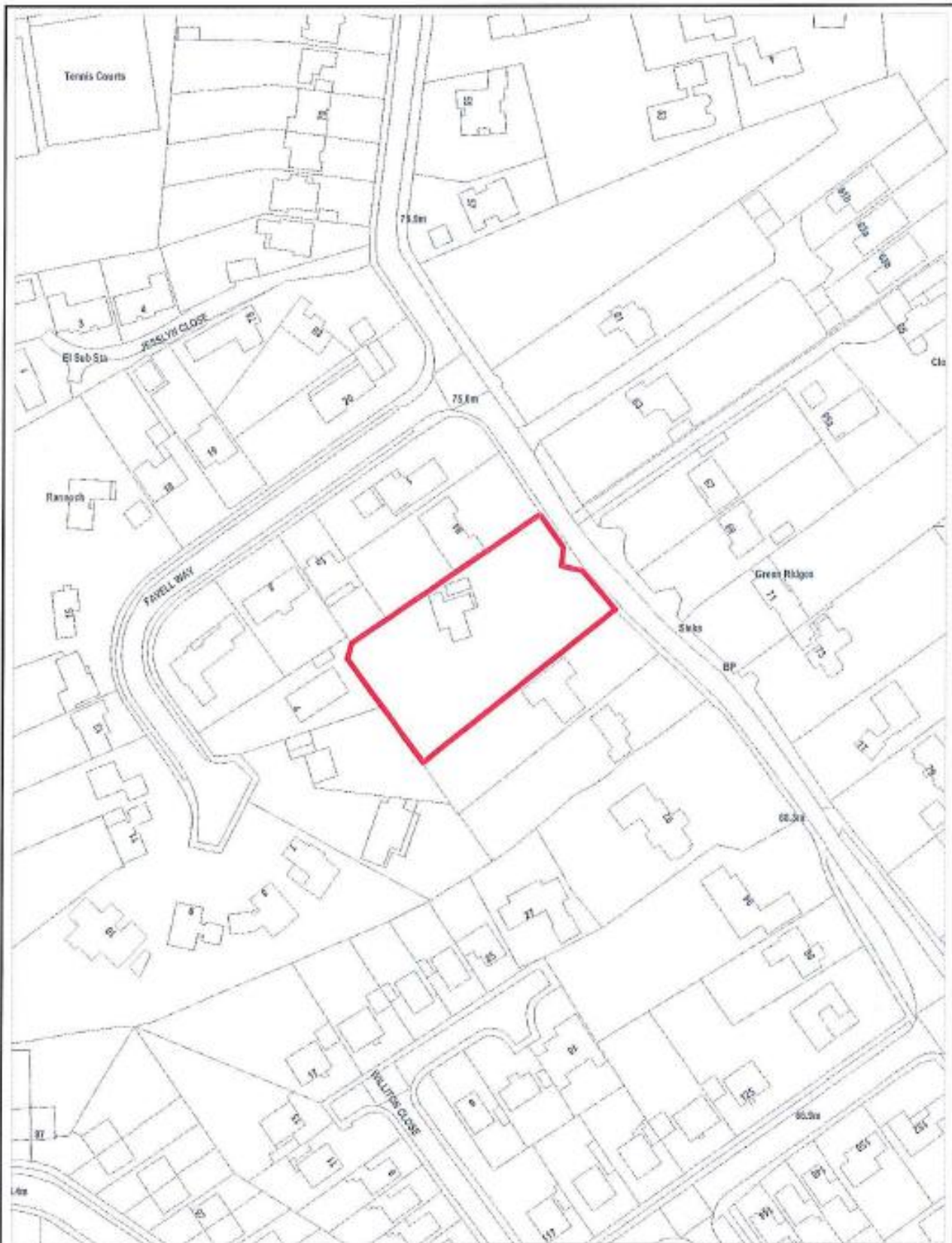
10. BACKGROUND PAPERS

- 10.1 N/2011/1234.

11. SUMMARY AND LINKS TO CORPORATE PLAN

- 11.1 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	17/04/12
Development Control Manager:	Gareth Jones	20/04/12



Name: SW
 Date: 20th April 2012
 Scale: 1:1250
 App: Planning
 Project: Site Location Plan

Title
86 Church Way

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