



PLANNING COMMITTEE: 30th October 2012
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Susan Bridge

N/2012/0923: Variation of Condition 2 of Planning Permission 10/0075/S73WNN to revise the position for private drive onto new estate road at land at Wild Acres, Wellingborough Road, Northampton

WARD: Billing

APPLICANT: Taylor Wimpey East Midlands

REFERRED BY: Head of Planning
REASON: Due to the complex planning history of the site and development, the existing breach of planning control and the potential highway safety implications

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

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

The proposed revision would have a neutral impact upon highway safety, visual amenity and the surrounding trees. The proposal is therefore in accordance with the requirements of the National Planning Policy Framework and Local Plan Policies E11 and E20.

2. THE PROPOSAL

2.1 Although the planning history for the development / site is complex, in summary planning permission exists for residential development, which is currently on-going and served exclusively via a vehicular access from Wellingborough Road. This access road would form the principal estate road for the new residential development but also serve the

existing the dwellings (known as Gara, Marazian and Shalimar) located to the west of the application site. These three houses access Wellingborough Road via a private access road, which forms a junction with the new estate road. The alignment of the private road and the position / details of this junction are controlled by Condition 2 of planning permission 10/0075/S73WNN.

2.2 Condition 2 of Planning Permission 10/0075/S73WNN states:

'No house building works shall take place until the access from Wellingborough Road including the provision of all road marking and the revised arms of the service road, has been completed to a distance of not less than 38 metres back from the east channel line of Wellingborough Road, all in accordance with the approved details including the additional white lining in Wellingborough Road associated with the retention of the existing access only detailed on drawing number P739/400A.'

The reason for this condition is:

'In the interests of highway safety'.

- 2.3 The applicant seeks to vary this condition to allow for an alternative private access road (to serve Gara, Marazian and Shalimar) to be constructed instead of that required by the condition. It is proposed that the access road be re-orientated so that it would follow a more direct alignment compared to that of the approved route (as required by Condition 2). The realigned road would therefore join the estate route at a shallower angle and closer to junction of the estate road and Wellingborough Road.

3. SITE DESCRIPTION

- 3.1 The application site is currently being developed for residential purposes (notwithstanding the provisions of Condition 2 of Planning Permission 10/0075/S73WNN). The surrounding area features a number of individual dwellings, which are set back from Wellingborough Road. In order to facilitate the development, the original dwelling at Wild Acres has been demolished.

4. RELEVANT PLANNING HISTORY

- 4.1 **98/0393** – Residential development/estate road (outline application) – Allowed on appeal.
99/0131 – Residential development and estate road – Refused, dismissed upon appeal.
N/2000/0879 – Construction of estate road junction with Wellingborough Road – Approved.
N/2002/0758 – Residential development of 94 dwellings with associated roads, sewers and ancillary works – Reserved Matters

applications pursuant to Outline Planning Permission 98/0393 – Approved.

N/2005/0588 – Application for Certificate of Lawfulness for existing operation development – Allowed upon appeal.

N/2006/0258 – Residential development – application for a Certificate of Lawfulness for a proposed development – Allowed upon appeal.

08/0024/FULWNN – Construction of estate road junction with Wellingborough Road – Approved.

10/0075/S73WNN – Application for variation of Condition 6 attached to Outline Planning Permission 98/0393 dated the 11th June 1999 for residential development and an estate road with all matters reserved other than the means of access – variation to keep open the existing access from Wellingborough Road – Approved.

- 4.2 Outline planning permission was granted upon appeal in 1999, with the associated reserved matters application being approved in 2002. A small amount of work was thereafter undertaken, which was sufficient to implement the approved development and resulted in a successful application for a Certificate of Lawfulness for the continued implementation of the residential development in 2006. The approved layout included a reconfiguration of the private service road that runs parallel to Wellingborough Road so that it was diverted away from the junction of the new, main estate road with Wellingborough Road. The layout of the estate road has been varied during subsequent applications, although the obligation to provide these works has remained as set out in paragraph 2.2 of this report.
- 4.3 House building commenced in 2011, without complying with the requirements of Condition 2 of the 2010 planning permission. In essence, the arm of the service road serving the three dwellings to the west of the estate road has not been constructed in accordance with the approved details.

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:

Paragraph 32 of the National Planning Policy Framework advocates the creation of safe and suitable access for all people, whilst Paragraph 35 requires that developments should be located and designed, where practical, to create safe layouts that minimise conflicts between traffic, pedestrians and cyclists.

- 5.3 **Northampton Borough Local Plan**
E11 – Tree protection
E20 – New Development
H6 – Housing Development within Residential Areas

6. **CONSULTATIONS / REPRESENTATIONS**

- 6.1 **Highway Authority** - revised access arrangements shown on the Banners Gate drawing (P739/420B) are acceptable to the Local Highway Authority.
- 6.2 **Arboricultural Officer (NBC)** – It is not anticipated that the removal of the earth would have any further impact upon the health of trees.
- 6.2 **Gara, Wellingborough Road** – The revision is necessary (providing that there are no loss of trees/foliage) as the current arrangement is unsatisfactory.

7. **APPRAISAL**

- 7.1 On account of the reason for Condition 2 of Planning Permission 10/0075/S73WNN being to ensure a satisfactory impact upon highway safety, the key material consideration within this application is whether the revised layout would create an access that would have a harmful impact on highway safety.
- 7.2 In support of their application, the developer has submitted documentation that demonstrates that large vehicles, such as refuse lorries, can enter the revised vehicle entrance in a satisfactory manner without obstruct to other traffic or pedestrians. Therefore, it is considered that the proposed layout is acceptable in principle.
- 7.3 In order to secure a satisfactory standard of development, it is recommended that, should this application be approved, it be subject to a condition requiring that the revised route of access road be surfaced with a hard bound material, in order to prevent any loose materials being dragged onto the public highway, which would be detrimental to highway safety.
- 7.4 The proposed works are located away from the trees that form a boundary between the existing dwellings and Wellingborough Road. With reference to the advice of the Council's arborist, it is considered that the proposed development is in accordance with the requirements of Local Plan Policy E11.
- 7.5 By reasons of the nature of the proposal (in terms of scale and type), it is considered that the proposed amendment would not impact upon the amenities of the occupiers of neighbouring properties.

8. CONCLUSION

- 8.1 The proposed development would have a neutral impact upon neighbour amenity, highway safety and the health of trees. As such, the revised layout is in accordance with the requirements of national and local planning polices.

9. CONDITIONS

1. Within 3 months of the date of this consent the access from Wellingborough Road shall have been fully completed in accordance with the approved details shown on approved drawing number P739/420B, including the provision of all road marking and the revised arms of the service road, and surfaced with hard bound material.

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

10. BACKGROUND PAPERS

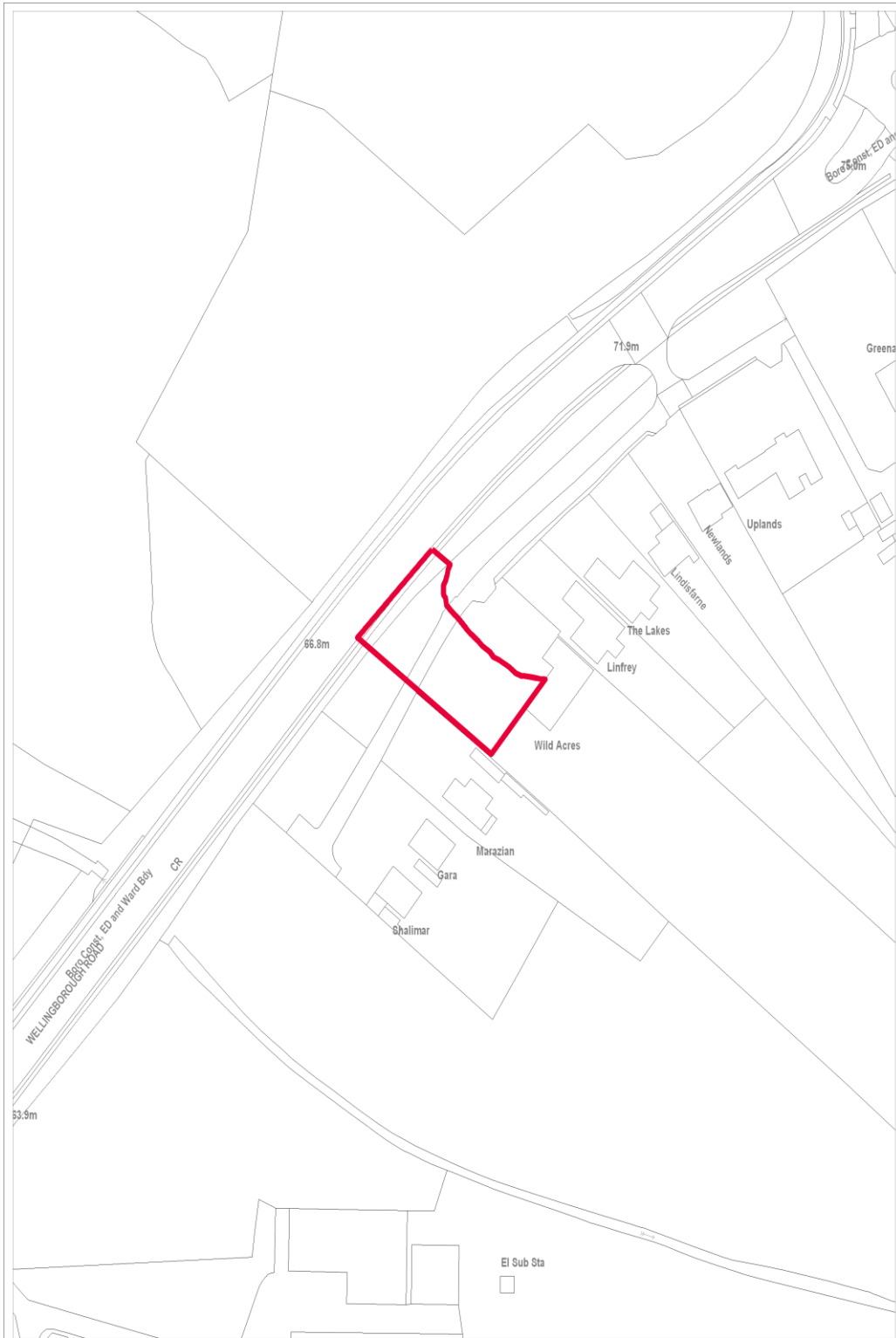
- 10.1 N/2012/0923 and 10/0075/S73WNN.

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: 17th October 2012
 Scale: 1:1250
 Dept: **Planning**
 Project: **Location Plan**

Title
Wild Acres, Wellingborough

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