



PLANNING COMMITTEE: 14th 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**

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a wider School / College Site as allocated under Policy L2 of the Northampton Local Plan, although this allocation is superseded by the County Council's Schools Review where the site is classified as surplus to requirements.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

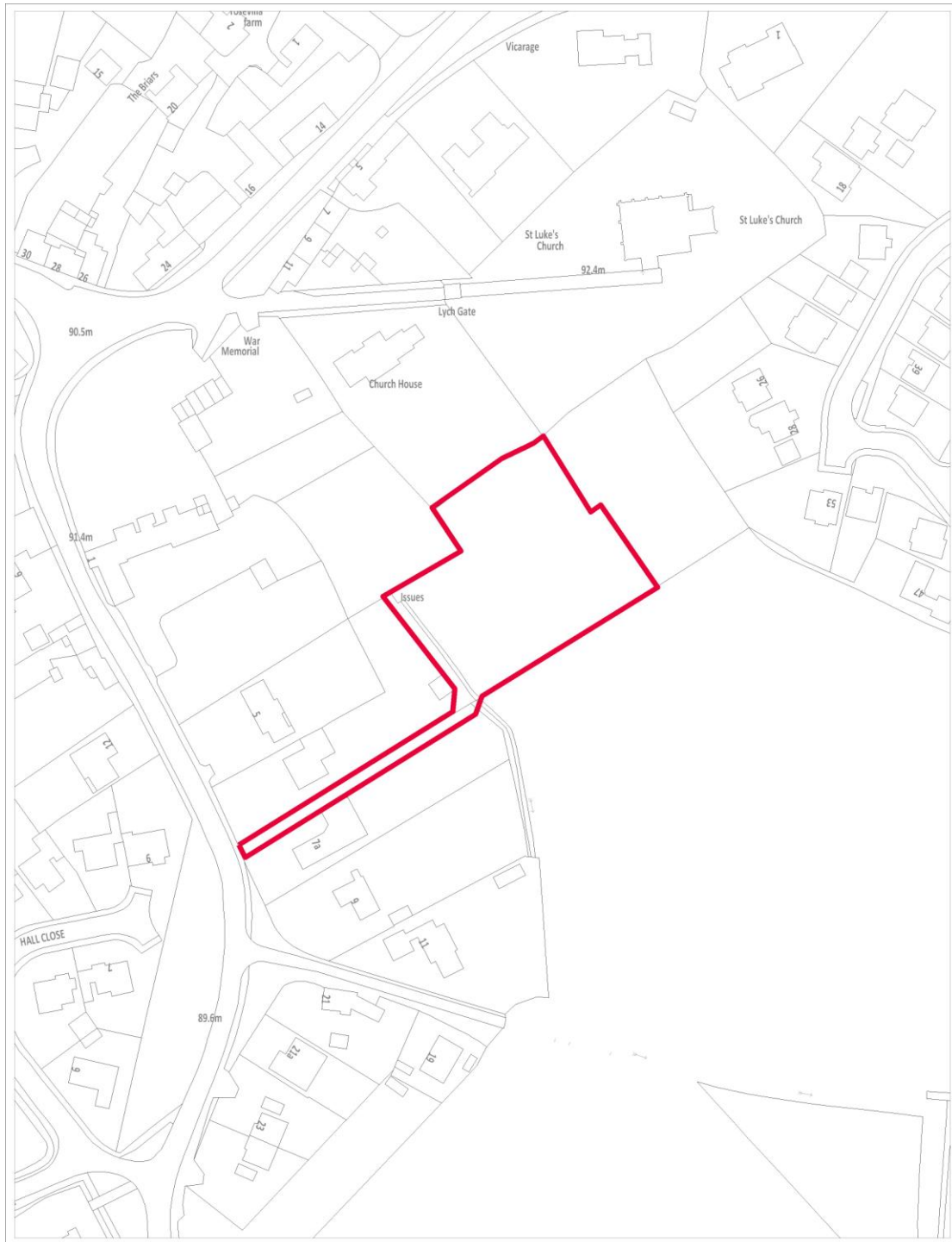
10.1 N/2013/1243 & N/2013/0634

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

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