



PLANNING COMMITTEE: 24th March 2015
DIRECTORATE: Regeneration, Enterprise and Planning
DIRECTOR: Steven Boyes

N/2014/1363: Erection of a 3-bed detached dwelling, land rear of 28-30 Main Road, Duston

WARD: Old Duston

APPLICANT: Mr P Bucknell
AGENT: Barry Waine Planning

REFERRED BY: Councillor Hadland
REASON: Over development and poor access

DEPARTURE: NO

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 **APPROVAL IN PRINCIPLE** subject to the conditions as set out below and for the following reason:

The development would have no unduly adverse impact on the character and appearance of the area, on the Duston Conservation Area, on the setting of nearby listed buildings, on residential amenity and on trees within the site. This would therefore be in accordance with Policies S10, H1 and BN5 of the West Northamptonshire Joint Core Strategy, Policies E20 and E26 of the Northampton Local Plan and the aims and objectives of the National Planning Policy Framework.

1.2 As the consultation period on the revised plans does not expire until after the Planning Committee meeting on 26th March, it is also recommended that delegated powers be granted to the Director of Regeneration, Enterprise and Planning to deal with any matters arising from any responses not dealt with already in the report.

2. THE PROPOSAL

2.1 The application seeks planning permission for the erection of a detached dwelling with access from Holmleigh Close. It is proposed that it could in the longer term also provide access to the rear of 28-30 Main Road from this point too. As part of the development several trees and shrubs would be required to be removed.

3. SITE DESCRIPTION

- 3.1 The application site forms part of the rear garden to 28-30 Main Road. These are Grade II listed buildings which front directly onto Main Road. To the west of the site is the turning head to Holmleigh Close. To the north of the site is a dwelling.
- 3.2 The site contains a number of trees and shrubs and is within the Duston Conservation Area.

4. PLANNING HISTORY

- 4.1 Application N/2013/1077 for the development of a 1.5 storey dwelling was withdrawn in December 2013.

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 Development Plan for the purposes of this application comprises the adopted West Northamptonshire Joint Core Strategy (2014), Northampton Local Plan (1997) saved policies and emerging Neighbourhood Development Plans where relevant.

5.2 National Policies

The National Planning Policy Framework (NPPF) sets out the current aims and objectives for the planning system and how these should be applied. In delivering sustainable development, decisions should have regard to the mutually dependent social, economic and environmental roles of the planning system. The NPPF should be read as one complete document. However, the following sections are of particular relevance to this application:

Part 6 requires the delivery of a wide choice of quality homes, including the provision by a Local Planning Authority of a five year housing land supply.

Part 7 requires good design.

Part 12 seeks to conserve and enhance the historic environment.

5.3 West Northamptonshire Joint Core Strategy (2014)

The West Northamptonshire Joint Core Strategy (JCS) provides an up to date evidence base and considers the current Government requirements for plan making as it has been prepared in full conformity with the NPPF. Policies of particular relevance are:

Policy S10 requires the highest standards of sustainable design.

Policy H1 expects housing development to make the most efficient use of land having regard to location and setting, character of locality, accessibility to services and amenity.

Policy BN5 states that heritage assets and their settings will be conserved and enhanced.

5.4 **Northampton Local Plan 1997 (Saved Policies)**

Due to the age of the plan, the amount of weight that can be attributed to the aims and objectives of this document are diminished, however, the following policies are material to this application:

E20 requires new development to be in keeping with the surrounding area.

E26 requires development to preserve or enhance the character and appearance of conservation areas.

5.6 **Supplementary Planning Documents**

Northamptonshire County Parking Standards SPG 2003
Planning out Crime in Northamptonshire SPG 2004
Residential Extensions and Alterations Design Guide SPD

5.7 **Other Material Considerations**

Duston Neighbourhood Plan (Submission)

Duston Parish Council has submitted a Neighbourhood Plan for examination. Some weight can be given to the policies of this submission document subject to the extent to which there are unresolved objections and the degree of consistency with the policies in the NPPF.

The following policies are relevant to the determination of this proposal:

H4 supports the principle of small scale development on large gardens subject to adequate amenity, direct frontage access, conservation area requirements being met and provision of natural landscaping.

BE1 requires development to respect defined character areas.

BE2 states that in conservation areas residential development should have active frontages, retain spaciousness, have appropriate scale and mass and use vernacular materials.

6. **CONSULTATIONS/ REPRESENTATIONS**

Comments are summarised as follows:

6.1 **NBC Conservation** do not object to application but raise concerns over the canopy proposed to the front elevation of the dwelling.

6.2 **NBC Arboricultural Officer** there are no arboricultural reasons why this application should be refused but elements of the proposed development could have an adverse impact on some of the trees.

6.3 **NCC Highways** have no objections but require the shared access to be 4.5 metres wide for the first 5 metres.

- 6.4 **NCC Archaeology** recommend a condition requiring a programme of archaeological work.
- 6.5 **Duston Parish Council** object due the access to the site being via a narrow road with congestion; overdevelopment within a conservation area; construction vehicles causing disruption and mature trees already felled.
- 6.6 **Councillor Hadland** objects to the application on the grounds of overdevelopment and poor access. Called in the application to be determined by the Planning Committee.
- 6.7 Three letters of objection received from one resident at **12 Holmleigh Close** on the grounds of legal issues surrounding the ownership of the point of access; trees being removed from the site and the impact of construction vehicles.
- 6.8 As the consultation period on the revised plans is on-going any further representations received will be reported to the Committee in the Addendum Report.

7. APPRAISAL

Character and Appearance

- 7.1 While there is a strong frontage character to Main Road, to the rear of this is more loose-knit and informal pattern of development. In this context it is considered that the proposed development, whilst representing a form of 'backland' development, would be in keeping with the general pattern of development in the area.
- 7.2 The application site is relatively well enclosed and not particularly visible from the wider area. Consequently it is considered that the loss of the present garden and the replacement with a dwelling would not have a significantly adverse visual impact on the wider area.

Design

- 7.3 It is considered that the design of the proposed dwelling is acceptable. The dwelling has a traditional 'cottage' appearance and would be constructed in stone with a slate roof which reflects the local vernacular. The use of an open canopy on the front elevation is considered to be acceptable.

Conservation

- 7.4 It is considered that, for the reasons outlined above, the impact on the Conservation Area would be acceptable.
- 7.5 In terms of the impact on the setting of the adjacent listed buildings, this is also considered to be acceptable. The application site forms part of the garden to the listed buildings. However it is considered that there would be adequate separation between the two buildings and that there would remain an adequate curtilage to the listed buildings. The development proposed is not considered to result in the loss of any important views of the listed buildings.

Amenity

- 7.6 The proposed dwelling would be located over 12 metres from the properties to the north, south and west and consequently it is considered that there would be no adverse impact in terms of overlooking or overshadowing with these properties.
- 7.7 There is the potential for some overshadowing of the garden to the east, however the affected part of the garden would be away from the house itself and consequently it is not considered that this would have an unacceptably adverse impact on residential amenity.
- 7.8 A condition would be recommended if Members are minded to grant permission to restrict any future additional windows in the side elevations of the proposed dwelling to prevent any direct overlooking to the side.
- 7.9 It is considered that there would be adequate amenity space provided for the future occupiers of the dwelling by virtue of a 12 metre x 13 metre rear garden being proposed.

Highways/Access

- 7.10 The Highway Authority have raised no objections to the access to the dwelling being taken from the turning head on Holmleigh Close. It has been recommended that the access drive for a joint access between the proposed dwelling and the existing property should be 4.5 metres wide. The access drive is currently shown as being 3 metres wide. The access drive would only serve the proposed dwelling and the possible future changes to the access arrangements for 28-30 Main Road do not form part of the current application. The access arrangements proposed are therefore considered to be acceptable.
- 7.11 Issues raised by the neighbouring resident concerning whether the applicant has the legal right to do this have been rebutted by the applicant's agent and would, in any event, be private legal matters.

Trees

- 7.12 The trees to be removed from within the site are considered to be of a low quality. It is also considered that some of the works proposed, the access drive and a boundary wall within the site, could impact on the root protection areas of two of the trees to be retained. However it is considered that a condition requiring the submission of a method statement to address these elements and details of tree protection measures would satisfactorily deal with this issue.
- 7.13 A condition is also proposed requiring details of new tree planting within the site.

8. CONCLUSION

- 8.1 It is considered that the development would have no adverse impact on the Duston Conservation Area or the setting of the adjacent listed buildings, highway safety or residential amenity and that the impact on trees within the site would not be unacceptable. The proposal would contribute towards the Borough's five years land supply and would therefore comply with Policies of the West Northamptonshire Joint Core Strategy, the Northampton Local Plan and the objectives of the National Planning Policy Framework.

9. 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. The development hereby permitted shall be carried out in accordance with the following approved plans: 13/B237/2D & 13/B237/1G.

Reason: For the avoidance of doubt and to accord with the terms of the planning application.

3. 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 H1 of the West Northamptonshire Joint Core Strategy.

4. Before development commences, details of the windows to be used in the development hereby permitted shall be submitted to and agreed in writing by the Local Planning Authority. The development shall only be carried out in accordance with the agreed details.

Reason: In the interests of visual amenity and to ensure that the development is sympathetic to its location within a conservation area in accordance with Policy BN5 of the West Northamptonshire Joint Core Strategy.

5. 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 H1 of the West Northamptonshire Joint Core Strategy.

6. 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 shall be installed in the side elevations of the proposed development without the prior written consent of the Local Planning Authority.

Reason: To safeguard the privacy of adjoining properties in accordance with Policy H1 of the West Northamptonshire Joint Core Strategy.

7. 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 extensions or outbuildings shall be erected to the residential development hereby permitted without the prior written consent of the Local Planning Authority.

Reason: To prevent overdevelopment of the site in accordance with Policy E26 of the Northampton Local Plan.

8. Notwithstanding the submitted information before development commences, an arboricultural method statement including a tree protection plan and full details of works within the root protection areas of any trees shall be submitted to and agreed in writing by the Local Planning Authority. The development shall only be carried out in accordance with the agreed 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.

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 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 H1 of the West Northamptonshire Joint Core Strategy.

10. No development shall take place until the applicant or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of archaeological research in accordance with the advice contained in the National planning Policy Framework.

10. BACKGROUND PAPERS

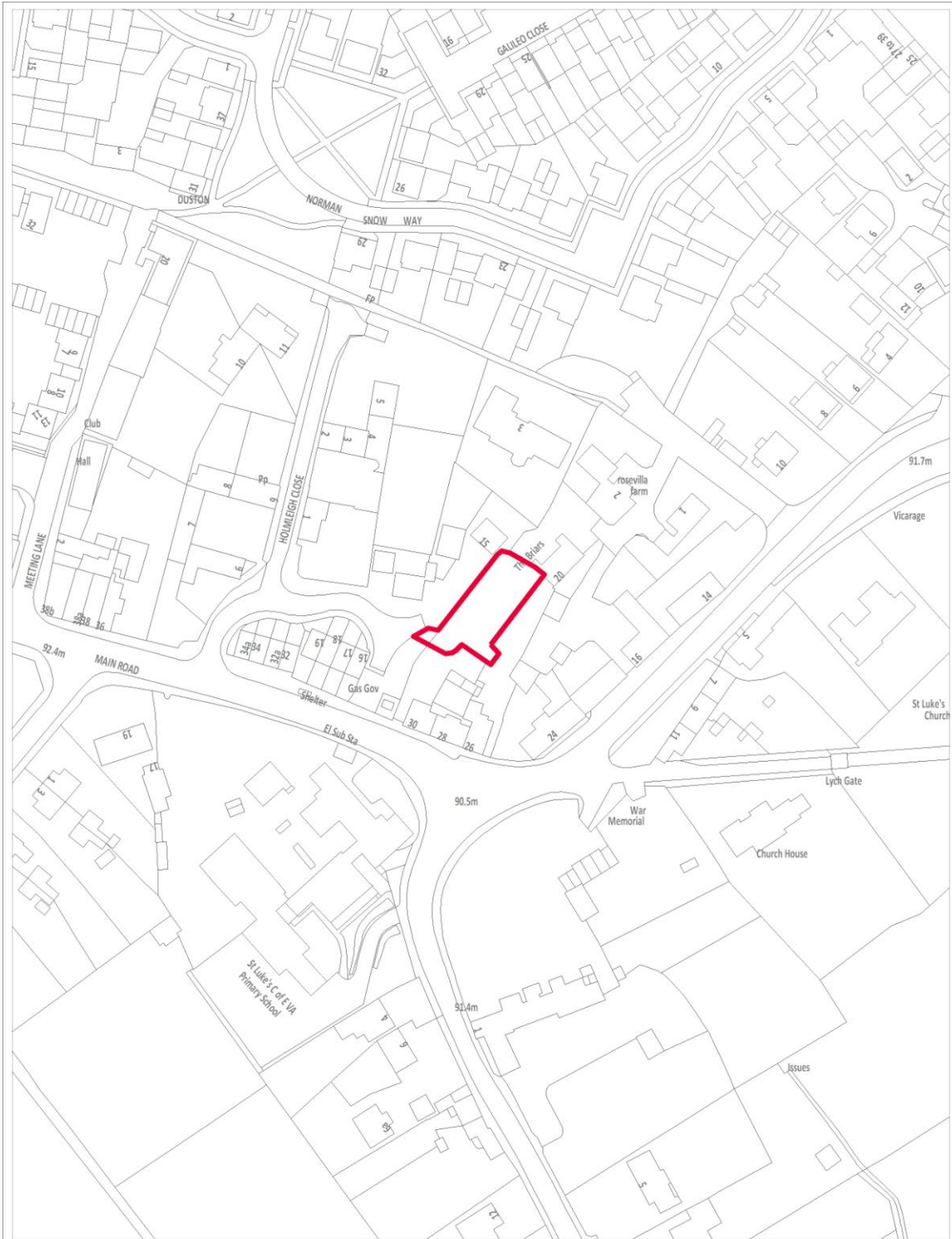
- 10.1 N/2014/1363

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: Site Location Plan
 Date: 24th February 2015
 Scale: 1:1250
 Dept: Planning
 Project: Planning Committee

Title
land rear of 28 - 30 Main Road

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