

- 2.2 The garage would be located to the rear of the dwelling with a hipped roof and a ridge height of 5.2 metres

3. SITE DESCRIPTION

- 3.1 The site comprises the front garden of 37 Mill Lane, a detached property set back from the road, and the northern part of the site is in the Kingsthorpe Village Conservation Area. The site is bound by a stone wall at the front parallel to Mill Lane. The property is accessed from an existing shared driveway from Mill Lane which also serves two other properties as their principal access points. The adjacent property at 33 Mill Lane has as its own private driveway off Mill Lane, although it has access rights to use the same private access as 37.

4. PLANNING HISTORY

- 4.1 There is a current planning application under consideration for the adjacent site for 6 dwellings. (ref N/2015/0773). This proposes one of the dwellings accessed off the existing shared driveway.

N/2013/1278 Outline planning permission granted for erection of three dwellings on the adjacent site.

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

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities when considering development within a conservation area to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

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.

Paragraph 17 refers to ensuring a decent level of amenity and design for all development.

Paragraph 32 relates to safe and suitable access for all

Paragraphs 47 and 48 require Local Authorities to have five year Housing land supply.

Paragraphs 56 and 57 promote good design

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:

H1 Housing Density and Design- Housing developments will expect to make the most efficient use of land with regard to site location, setting, impact on neighbour amenity

S10 Sustainable Development Principles- Development will achieve the highest standards of design and sense of place

BN5 Heritage Assets- Consideration to be given to impact on heritage assets

BN9 Relates to Pollution Control in terms of noise, contamination, air quality

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 Design of new development- Promotes good design in terms of layout, scale, materials, appearance

E26 Development in Conservation Areas- Impact on appearance and character of conservation areas

5.5 **Supplementary Planning Documents**

Northamptonshire County Parking Standards SPG 2003

6. **CONSULTATIONS/ REPRESENTATIONS**

6.1 **Built Conservation (NBC)**

The site is located within the Kingsthorpe Conservation Area.. The green space to the front of this property allows for an attractive gateway into Kingsthorpe Conservation Area. There are a number of properties along this stretch which are set well back from the road. Losing this character and green open space will have a detrimental impact upon the significance of the Kingsthorpe Conservation Area. The soft landscaping and openness will be replaced with hard standing and a building line closer to Mill Lane. There is also a concern with the design of the proposed bungalow. There is a variety of architecture within the Kingsthorpe Conservation Area, however a bungalow of this design and appearance is not a common feature.

- 6.2 **Environmental Health (NBC)**- Have concerns on air quality due to nearby Air Quality Management Area. The developer will also need to consider the impact of traffic noise and ensuring acceptable residential amenity. This could require a noise assessment and scheme of protection measures
- 6.3 **Arboricultural Officer (NBC)** While the loss of a tree is regrettable, as the tree is not worthy to be included within a TPO there is no reason why the application could be refused.
- 6.4 **NCC Archaeology** no comments received
- 6.5 **NCC Fire and Rescue**- no comments received
- 6.6 **NCC Highways**- No objection as the requirements outlined in previous comments have been addressed in terms of widening of access and provision of pedestrian visibility splays. Would request that conditions be imposed to ensure that the changes to access are secured in perpetuity.
- 6.7 **Kingsthorpe Conservation Area Advisory Committee**- The proposed roof line is excessive, this would result in 6 dwellings off a private driveway, the plan interferes with a 30 year right of way. Impact on a cycle path. Concerns on highway safety
- 6.8 **Kingsthorpe Amenity Preservation Group**- object for the following reasons:
- The parcel of land is effectively back land development and should be considered on this basis
 - Precedent
 - The proposed dwelling impacts adversely on a cycle path
 - The proposed access is not safe
 - Impact on visibility
 - Would lead to over-development
 - Design proposed is incongruous
 - Impact on character of area
 - The proposed house would be overbearing visually
 - Loss of light, overlooking and overshadowing
 - No provision for emergency vehicles
 - Impact on highway safety and traffic generation
 - Exposure to odours and traffic noise
 - Impact on conservation area and listed buildings
 - Contamination
 - The roof line of the proposed house is excessive
 - The proposed dwelling is not a bungalow but a large dwelling.
 - Loss of Trees
- 6.9 Objections from **31, 33, 39, 41, 57, 59, 63, 65, 69, 71, 73 and 79, Mill Lane, 5 Fremeaux Terrace, and 17 and 21 Green End:**
- Impact on conservation area
 - Impact on access off a private driveway and parking concerns
 - Applicant is providing misleading information
 - Out of character with area
 - Impact on highway safety and visibility

- Concern on loss of open space/ trees
- Impact on view
- The property is in the front garden of 37 Mill Lane
- Too close to Mill Lane
- Impact on footway and cycle path
- Bin storage issues
- Impact on established right of way
- Out of keeping with building line
- Would result in over-development
- Precedent
- Air quality
- The application should not be viewed in isolation

6.10 Councillor Beardsworth- Referred the application to Committee as there would be a huge impact on the area, with additional traffic impacting on the school route and noise to the proposed dwelling.

7. APPRAISAL

Main issues

7.1 The principal considerations are the impact on appearance and character of the conservation area, design, effect on neighbour amenity and impact on highway safety.

Planning History

7.2 Outline planning permission was granted in 2013 for 3 dwellings on the adjacent site to the immediate south. This is still extant. It should also be noted that there is a current planning application for 6 dwellings under consideration. The application on the adjacent land proposes one of the properties to use the existing shared access off Mill Lane that currently serves the applicant's property with the remaining 5 dwellings with their own access off Mill Lane.

Impact on neighbouring amenity

7.3 Due to the separation between the proposed dwelling and front elevation of the existing property and the front of 33 Mill Lane of over 35 metres, it is considered that the impact in terms of overlooking, overbearing and overshadowing would be reasonably limited. Given the separation with the proposed development on the adjacent plot of land it is also considered that the effect on those properties residential amenity would be acceptable. The use of the shared drive is likely to generate additional traffic movements however it is considered that the noise created is unlikely to justify refusal of planning permission.

Parking and Access

7.4 The proposed detached garage would accommodate up to two cars off road and this is considered sufficient to accommodate parking generated from the proposed dwelling. The proposed development would be served by the existing shared driveway adjacent which is to be widened to accommodate Local Highway requirements. The applicant has also provided pedestrian visibility splays at the highway boundary which is considered acceptable in highway safety terms. Taking into consideration the adjacent site, the proposed dwelling

would result in a fifth dwelling served off a private shared driveway which does not exceed the total set down in Local Highway Standing Advice for that appropriate for a shared access (not more than five allowed).

Impact on Trees

- 7.5 Although it is acknowledged that there are no Protected Trees on or adjacent to the site there is a Birch tree at the front adjacent to the site access which contributes positively to the visual amenity of the locality. The proposed development is likely to have some impact on the tree's long term retention, however as it has no formal protection, and being outside the conservation area, it is considered that the effect on this is not of significant concern that would justify refusal of planning permission. Any grant of planning permission would be subject to a Landscaping condition to ensure that the proposed development integrates into the area and compensates for the loss of existing trees on the site.

Impact on appearance and character of area and conservation area

- 7.6 As the northern portion of the application site is located within the Kingsthorpe Conservation Area the proposal must be assessed against whether it preserves or enhances the appearance and character of this heritage asset. The Council's Conservation Officers have concerns given that the area is typified by houses set well back from Mill Lane on spacious plots of land. They are also concerned that the proposed house design is not common to the area and as a result would not preserve the appearance or character of that area.
- 7.7 The extant planning permission on the adjacent land for three dwellings (N/2013/1278) occupied the front portion of the plot comparable to the siting of the current application. As a consequence, this has established the principle of residential development to the front forward of the existing houses on Mill Lane and the proposal would, in effect, continue the pattern of development established by the previous planning permission. In this context it is considered that the current 'open' nature of the site is not such a strong feature and that the site does not form an important "gateway" to the Conservation Area.
- 7.8 It is therefore considered that the siting of the proposed dwelling would not unduly harm the conservation area and would not result in over-development of the site. A condition removing permitted development rights for additional extensions is to be secured also to prevent future over-development.
- 7.9 There is a mix of house types in the vicinity and the modest bungalow proposed is considered to have a limited effect on the visual amenity and character of the area and would be on balance acceptable. A condition is proposed relating to materials to ensure that those used in the development are acceptable.

Environmental Health issues

- 7.10 The Council's Environmental Health Officers advise that consideration is given to a condition for desk top study for contaminants given the suspected level of arsenic in the soil. In addition, a condition relating to traffic noise is suggested due to the proximity of the busy Mill Lane at the front of the application site. There is no objection on air quality.

Five Year Housing Land Supply

- 7.11 Although if permitted the proposal would only provide one additional dwelling it is considered positive that this would contribute to the Council's 5 Year Housing Land Supply.

Other matters

- 7.12 There have been a number of neighbour representations received raising issues which are in the main addressed elsewhere in this report. However, In terms of the impact on access rights which has been raised this is not a material planning consideration.

8. CONCLUSION

- 8.1 Given that the site is in a residential area it is considered that the principle of development is acceptable. It is also considered proposed development would not have a significantly detrimental impact on the conservation area, neighbouring amenity and highway safety to accord with the Northampton Local Plan, West Northamptonshire Joint Core Strategy and National Planning Policy and is on balance recommended for approval with the conditions below.

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: Location Plan and KW/No/P1/5

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

- (3) Prior to the commencement of development, details 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 local plan. Pre-commencement to allow the LPA to assess acceptable materials before work begins

- (4) Prior to the commencement of development, full details of the method of the treatment of the external boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority, implemented prior to the first occupation/use (delete as applicable) of the development hereby permitted and retained thereafter.

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 local plan. Pre-commencement condition to allow boundary treatment to be incorporated into the development.

(5) No development shall take place until a desktop study including site walkover in respect of possible contaminants within the site is completed and the need for a site investigation is determined. The scope and methodology of the study and site investigation report shall be submitted to the local planning authority for approval.

Reason- To ensure a satisfactory form of development to accord with the NPPF and pre-commencement to ensure contamination is dealt with. Pre-commencement condition to allow adequate measures to be put in place for ground contamination.

(6) Any site investigation found to be required under condition 5 shall be carried out and the results shall be used to produce a method statement for any remedial works and a phasing programme which shall be submitted to the local planning authority for approval.

Reason- To ensure a satisfactory form of development to accord with NPPF.

(7) All remedial works found to be required under Condition 6 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 a satisfactory form of development to accord with NPPF.

(8) 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 6 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Contaminated Land Condition 2, 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 7.

Reason- To ensure a satisfactory form of development to accord with NPPF.

(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 number 37 Mill Lane 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 local plan. Pre-commencement condition to ensure acceptable levels are agreed prior to development starting.

(10) 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, where present, the location and species of any 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 NPPF, Pre-commencement condition to allow acceptable planting to be agreed before work starts in interest of visual amenity.

(11) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner, and which shall be maintained for a period of five years; such maintenance to include the replacement in the current or nearest planting season whichever is the sooner or shrubs that may die are removed or become seriously damaged or diseased with others of similar size and species.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy E20 of the local plan.

(12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions or other form of enlargement to the dwelling hereby permitted, shall take place.

Reason: To prevent overdevelopment of the site in accordance with Policy E20 of the local plan.

(13) Prior to the commencement of development a scheme of noise protection measures in relation to highway noise 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 residential amenity to accord with the NPPF. Pre-commencement condition to ensure necessary measures are incorporated into development.

(14) Full details of the proposed surface treatment of the extended access 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 completed prior to the first occupation of the development hereby approved and retained thereafter.

Reason - In interests of highway safety to comply with the NPPF

(15) Prior to the commencement of the development, 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. The approved details shall be implemented prior to the first occupation or bringing into use of the building(s) hereby permitted and thereafter retained.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with NPPF. Pre-commencement condition to allow LPA control over bin storage before development begins.

Notes to applicant

The applicant is advised to contact the Local Highway Authority in order to secure the relocation of the street lighting column adjacent to the proposed widened access point.

Condition 13 should provide an assessment of current and future noise levels.

10. BACKGROUND PAPERS

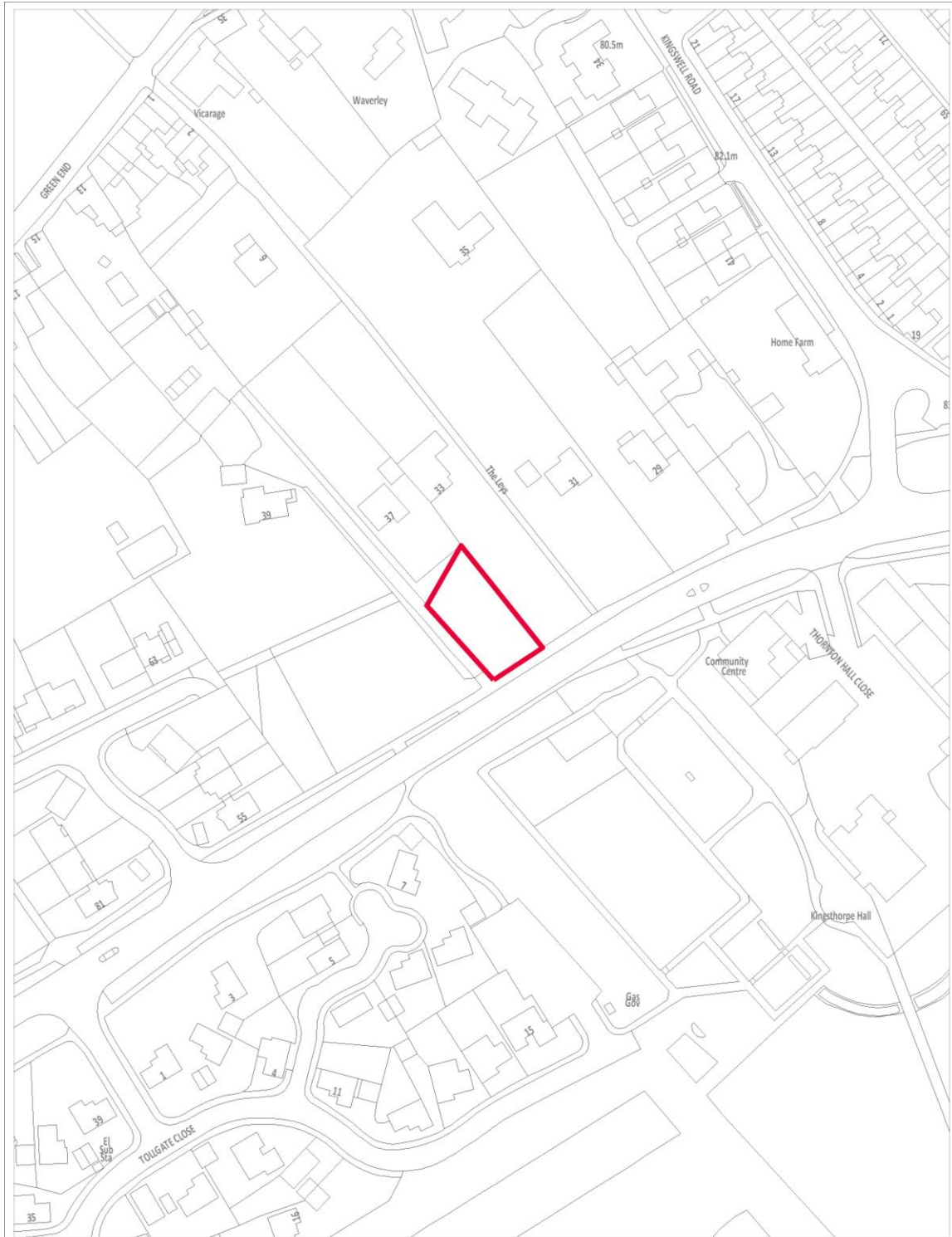
10.1 N/2015/0603

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: 16th November 2015
 Scale: 1:1250
 Dept: Planning
 Project: Planning Committee

Title
Land front of 37 Mill Lane

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