

PLANNING COMMITTEE: 11th April 2017
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Peter Baguley

APPLICATION REF: N/2016/1473

LOCATION: Land rear of 9 and 10 Thorburn Road

DESCRIPTION: Erection of 2 new dwellings to rear of 9 and 10 Thorburn Road and shared access drive

WARD: Park Ward

APPLICANT: The Estate of Mrs J E A Bass
AGENT: Mr David Bass

REFERRED BY: Cllr Mary Markham
REASON: Backland development and garden grabbing

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

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

The proposed development is considered acceptable in principle being within an established residential area. It would also contribute to the Council's 5 Year Housing Supply. Due to its design, scale and siting, the proposal would not have an undue detrimental impact on the appearance and character of the area, amenity of adjoining occupiers, parking, highway safety and existing trees to comply with Policies E20 and H10 of the Northampton Local Plan, Policies H1, BN3, BN9 and S10 of the West Northamptonshire Joint Core Strategy and the aims and objectives of the National Planning Policy Framework.

2. THE PROPOSAL

2.1 Planning permission is sought for the erection of two, four bedroom detached dwellings to the rear of numbers 9 and 10 Thorburn Road with a new access road serving both properties and each property having 4 off-road parking spaces adjacent. The proposed development would be sited at the end of the existing rear gardens. The proposed houses would be of modern design comprising buff brick work, painted render and concrete roof tiles.

3. SITE DESCRIPTION

3.1 The application site comprises the rear gardens of 9 and 10 Thorburn Road each over 65 metres long. The site is located in a quiet residential estate of mainly detached dwellings set within long

plots with substantial back gardens. The surrounding properties are mainly two storey in form and are of modern brick built construction. Parking is provided off road in existing garages and on driveways.

- 3.2 There are a number of examples of backland development in the vicinity of the site to the rear on Church Way and on Neale Close. The site does not fall within a conservation area. There are a number of young trees on the site, although none are protected by preservation orders. The site slopes upwards from 9 and 10 Thorburn Road from east to west.

4. PLANNING HISTORY

- 4.1 No recent applications.

5. PLANNING POLICY

5.1 Statutory Duty

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) and the Northampton Local Plan (1997) saved policies.

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. Should be read as one complete document. However, the following sections are of particular relevance to this application:

Paragraph 17 seeks to secure high quality design and a good standard of amenity for existing and proposed occupiers.

Paragraphs 32 and 35 requires the provision of safe traffic layouts that minimise the conflict between traffic, pedestrians and cyclists and safe access for all people.

Paragraph 49 requires that proposals for housing should be encouraged within the context of promoting sustainable development. In terms of providing additional housing, it is incumbent that planning decisions provide a variety of housing types in order to meet the wide range of differing needs for housing (paragraph 50).

Paragraph 50 seeks to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community.

Paragraph 53 advises on the need to resist inappropriate development of residential gardens, for instance where this would cause harm to the local area.

Paragraphs 56 and 57 requires high quality design for new developments.

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 H1 of the West Northamptonshire Joint Core Strategy (JCS) states that development should provide for a mix of house types, sizes and tenures to cater for different accommodation needs. Housing developments will be expected to make the most efficient use of land having regard to the location and setting of the site; the existing character and density of the local area; accessibility to services and facilities; proximity to public transport routes; the implications of density for affordability and viability; the living conditions provided for future residents and the impact on the amenities of occupiers of neighbouring properties.

Policy S10 requires development to satisfy a range of sustainable development principles, including safety and creating a strong sense of place.

Policy BN3 relates to the impact of development on existing trees.

Policy BN9 (Pollution Control) requires that development takes into account noise, contamination and 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:

Policy E20 of the Northampton Local Plan requires that new development should adequately reflect the character of surroundings.

Policy H10 relates to back land development, regard to impact on privacy, amenity and character of an area

5.5 **Supplementary Planning Documents**

Northamptonshire Parking Standards (September 2016)

6. **CONSULTATIONS/ REPRESENTATIONS**

Comments received are summarised as follows:

- 6.1 **Anglian Water** - No objection.
- 6.2 **NCC Highways** - No objection.
- 6.3 **NBC Environmental Health** - No objection subject to condition for unsuspected contamination.
- 6.4 **NCC Ecology** - No objection. The site does not constitute ideal Great Crested Newts breeding ground, and would not expect to find them on or around the site. There are simply too many manicured gardens and too much human disturbance and pet predation.

In terms of nesting birds, if clearance work needs to be done during the nesting season, the site will need a breeding survey conducted by a suitably qualified ecologist. For this application, there would need to be either a condition that clearance works must be undertaken outside the bird nesting season or a breeding bird survey must be conducted to determine whether there are breeding birds on site.

- 6.5 **NBC Tree Officer**- No objection. Request that some additional information is provided to include a detailed method statement to include sequence of events with timing of construction of access and boundary walls, clarification of precise specification for protective fencing, and address potential effect on any construction on trees at the front of the site.
- 6.6 **NBC Building Control** - Advised verbally that the applicant should demonstrate that a Fire Engine should be able to manoeuvre on site to allow satisfactory access in event of emergency.
- 6.7 **Objections from 7, 8, 55 and 56 Thorburn Road, 61A, 63a, 63B and 65 Church Way, 2A Neale Close:**
- Petition from Thorburn Road residents (32 signatures)
 - No ecological report has been submitted, site is ideal for great crested newts
 - Would set precedent for garden developments
 - Impact on public sewer and flooding concerns
 - Restrictions on deeds/covenants
 - Drainage concerns
 - Concern on noise from lorries, diggers and turning
 - Overlooking and loss of privacy/ views/ light/ visual impact
 - Impact on trees and landscaping
 - Out of character with area
 - Loss of views
 - Lack of consultation from the applicant
 - Parking and increase in traffic
 - Recommend that there are controls on sale of plots to one developer with a timescale for completion, no amendments to approved plans allowed and imposition of covenants.
- 6.8 Referred by **Councillor Mary Markham** due to concerns on garden grabbing and backland development.

7. APPRAISAL

Main issues

The main issues are the principle of residential development in this location, parking and access, impact on appearance and character of the area, neighbour amenity and impact on trees.

Principle of development

- 7.1 Policy H10 of the Local Plan relates specifically to back land development and is subject to certain criteria.
- Impact on character and amenity of area (in terms of siting and layout)
 - Impact on privacy of adjoining dwellings

Policy E20 promotes good design and this is emphasised by Policy S10 of the JCS. The National Planning Policy Framework encourages sustainable forms of development promoting safe access, good design and protecting residential amenity of adjoining neighbours and future occupiers.

- 7.2 The NPPF urges local authorities to resist such development only where there is demonstrable harm to the character of the local area. The proposal is considered acceptable in principle being located within an established residential area where there are a number of similar backland developments in close proximity to the site. The proposed dwellings would be set well back from Thorburn Road and therefore not visually prominent in the street scene and wider area.

- 7.3 The proposal would contribute positively to the Council's 5 Year Housing Land Supply.

Amendments to original submission

- 7.4 The scheme has been amended to address officer concerns on the original submission in terms of the scale of the proposed dwellings, proximity to the rear of the existing properties on Church Way and parking. The applicant has reduced the footprint of the properties significantly and also moved them further away from the rear boundary line to reduce the effect on the existing properties on Church Way at the rear of the site.

Parking and Highways

- 7.5 The proposed shared access road would be sited between 9 and 10 Thorburn Road and is considered of a standard acceptable to the Local Highway Authority, providing a 4.5m wide private driveway. Four off-road parking spaces would be provided for each dwelling complying with the Highway Authority's parking standards (2016). The existing properties would still retain off-road parking on their existing driveways. The Highway Authority has no objection.
- 7.6 The applicant has also been asked to demonstrate that a Fire Appliance can enter and leave the site in event of emergencies. A Track analysis has been provided by showing how such a vehicle can manoeuvre within the site.

Impact on appearance and character of area

- 7.7 The proposed two dwellings would be located at the rear of the site, not readily visible from Thorburn Road. Both would be set back over 65 metres from the public highway.
- 7.8 The surrounding area is varied in character with no clear pattern of house types or designs. The proposed form, design and general appearance of the proposed dwellings is modern, but considered acceptable within the surrounding context and would add to the visual interest within the area. It is considered that the effect on the character of the area would be acceptable and any approval would be subject to a materials condition to be agreed prior to development commencing to ensure a satisfactory external appearance.
- 7.9 Due to the level of site coverage proposed under the amended scheme, it is considered that the proposal would not result in over-development. There are currently several examples of backland development in close proximity to the application site on Neale Close and Church Way permitted in the last 10 years. The development would not be prominently visible within the surrounding area, and given that the area has a varied character with no rigid pattern of development, it is considered that the effect on the surrounding character is acceptable. This accords with Policy E20 of the Local Plan and Policy S10 of the JCS on good design and the NPPF Paragraph 56 and 57.

Impact on Trees

- 7.10 There are a number of trees on the site, none of which are protected by Tree Preservation Orders. The applicant has provided a Tree Survey to which the Council's Tree Officer raises no objections. A planning condition is recommended to ensure appropriate tree protection measures are put in place in during construction. This would accord with the aims of Policy BN3 of the JCS.

Impact on amenity of neighbours and residential amenity

- 7.11 Revised plans have been received moving the proposed dwellings further away from the back boundary with Church Way from 5.5 and 6m to nearly 10 metres giving sufficient back to back

separation distances in excess of 27 metres. It is not considered that there would be any unacceptable harm in terms of overlooking due to the rear to rear separation distances proposed. The properties would not be visually intrusive or result in significant overshadowing and loss of light/outlook.

- 7.12 In terms of the effect on the existing properties at 9 and 10 Thorburn Road, although it is noted that these are at a much lower level than the proposed properties, given the substantial separation of approximately 34 and 43 metres at the closest point, it is considered that there would be no unacceptable impacts in terms of overlooking, overbearing and visual dominance.
- 7.13 The use of the proposed access would generate additional comings and goings along the side of 9 and 10 Thorburn Road, however it is considered that the impact is not sufficient to warrant refusal given that the number of additional daily vehicle movements would not be excessive in terms of noise and disturbance.
- 7.14 Regarding the effect on 2a Neale Close, there would be no first floor side windows directly overlooking this neighbouring private rear garden and, due to the relationship and separation of around 16 metres to this side boundary, the effect is considered acceptable. Conditions would be secured removing permitted development rights for future additional side windows and extensions.
- 7.15 In terms of the effect on 8 Thorburn Road, the separation and relationship is such that the effect on residential amenity would be limited.
- 7.16 In respect of the amenity of the proposed dwellings, all habitable rooms would be served by appropriate levels of light and outlook, and each property would have a reasonable sized private garden space approximately 9 and 10 metres in length.

Ecology

- 7.17 Neighbouring occupier comments received have raised concern that there is potential for Great Crested Newts at the site. Consultation with the NCC Ecologist, has advised that this is very unlikely and there is no need for any conditions or informative in this respect. Concerns have also raised the issue that there is potential for nesting birds in some of the trees within the site. The County Ecologist advises that it is possible that the site may contain nesting birds in existing trees/vegetation. An informative is to be added to the permission drawing the applicant's attention to the Wildlife and Countryside Act provisions in this regard.

Contamination

- 7.18 The Council's Environmental Health Officers raise no objection subject to a condition being secured in relation to the control of any unsuspected contamination on site.

Drainage

- 7.19 It is also maintained that there is a public sewer running under the site. The applicant advises that this will be replaced in a different position to meet Anglian Water requirements. This is a matter for consideration under Part H of the Building Regulations and also for Anglian Water.

Other matters

- 7.20 The request that the development be restricted to sale of one developer only with a timescale for completion cannot reasonably be enforced through planning, although a standard condition for implementation of the scheme is recommended.

- 7.21 It is not possible to enforce that the applicant does not apply for any amendments in the future, however, a condition removing permitted development rights is recommended to ensure any potential future alterations to the dwellings may be controlled. Precedent is also a matter that holds limited weight given that each application should be considered on their own merits.
- 7.22 The concerns raised regarding noise and disturbance during construction are acknowledged but not a reason for refusal given that the construction process would only be temporary and any unacceptable noise disturbance could be controlled under Environmental Health legislation.
- 7.23 The matter over restrictive covenants is a civil matter. Loss of view is not a planning consideration.

8. CONCLUSION

- 8.1 The principle of residential development is considered acceptable in this location being within an established residential area and would contribute towards the Council's 5 Year Housing Supply. The design, access and impact on amenity of the area is acceptable and the proposal is considered to be in accordance with the above policies and therefore recommended for approval subject to 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: 357/P/01 rev A, 357/P/02 rev A, 357/P/03 rev A, 357/P04 rev A, 357/P/05 rev A, 357/P06 (1) rev A, 357/P06 (2) rev A ,357/P07 (1) rev A, 357/P07 (2) rev A, 357/P/08 rev A, 357/P09 rev A, ITB12575-GA001.

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

- 3) Details of all proposed external facing materials shall first 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 and Policy S10 of the West Northamptonshire Joint Core Strategy.

- 4) Prior to the occupation 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 of the dwellings 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 Northampton Local Plan and Policy S10 of the West Northamptonshire Joint Core Strategy.

- 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions or additional side windows shall be erected or installed to the dwellings hereby permitted.

Reason: In the interests of residential amenity and to prevent overdevelopment of the site in accordance with Policy E20 of the Northampton Local Plan Policy S10 of the West Northamptonshire Joint Core Strategy. .

- 6) The parking spaces shown on the approved plan 357/P/05/ rev A shall be constructed prior to the first occupation of the dwellings hereby approved and retained thereafter for the sole purpose of parking associated with the approved dwellings.

Reason: To ensure that the proposed development does not prejudice the free flow of traffic or conditions of highway safety in accordance with the National Planning Policy Framework.

- 7) No development shall take place until a detailed method statement has been submitted to and agreed in writing by the Local Planning Authority demonstrating tree protection measures for the site in accordance with BS: 5837 (2012) "Trees in relation to design, demolition and construction-recommendations.". This shall include details of a clear sequence of events including the timing of construction of the access drive and boundary treatment with the precise specification for protective fencing and details of protection during construction of the trees at the front of the site. The details shall be carried out in accordance with the approved details.

Reason: In the interests of sound arboricultural practice to accord with Policy BN3 of the West Northamptonshire Joint Core Strategy. This is a pre-commencement condition to ensure timely submission of information.

- 8) In the event that soil 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 and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved scheme a verification report must be prepared which is subject to the written approval of the Local Planning Authority.

Reason: In interests of residential amenity to comply with BN9 of the West Northamptonshire Joint Core Strategy.

Informative - The applicant is advised that it is possible that the site may contain nesting birds particularly within existing vegetation and tree planting. They should be aware that if clearance work is undertaken during the nesting season the site will need a bird breeding survey and measures put in place under the Wildlife and Countryside Act 1981. Further advice can be obtained from the Northants County Council Ecology Officer.

10. BACKGROUND PAPERS

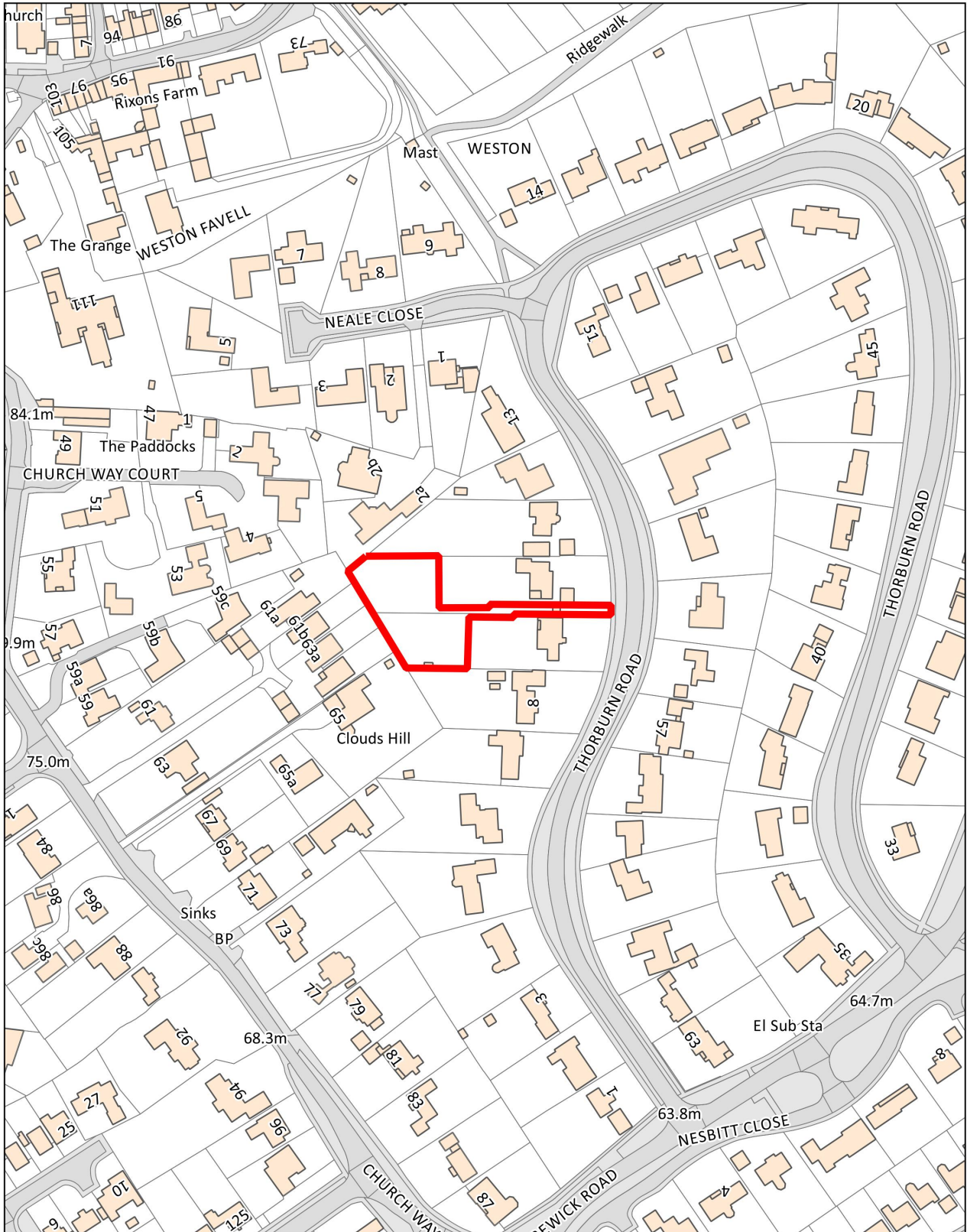
- 10.1 N/2016/1473.

11. LEGAL IMPLICATIONS

- 11.1 The development is liable for the Community Infrastructure Levy.

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.



Title: **Land rear of 9 and 10 Thorburn Road**

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Date: 28-03-2017

Scale: 1:2,000

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