



**NORTHAMPTON**  
**BOROUGH COUNCIL**  
Planning Committee

**PLANNING COMMITTEE:** 17<sup>th</sup> October 2017  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**HEAD OF PLANNING:** Peter Baguley

**APPLICATION REF:** N/2017/1026

**LOCATION:** Land to front of 37 Mill Lane, Kingsthorpe

**DESCRIPTION:** Variation of Condition 2 of Planning Permission N/2015/0603 (Erection of a 2-bed bungalow, detached double garage and widening of existing shared access onto Mill Lane) to relocate the double garage to avoid the gas main

**WARD:** Kingsthorpe Ward

**APPLICANT:** Mrs Kathy Witts  
**AGENT:** Mr Gary Witts

**REFERRED BY:** Councillor S Beardsworth  
**REASON:** Garage will affect rights of access

**DEPARTURE:** No

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**APPLICATION FOR DETERMINATION:**

**1. RECOMMENDATION**

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

The siting, scale and design of the proposed garage are considered acceptable and would not have undue impact on the appearance and character of the conservation area, street scene, amenity of adjoining occupiers and highway safety to comply with Policies E20 and E26 of the Northampton Local Plan, BN5, H1 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 This is a Section 73 application to vary the approved plans condition on planning permission N/2015/0603 to relocate the previously approved double garage two metres further north to avoid a gas main crossing the site. The garage would also be re-orientated 90 degrees from its approved position which would allow easier entry and egress turning movements. The garage would have a pitched roof to a maximum height of 5 metres and same size as previously approved.

**3. SITE DESCRIPTION**

- 3.1 The site previously comprised 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 Conservation Area. The site is bound by a stone wall to the front parallel to Mill Lane. The property is accessed from an existing shared driveway from Mill Lane which also serves two other existing properties as their principal access points. The adjacent property 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 Mill Lane.

#### **4. PLANNING HISTORY**

- 4.1 Planning permission was granted under N/2015/0603 for a detached dwelling to the front of 37 Mill Lane for the applicant's elderly mother. The approved dwelling has largely been completed with the exception of the detached garage which has not been commenced.

#### **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), 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 to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation 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:

- Paragraph 17 refers to ensuring a good level of amenity and design for all development.
- Paragraph 32 relates to safe and suitable access for all
- Paragraphs 56 and 57 promote good design
- Paragraph 132 Impact on heritage assets

##### **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: Sustainable Development Principles – seeks to achieve the highest standards of design and to protect, conserve and enhance heritage assets and their settings.

Policy H1: Housing Density and Mix and Type of dwellings – considers the location and setting of the site, the character of an area, living conditions for future residents and amenities of occupiers of neighbouring properties. The principles of Policy H1 require that development should make most efficient use of land.

BN5- Impact on heritage assets including conservation areas.

#### 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: New Development - requires new development to reflect the character of its surroundings in terms of layout, siting, form, scale and use of appropriate materials and be located in a manner which ensures adequate standards of privacy, daylight and sunlight

Policy E26- Development in conservation areas- should preserve or enhance the appearance and character of the area.

#### 5.5 **Supplementary Planning Documents**

Northamptonshire Parking Standards (September 2016)  
Planning out Crime in Northamptonshire SPG (2003)

### 6. **CONSULTATIONS/ REPRESENTATIONS**

Comments received are summarised as follows:

6.1 The following objections were received from 4 separate addresses:

- Impact on established right of way to 33 Mill Lane
- Loss of light
- The issue of the gas main should have been considered earlier
- Impact on flow of traffic on Mill Lane and highway safety
- Impact on natural beauty of the area
- Concern over construction traffic

6.2 **Councillor S Beardsworth** – calls in the application on impact on right of way to 33 Mill Lane.

6.3 **NCC Highways** - No objection.

6.4 **NBC Conservation** - No objection on conservation grounds, the repositioned garage will not have a harmful impact on the Kingsthorpe Conservation Area.

### 7. **APPRAISAL**

#### **Main issues**

7.1 The principal issues to consider are the effect on appearance and character of the Kingsthorpe Conservation Area, design, amenity of adjoining occupiers and highway safety.

#### **Principle of development**

7.2 The principle of residential development has been established through the grant of permission under N/2015/0603. The approved dwelling has largely been completed although the garage adjacent has not been commenced yet, pending the outcome of the current application.

#### **Impact on appearance and character of conservation area and wider area**

7.3 Although the garage location and orientation has changed, it is considered that the new position is acceptable given that the location is set well back from Mill Lane. The proposed height, design

and general appearance are considered acceptable. Only a very small part of the site lies within the boundary of the Conservation Area. The Council's Conservation Officer has no objection in terms of the impact on the appearance and character of the Kingsthorpe Conservation Area.

#### **Impact on amenity of adjoining neighbours**

- 7.4 Due to the separation with no. 33 Mill Lane, approximately 19 metres between the proposed garage and the closest point with this property, it is considered that the development would not have unacceptable impact on the living conditions of neighbours in terms of light, overbearing and outlook. The separation of 21 metres between the garage and closest point of the existing house (37 Mill Lane) would also ensure limited loss of amenity.

#### **Parking and highway safety**

- 7.5 The proposed garage would measure 5.5m long by 5.5m wide, which is the same size as approved under N/2015/0603. It would accommodate off-road parking generated by the new dwelling with additional space being provided on hard standing in front. There would be no change to the access off Mill Lane. The Local Highway Authority also raise no objections.

#### **Other issues**

- 7.6 The concern raised that the development would impact on the rights of access for 33 Mill Lane is a civil matter. That property currently has direct access off Mill Lane and the revised position of the garage would not impede on safe access to no.33.

### **8. CONCLUSION**

- 8.1 The principle of residential development has already been established through grant of planning permission N/2015/0603. Given the scale, siting and general design, it is considered that the proposed garage would not have an undue detrimental impact on the appearance and character of the conservation area, amenity of adjacent properties and highway safety.

### **9. CONDITIONS**

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: KW/No/P1/6.

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

- 2) Prior to the commencement of development of the garage hereby approved, details of the 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 in accordance with Policy E20 of the Northampton Local Plan and S10 of the West Northamptonshire Joint Core Strategy. Pre-commencement condition to allow the LPA to assess acceptable materials before work begins.

- 3) Notwithstanding the submitted details, 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 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 Northampton Local Plan.

- 4) Notwithstanding the submitted details, no development shall be occupied 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 Policy E20 of the Northampton Local Plan and S10 of the West Northamptonshire Joint Core Strategy.

- 5) 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 Northampton Local Plan.

- 6) 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 other forms of enlargement to the dwelling hereby permitted shall take place.

Reason: To prevent overdevelopment of the site in accordance with Policy E20 of the Northampton Local Plan.

- 7) Notwithstanding the submitted details, prior to the occupation 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 Policy BN9 of the West Northamptonshire Joint Core Strategy and aims and objectives of the National Planning Policy Framework.

## **10. BACKGROUND PAPERS**

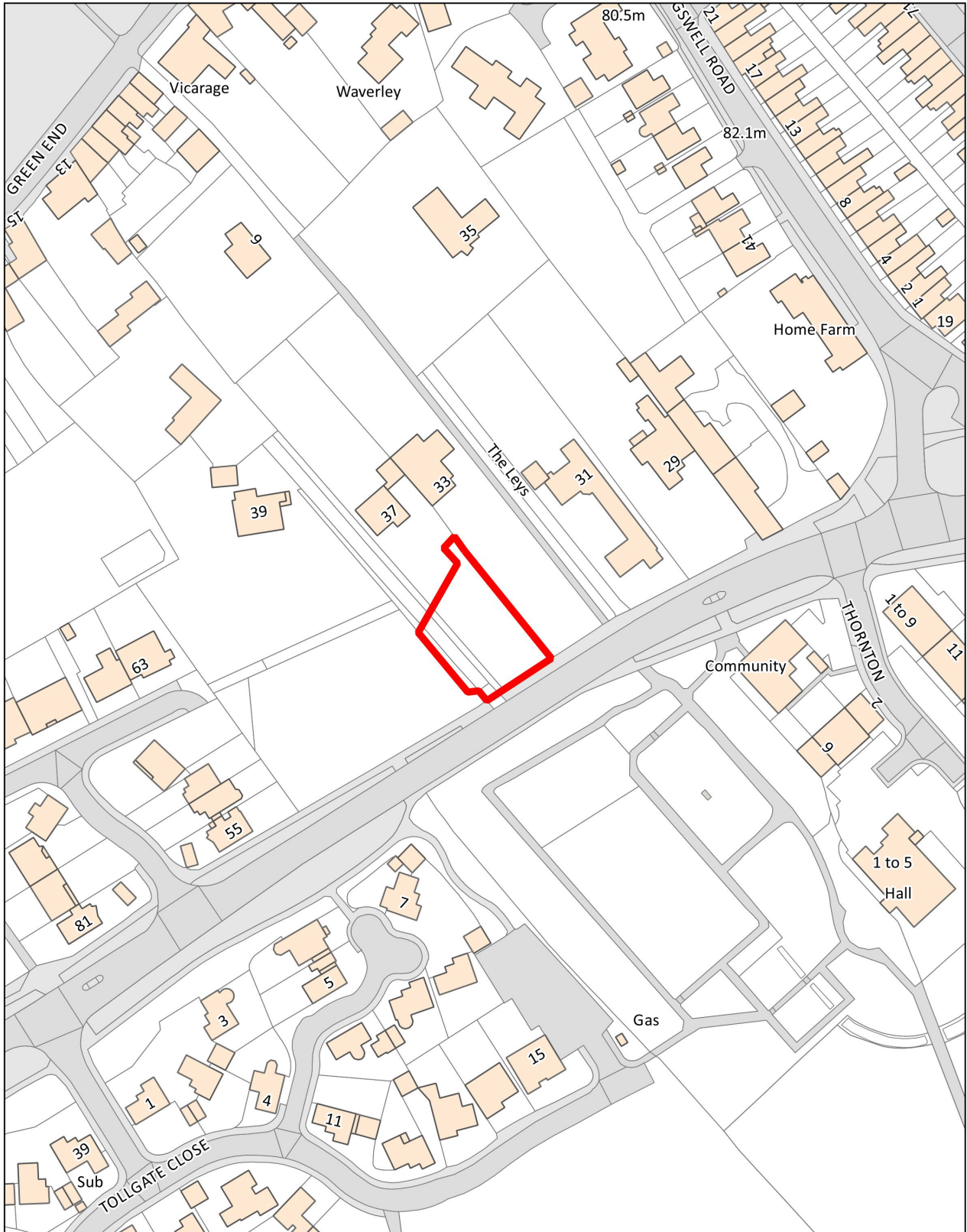
- 10.1 N/2017/1026 and N/2015/0603.

## **11. LEGAL IMPLICATIONS**

- 11.1 The development is not CIL liable.

## **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: **37 Mill Lane**

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Date: 06-10-2017

Scale: 1:1,250

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