



PLANNING COMMITTEE: 24th September 2019
DEPARTMENT: Planning Service
HEAD OF PLANNING: Peter Baguley

APPLICATION REF: N/2019/0596

LOCATION: Land rear of 9, 10 and 11 Thorburn Road

DESCRIPTION: 3no new dwellings with garages and new access road (Amendments to planning permissions N/2017/1384 & N/2016/1473)

WARD: Park Ward

APPLICANT: Cornerstone 2 Limited
AGENT: Archi-tec Architectural Design

REFERRED BY: Councillor Mary Markham
REASON: Concerned about relationship with adjacent properties

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1 RECOMMENDATION

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

The site is located in an established residential area where residential development is considered acceptable in principle and would contribute towards the Council's 5 Year Land Supply. The siting, design and scale as proposed are considered acceptable and subject to the conditions below, would not lead to any undue impact on the character of the surrounding area, proposed residential and neighbouring amenity, trees or highway safety in accordance with the aims and objectives of the National Planning Policy Framework. Policies SA, S1, S10, H1, BN3, BN7 and BN9 of the West Northamptonshire Joint Core Strategy and Policies E20 and H10 of the Northampton Local Plan.

2 THE PROPOSAL

2.1 Full planning permission is sought for the erection of three, two storey detached 4-bedroom dwellings to the rear of Nos. 9, 10 and 11 Thorburn Road with vehicular and pedestrian access between the sides of numbers 9 and 10. The proposal also includes off-road parking spaces for each dwelling adjacent to a turning space for emergency and refuse vehicles. Plots 1 and 2 would have four on plot parking spaces plus a double garage each, and Plot 3, three parking spaces plus a double garage.

- 2.2** The proposed dwellings would be of modern design comprising ridge heights averaging 7.5 metres above ground level (two plots at 7.3m and one at 7.9m) with attached single storey garages to the side.
- 2.3** The dwellings would be constructed in brick in order to complement the existing properties on Thorburn Road.

3 SITE DESCRIPTION

- 3.1** The application site comprises the rear gardens of Nos. 9, 10 and 11 Thorburn Road, 2-storey properties each with gardens over 60 metres long. The site is of varying topography with the land, sloping upwards away from the rear of Nos. 9, 10 and 11 Thorburn Road situated to the east of the application site.
- 3.2** The site is located in a quiet residential estate of mainly detached dwellings set within long plots. The surrounding properties are mainly two storey in form and generally of modern brick built construction.
- 3.3** There are a number of examples of back land development in the vicinity of the site to the rear on Church Way and on Neale Close. The south west and rear of the proposed development would face the back of the existing residential properties on Church Way. To the immediate north of Plot 3 is a single storey dwelling, 2a Neale Close. To the north east is another dwelling, 12 Thorburn Road and to the south east, 8 Thorburn Road.
- 3.4** There are a number of young trees on the site, although none are protected by preservation orders. Parking is provided off road in existing garages and on driveways. The site does not fall within a conservation area and is in a low risk flood zone.

4 PLANNING HISTORY

- 4.1** Planning permission was granted (LPA reference N/2016/1473) for two detached dwellings to the rear of Nos. 9 and 10 Thorburn Road in April 2017. A later outline planning application was approved under N/2017/1384 for a single detached dwelling on the rear garden of No. 11. Neither of these have been implemented and are still extant planning permissions (see Paragraph 8.18).

5 PLANNING POLICY

Statutory Duty

- 5.1** 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 Northampton Local Plan (1997) saved policies.

National Policies

- 5.2** 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:

Paragraphs 7-12 - Presumption in favour of sustainable development.

Paragraph 60 - Housing needed for different groups in the community.

Paragraph 127 - Create places with a high standard of amenity for existing and future users.

Section 8 - Promoting healthy and safe communities.

Section 9 - Promoting sustainable transport

Section 12 - Achieving well-designed places.

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:

SA Presumption in Favour of sustainable development
S1 Distribution of Development
S10 Sustainable Development Principles
BN3 Trees
H1 Housing Design, Density and Mix
BN7 Flood Risk
BN9 Planning for Pollution Control

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
H10 Back land development

5.5 **Supplementary Planning Documents**

Northamptonshire Parking Standards (September 2016)
Planning out Crime in Northamptonshire SPG 2004

6 **CONSULTATIONS/ REPRESENTATIONS**

Comments received are summarised as follows:

6.1 **NBC Public Protection** - No objection to site layout subject to standard condition for unexpected contamination and consideration given to working hours for construction sites.

6.2 **NBC Tree Officer** - The tree protection plan provided by the applicant shows the position of some protective fencing which is to be welcomed around trees to be retained. The arboricultural method statements lacks detail. Recommend a pre-commencement planning condition for tree protection measures.

6.3 **NBC Building Control** - Advised that the applicant should demonstrate that a Fire Engine can manoeuvre on site to allow satisfactory access in event of emergency. Advise that proposed access is considered acceptable.

6.4 **Northamptonshire Highways** - No objections.

6.5 **Councillor M Markham** - calls the application in to Planning committee due to impact on existing stone wall at rear of site and lack of detail in relation to other properties.

6.6 4 objections received. Comments are summarised as follows:

- Over-development
- Loss of privacy
- Impact on stone wall at rear of site
- Increase in traffic and parking
- Choice of windows need revising

- Lack of detail on plans
- Impact on visual amenity
- Precedent
- Ground instability
- Impact on trees
- Noise
- Pollution
- Loss of light
- Overlooking
- Visual impact
- Contrary to covenant on property
- Impact of mass and height

6.7 One letter of support received advising that the project is nicer than that previously applied for.

7 APPRAISAL

Main issues

7.1 The main issues for consideration are the principle of residential development in this location, impact on appearance and character of the area, residential amenity, the effect on neighbouring amenity, parking /access, impact on existing trees and drainage.

Principle of residential development

7.2 The National Planning Policy Framework (NPPF) advises that applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework places considerable importance on the need to have an up-to-date development plan and, that where the development plan is out of date, Local Planning Authorities are advised to grant planning permission unless any adverse impacts of doing so would demonstrably outweigh the benefits, when assessed against the policies of the Framework as a whole. Paragraph 8 of the NPPF seeks to ensure the planning system maintains the provision of a sufficient number and range of homes to meet the needs of present and future generations.

7.3 Paragraph 11 of the NPPF advises that relevant policies for housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year housing land supply which is currently the case for the Borough. Therefore, in accordance with the presumption in favour of sustainable development, as outlined in Paragraph 11, development should be permitted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

7.4 The application site is located in an established residential area and development of the site for residential use would comply with the requirements of Policy S1 of the Joint Core Strategy, which requires that development should be concentrated primarily in and adjoining the principal area of Northampton. In addition, the development of the site for three dwellings would contribute, albeit on a small scale, towards the Council's housing supply.

Design and impact on the appearance and character of the wider area

7.5 Policies S10 and H1 of the Joint Core Strategy and Saved Policy E20 of the Northampton Local Plan place importance on the quality of design of new developments and is in conformity with the NPPF which advises that planning should always seek to secure high quality design.

The proposed three dwellings would be located to the rear of the dwellings and rear gardens of Nos. 9, 10 and 11 Thorburn Road, and would not be particularly visible from Thorburn Road being set back over 55 metres from the public highway. The front elevation of Plot 2 would be approximately 82 metres from Thorburn Road, and the effect on the street scene would therefore be very limited.

- 7.6 The surrounding area is varied in character with no clear pattern of house types or designs. The form, design and general appearance of the proposed dwellings are modern, but considered acceptable within the surrounding context, ridge heights and footprints being similar to other nearby dwellings. 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 ensure a satisfactory external appearance.
- 7.7 Due to the degree of site coverage, the proposal would not result in over-development of the plot. As cited above, there are currently several examples of back land development in close proximity to the application site on Neale Close and Church Way permitted in the last 15 years. The proposal is therefore considered to be in keeping with the character of the area and accords with Policies S10 and H1 of the Joint Core Strategy and Policy E20 of the Local Plan.

Amenity of future occupiers

- 7.8 Paragraph 127 of the National Planning Policy Framework seeks to ensure appropriate levels of amenity for future occupiers. This is reflected in Policy H1 of the Joint Core Strategy. All the proposed dwellings would have satisfactory light and outlook via windows openings and be served by reasonably sized private amenity spaces with adequate privacy mostly in excess of 7 metres in depth. Refuse storage would be agreed by condition.

Impact on amenity of other occupiers.

- 7.9 Although the proposed dwellings are significantly elevated, in relation to the existing dwellings at Nos. 9, 10 and 11 Thorburn Road, due to the separation distance of 27 metres at closest from the rear elevations of the nearest property, it is considered that the effect upon these occupiers would be acceptable in terms of overlooking, loss of light, outlook and visual dominance.
- 7.10 The use of the access would generate additional comings and goings adjacent to Nos. 9 and 10 compared to the existing situation, however it is considered that given that the number of additional daily vehicle movements this would not be excessive in terms of noise and disturbance.
- 7.11 Due to the separation of approximately 24 metres from Plot 3 to the rear main wall of No. 12 Thorburn Road, the effect would also be viewed as acceptable despite there being some difference in ground level apparent. In respect of No. 8 Thorburn Road, Plot 1 is at closest 19 metres from this neighbour and due to the separation and general relationship, the effect is considered to be acceptable.
- 7.12 In terms of number No. 2a Neale Close which is located to the immediate north west of Plot 3, this neighbour consists of a single storey dwelling with its side wall facing towards Plot 3. This neighbouring property has an attached garage in direct line with the proposed garage to Plot 3, and there are also some habitable room windows further along the side elevation of No. 2a including a study, toilet and kitchen which face towards the application site. No upper floor side windows are proposed which would directly overlook this occupier and, due to the relationship involved, the effect is considered to be acceptable, the main effect being on a non-habitable space (garage). Furthermore, despite the proximity to this neighbouring boundary, Plot 3 is at a significantly lower ground level being approximately 2 metres lower, and is separated by existing boundary planting. The nearest aspect of Plot 2 in relation to No. 2a Neale Close is the rear elevation of the proposed single storey garage which is nearly 13 metres at closest from the side wall of this neighbouring property. Due to the separation, and that no windows are proposed facing directly towards the side elevation of this neighbouring property, it is not considered the proposal would lead to any undue adverse impact on the amenity of this neighbouring property.
- 7.13 Turning to the properties at the rear of the site on Church Way, it is acknowledged that there would be some loss of amenity to these neighbours to that which currently exists. However, the separation is in excess of 25 metres from proposed first floor habitable room windows to the nearest rear ground floor habitable room windows of these neighbouring properties. As such, it is

not considered that the proposal would result in unacceptable levels of overlooking to Nos. 61a, 61b, 63a and 63b. There is also a tall hedge between the rear of Plot 2 and 61b Church Way which would act as a visual screen and is proposed for retention. Notwithstanding this, if the hedge were to be removed at a later date, the distance between properties would still be considered reasonable. Being sited on the north east of these properties, it is unlikely that there would be significant over shadowing due to the orientation of the sun. Conditions would be secured removing permitted development rights for future additional windows and extensions.

- 7.14 In respect of proposed building heights, compared to the previous planning permission (N/2016/1473) the previously approved two dwellings to the rear of Nos. 9 and 10 Thorburn Road were a maximum of 7.9m high, and the more recently approved dwelling in outline” at the rear of 11 Thorburn Road was conditioned at a ridge height of 7 metres.
- 7.15 The proposed dwellings would comprise ridge heights averaging 7.5 metres above ground level (two plots at 7.3m and one at 7.9m). Therefore, the proposed scheme would be of comparable ridge heights to that previously approved.
- 7.16 In terms of the relationship between the three proposed dwellings, the separation is such between windows that the impact is considered acceptable

Parking and Highways

- 7.17 The shared access road is sited between the flank walls of Nos. 9 and 10 Thorburn Road and is considered of a standard acceptable to the Local Highway Authority. A minimum of three 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 driveways. The applicant has demonstrated that a fire appliance can safely manoeuvre on site through a track analysis. The Highway Authority raises no objection and it is considered the proposal would not lead to any adverse highway impacts and is compliant with Paragraphs 108 and 109 of the NPPF which require safe and suitable access to development sites and advise that development should only be refused on highway grounds if the highway impacts would be severe.

Trees and Landscaping

- 7.18 There are a number of trees on site, none of which are protected and it is the applicant’s intention to retain some of these. A Tree Protection Plan has been provided which shows the position of protective fencing to be installed during construction. The Council’s Tree Officer is satisfied that appropriate tree protection measures can be agreed by condition. A landscaping condition would also be secured to allow the development to assimilate with its surroundings in accordance with the aims of the National Planning Policy Framework and Policies BN3 and S10 of the Joint Core Strategy.

Drainage and Flood Risk

- 7.19 The site is in a low risk flood zone where flooding is unlikely to pose a significant concern. The applicant intends to dispose of surface water drainage via a soakaway and sustainable drainage system. Precise drainage would be dealt with under Part H of the Building Regulations. As such, it is not considered the proposal would lead to any unacceptable impacts in respect of surface water drainage in accordance with Policy BN7 of the Joint Core Strategy.

Land Contamination

- 7.20 Public Protection raise no objection subject to a condition being secured in relation to the control of any unsuspected contamination on site. This accords with Policies BN9 and S10 of the Joint Core Strategy.

Other issues

- 7.21 Concern has been raised by a third party over ground instability although this is more of a matter for Building Regulations. The applicant has also confirmed that the existing rear stone boundary wall would be retained and due to the separation of 8.5 metres at closest with this feature, it is unlikely that its long term stability would be compromised. Covenants are a legal matter outside the control of planning. In terms of precedent, each application is considered on their own merits. In response to Public Protection comments in respect of construction hours, these can be controlled under separate legislation.
- 7.22 As stated above, the site has been subject to other residential planning applications in the last 3 years, one for two, two storey dwellings approved under N/2016/1473 and one two storey dwelling approved to the rear of 11 Thorburn Road under N/2017/1384. It is noted that these two permissions are still extant and the former can be implemented while the latter would require submission of “reserved matters” approval before it can be built out. It is worth observing that the impact of the established planning permissions would be similar to the current proposal in terms of scale, roof heights and siting.

9 CONCLUSION

- 9.1 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 Land Supply. The design, access and impact on amenity of the area is considered acceptable and the proposal is considered to be in accordance with the above policies and therefore recommended for approval subject to the conditions below.

10 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: C74-14A, C74-15A, C74-11C, C74-12A, C74-13A, C74/10B, C74-16, 15968-TOPO, 1215/2304/1

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

- 3) The materials used shall comprise Imperial Old Jacobean Multi Bricks and Forticrete Gemini roof tiles.

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) Notwithstanding the submitted details, prior to the occupation of the development hereby permitted, 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.

- 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 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) 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 additional windows or dormers shall be 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

- 7) The parking spaces shown on the approved plan 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.

- 8) Prior to any operations commencing on site, including demolition, clearance or other preparatory works, an arboricultural method statement for the protection of retained trees on site written in accordance with BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations, shall be submitted for approval in writing by the Local Planning Authority. The method statement must include measures which seek to prevent damage or injury to retained trees or tree roots for the duration of the development, and those measures must be fully implemented before any operations commence and must be properly maintained for the duration of the development.

Reason: In order to protect and preserve existing trees within the site which are of amenity value to accord with Policy BN3 of the Joint Core Strategy.

- 9) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a detailed scheme of soft landscaping for the site.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy and the NPPF.

- 10) 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 the NPPF.

- 11) The access road shall be implemented in accordance with approved drawings prior to the first occupation of the development hereby permitted and retained as such throughout the lifetime of development.

Reason: In the interests of highway safety to comply with the aims and objectives of the National Planning Policy Framework.

- 12) In the event that unexpected contamination is found at any time when carrying out the development hereby approved, it must be reported immediately to the Local Planning Authority. Development works at the site shall cease and an investigation and risk assessment undertaken to

assess the nature and extent of the unexpected contamination. A written report of the findings shall be submitted to and approved by the Local Planning Authority, together with a scheme to remediate, if required, prior to further development on site taking place. Only once written approval from the Local Planning Authority has been given shall development works recommence.

Reason: To ensure that risks from land contamination to the future users of the development and neighbouring land are minimised in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.

- 13) Full details of the provision for the storage of refuse and materials for recycling shall be first 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 dwellings hereby permitted and thereafter 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.

11 BACKGROUND PAPERS

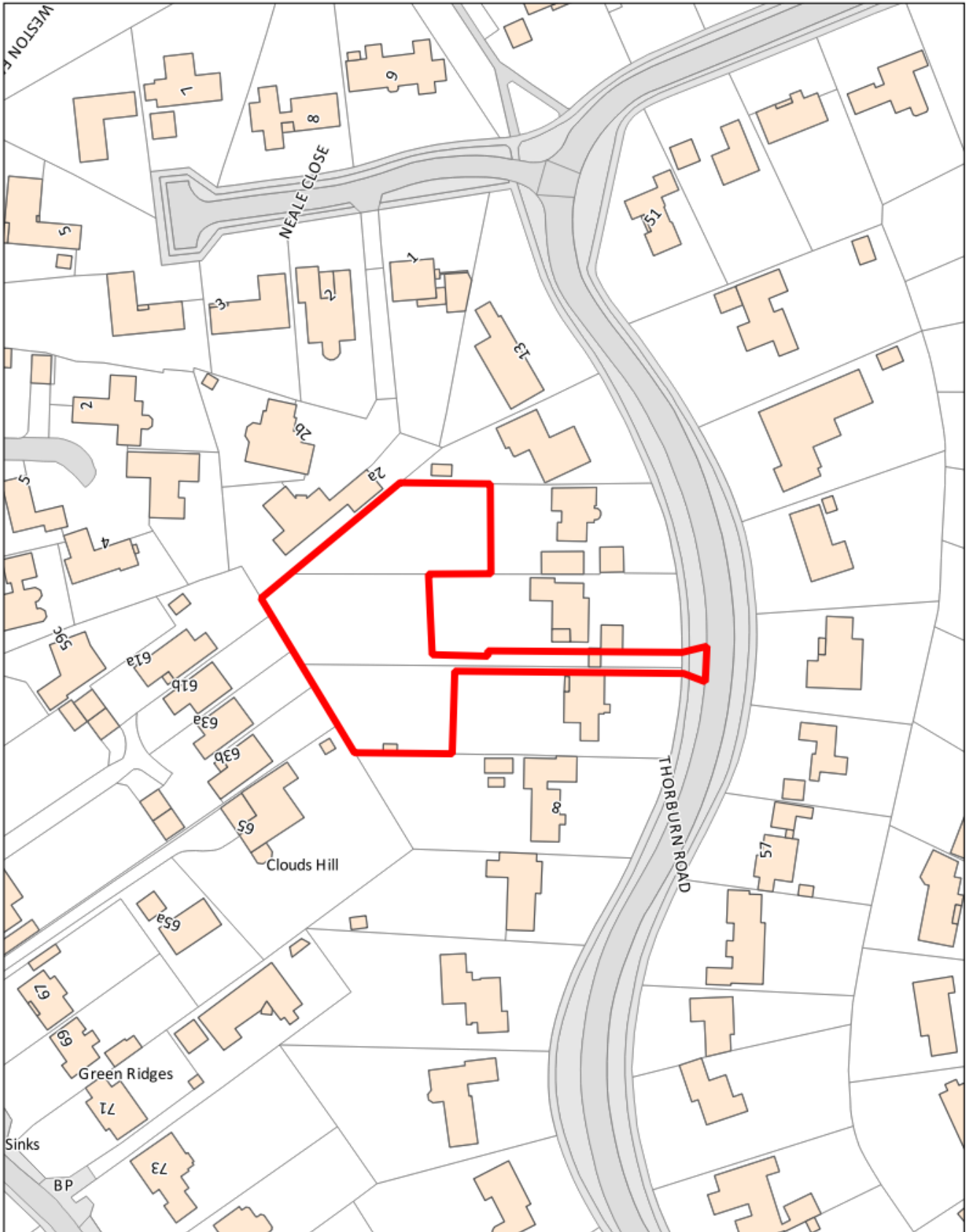
- 11.1 N/2019/ 0596.

12 LEGAL IMPLICATIONS

- 12.1 The development is CIL liable.

13 SUMMARY AND LINKS TO CORPORATE PLAN

- 13.1 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.



NORTHAMPTON
BOROUGH COUNCIL

Title: **Land rear of 9, 10 & 11 Thorburn Road**

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Date: 11-09-2019

Scale: 1:1,250

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