



PLANNING COMMITTEE: 21st January 2020
DEPARTMENT: Planning Service
DIRECTOR OF PLANNING: Peter Baguley

APPLICATION REF: N/2019/1212

LOCATION: Land Off Mill Lane, Dallington

DESCRIPTION: Reserved Matters Application pursuant to Outline Planning Permission N/2018/0710 (Outline planning application for 14 residential dwellings with all matters reserved except access) for the approval of details of appearance, landscaping, layout and scale

WARD: Spencer Ward

APPLICANT: Archway Developments Ltd
AGENT: CC Town Planning

REFERRED BY: Councillor G Eales
REASON: Impact on neighbour amenity and highway concerns

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 layout, appearance, scale and landscaping details are considered acceptable and would provide a good standard of development whilst having no unacceptable impact upon the occupiers of neighbouring properties, heritage assets, ecology, or highway safety. The proposed development would therefore comply with the requirements of the National Planning Policy Framework, Policies S1, S3, S10, S11, H1, BN1, BN2, BN3, BN5 and BN7 of the West Northamptonshire Joint Core Strategy and Policies E20 and E26 of the Northampton Local Plan.

2 THE PROPOSAL

2.1 The application seeks reserved matters approval for 14 dwellings following on from an outline consent for residential development of the site approved in September 2018, reference N/2018/0710. Details of the vehicular access to the site from Mill Lane were approved as part of the outline consent. The reserved matters for consideration under this application are layout, appearance, scale and landscaping.

- 2.2 The proposal comprises of a mix of 2 to 2 ½ storey dwellings comprising 8 x 4-bedroom and 6 x 5-bedroom detached dwellings.
- 2.3 Access to the site would be via the existing access from Mill Lane which would be altered to accord with the details approved at outline stage comprising the addition of a right hand turn lane into the site from Mill Lane. The access would be gated to provide additional security to the site with the road extending into the site along the southern edge of the site branching off to smaller private roads and driveways. Parking provision would comprise a mix of on plot parking spaces, detached single and double garages with each plot having an electric vehicle charging point. Two visitor parking spaces are proposed within the site off a private drive with the potential for additional visitor parking along the proposed access road.
- 2.4 The proposal includes the removal of a number of trees predominantly within the centre of the site, including a small group of trees protected by a Tree Preservation Order. The principle of removal of these trees was accepted and established under the outline permission.

3 SITE DESCRIPTION

- 3.1 The application site comprises a 1.2 hectare parcel of undeveloped land, located north west of Mill Lane. The majority of the site is situated within a Local Wildlife Site (LWS), Dallington old tennis courts and ponds. The boundary of the wildlife site extends northwards beyond the application site and includes a large pond and area of protected woodland extending up to Dallington Brook along the northern boundary. The pond and adjacent woodland to the north, which sit outside the application site, are in the ownership of the applicant. Beyond Dallington Brook are the grounds of St Mary's Catholic School, with residential development to the north west. Dallington Brook Fields LWS is situated outside of the application site along the western boundary, with Dallington Cemetery situated on the south western boundary adjacent to a small flood control reservoir. The site is bound to the south by residential properties on Corran Close, situated at a slightly higher ground level. The site is bound to the east by trees and mature vegetation bordering Mill Lane, beyond which is Dallington Conservation Area.
- 3.2 The site is affected by a Tree Preservation Order (TPO014) comprising a number of individual trees, groups and an area TPO which predominantly covers the western part of the site and an area in between the disused tennis courts in the centre of the site, extending outside of the application site around the pond along the western boundary and along the northern boundary adjacent to Dallington Brook.
- 3.3 The majority of the application site is situated within Flood Zone 1; the northern section, abutting the pond, is situated in Flood Zones 2 and 3. The land slopes towards the pond with an approximate variation in ground levels from the southern boundary of the site adjacent to the rear boundaries of properties on Corran Close to pond level of 6.5m, and a further variation in levels from the western boundary to the eastern entrance to the site of approximately 1.8m. The rise in land levels towards the southern boundary means that properties in Corran Close generally sit in an elevated position overlooking the application site.
- 3.4 Historically, the site lay within the grounds of Dallington Manor, but has since been severed by Mill Lane. The tennis courts are no longer in use, with provision now to the east beyond Mill Lane at Dallington Tennis Club. There is an existing access to the site from Mill Lane up to the site boundary, currently used to gain pedestrian access by the angling club who fish the pond.

4 PLANNING HISTORY

- 4.1 N/2018/0710 – Outline planning application for 14 residential dwellings with all matters reserved except access. Approved 26.09.18.
- 4.2 768/85 – Residential development for 7 houses and access road (outline application). Allowed at appeal 13/02/87. Permission has since lapsed.

- 4.3 The site has been identified for housing development within the Northampton Local Plan Part 2 Submission Draft Consultation (April 2019).

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.

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.

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
Section 5 - Delivering a sufficient supply of homes
Section 8 - Promoting healthy and safe communities.
Section 9 - Promoting sustainable transport
Section 11 - Making effective use of land
Section 12 - Achieving well-designed places
Paragraph 148 - Planning system should support the transition to a low carbon future.
Paragraph 163 - Ensuring development does not increase flood risk
Paragraph 165 - Incorporating sustainable drainage systems in major developments
Section 12 - Achieving well designed places
Section 15 - Conserving and enhancing the natural environment
Section 16 - Conserving and enhancing 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 S1 - The Distribution of Development
Policy S3 - Scale and Distribution Of Housing Development
Policy S10 - Sustainable Development Principles
Policy S11- Low Carbon and Renewable Energy
Policy H1 - Housing Density and Mix and Type of Dwellings
Policy BN1 - Green Infrastructure Connections
Policy BN2 - Biodiversity
Policy BN3 - Woodland Enhancement And Creation
Policy BN5 - The Historic Environment
Policy BN7 - Flood Risk

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 and adequate protection of amenity

E26 – preservation or enhancement of conservation area

5.5 **Supplementary Planning Documents**

Northampton Parking Standards Supplementary Planning Document (SPD) (November 2019)

Northamptonshire Parking Standards SPD (2016)

Planning out Crime in Northamptonshire SPG 2004

5.6 **Other Material Considerations**

Biodiversity Supplementary Planning Document (August 2015)

Northampton Green Infrastructure Plan (May 2016)

6 **CONSULTATIONS/ REPRESENTATIONS**

Comments received are summarised as follows:

- 6.1 **NBC Conservation** – no objection. Historically the site lay within the grounds of Dallington Manor, however, the historic relationship with the Hall was severed by the construction of Mill Lane. As such, the site is physically separated from Dallington Village Conservation Area and vegetation from Mill Lane further screens the site from the defined Conservation Area. Consider the development would have a neutral impact on the historic character and appearance of Dallington as an estate village.
- 6.2 **Arboricultural Officer (NBC)** - the arboricultural impact assessment and method statement is well reasoned, well-argued and well-presented and makes a convincing case for the tree removals proposed, including the loss of trees within A4 of TPO 014. The proposed tree protection measures are well thought out and therefore no adverse comment to the development on arboricultural grounds providing protection measures are implemented in a timely fashion and properly maintained.
- 6.3 **Public Protection (NBC)** – no objection. Refer to requirements of conditions in respect of contamination on the outline consent.
- 6.4 **Highway Authority (NCC)** – no objection. If the intention is for the site to remain private in perpetuity then the gates would be permitted with at least a suitable length provided between the channel line of the existing carriageway and the gates, with the gates hung inwards only. Request a 'private street' condition, and prospective tenants would need to be made fully aware that the site would remain private, and the upkeep would remain their responsibility.
- 6.5 **Highways England** – no comment.
- 6.6 **NCC Ecology** – No objection.
- 6.7 **Wildlife Trust** – seek clarification in respect of management of the Local Wildlife Site in respect of the submitted Landscape and Ecological Management Plan, and advise on retention of tree adjacent to Plot 14 and the provision of sufficient space and light to continue to grow. (Officer response: Condition 11 of the outline consent requires the submission and approval of a Landscape and Ecological Management Plan for the application site and area of the Local Wildlife Site to the north).
- 6.8 **NCC Archaeology** – no comments to make.

6.9 **Lead Local Flood Authority** – in the absence of a Drainage Strategy we are unable to comment on surface water drainage matters. Request submission of a detailed Surface Water Drainage Strategy.
(Officer response: Conditions 16, 17 & 18 of the outline consent deal with surface water drainage mitigation matters.)

6.10 **Environment Agency** – no objection. Refer to requirements of outline permission in respect of foul water drainage.

6.11 **Anglian Water** – no comment.

6.12 **Crime Prevention Design Advisor** – recommendation for fencing to be supplemented with trellis does not appear to be included and absence of fence line to Plots 1 and 3 is of concern. Whilst parking is on plot, the security of the gates has gone, and very little overlooking of parked cars from routinely inhabited rooms. This should be addressed with side windows.

6.13 **Councillor Gareth Eales** – calls the application to Committee. Comments received are summarised as follows:

- Inadequate security on site. Existing boundary wall/fence would need rebuilding. Security gates should be installed.
- Increased highway movements on Mill Lane and increased potential for accidents with 40 mph speed limit.
- Previously removed street light on Mill Lane should be re-installed for safety which would then justify 30mph speed limit.
- Intrusion on residents of Corran Close, particularly from Plots 12, 13 and 14. Plot 14 is intrusive, should be downsized to bungalow or completely removed, and Plots 12 and 13 recalibrated.
- Inconsistency in plans regarding height of Plot 14.
- Concerned about the removal of the Angling Club access to the lake, general lake access and responsibility of maintenance and security.
- Speculation of protected newts on site.

Comments on amended scheme:

- Concerns remain. Specific residents' concerns about ground levels and distances have not been addressed.

6.14 A total of 14 objections from 10 residents have been received on both the application as originally submitted and the amended scheme. Comments received are summarised as follows:

- A significant number of trees would be lost. Additional planting on site to help with privacy, noise and light pollution to current residents.
- Impact on neighbouring amenity in respect of overlooking, loss or privacy and separation distances, particularly due to difference in ground levels, and loss of security.
- Fundamental change to proposed highway layout and access arrangements, in particular vehicles turning right into development from Mill Lane. Now no separate lane for these vehicles.
- Request low level street lighting to reduce light pollution on existing residents.
- Street lighting should be re-installed on Mill Lane and the speed limit reduced to 30 miles per hour to help with safety issues on already busy road.
- Installation of security gates on entrance to aid with security risks to residents on both sites.
- Plot 14 has been increased to 5-bedroom, 3-storey family home with garaging for 3 cars. Garage so close to the wall will provide easy access to thieves.
- Design of Plot 14 should be reconsidered – does not fit in with bungalows. Should be a bungalow.
- Plot 14 is extremely restricted by a large tree.
- Do not want large trees planted adjacent to boundary.
- Overshadowing of bungalows.
- Noise and disruption during construction.

- Loss of view.
- Require clarification of distances between existing and proposed properties.
- Can quick growing shrubbery be installed to provide screening and additional security along the boundary?
- Concern regarding responsibility for/ ownership of and stability of the wall/fence and potential structural damage (*along Corran Close boundary*).
- What will happen to the narrow strip of land between the new and existing walls?
- Frontage houses of Plots 1, 2, 5, 6, 7 and 8 will all directly face rear of properties on Corran Close
- The difference in build levels between the site and Corran Close is very high.
- Layout is not good design, unsympathetic and detracts from quality of the area and quality of life.
- Proposal is in direct contravention of Council's Residential Extensions and Alterations policy.
- Housing Mix – unable to see any evidence in the application of an assessment of Housing needs, concern raised as to whether provision of 4/5 bedroom properties complies with existing and emerging planning policy.
- Inadequate parking provision and should be 14 visitor parking spaces.
- Vehicles parking in main road in site will cause obstruction and cause security issues.
- Will access to Dallington Lake for fishermen be maintained and will public have access? Associated parking issues.
- Impact on badgers.
- Evidence of baby newts on site.

7 APPRAISAL

Principle of Development

- 7.1 The principle of development of the site for up to 14 dwellings and the details of the access to the site from Mill Lane has been established under the outline permission. Therefore, the matters for consideration in respect of this current application relate to matters reserved for consideration by the outline permission, these being details of layout, appearance, scale and landscaping.

Design

- 7.2 The scheme has been designed with the main access road situated along the southern boundary of the site and Plots 1, 2, 5, 6, 7 and 8 orientated to face onto the road facing towards the rear of properties on Corran Close, with the remaining dwellings orientated to face onto private drives branching off the access road. Plots 3, 4, 9 and 10 are sited to the north of these road frontage dwellings at a lower ground level orientated side on to the pond. Plots 12 and 13, situated at the western end of the site, are orientated with the rear elevation and gardens facing towards the pond. Plot 14 is situated in the far western corner, where the site narrows adjacent to the TPO trees, and orientated with the front elevation facing into the site, the rear elevation facing towards Dallington Cemetery, and side elevation towards properties on Corran Close.
- 7.3 The proposal comprises a mix of 4 and 5-bedroom detached dwellings, incorporating 2-storey and 2½ storey dwellings with dormers in the roof. The proposed dwellings are of a relatively simple form with gabled roofs, reflecting the gabled character of adjacent 2-storey properties on Corran Close, and gable features to the front. Plot 14 differs, in that a hipped roof is proposed. Maximum building heights are approximately 9m. The properties are all of a similar design with arched headers and lintel details to windows, but with variations in details of front bay windows, porches, chimneys and scale of front gable projections, and a mix of attached and detached garages to add visual interest. Specific details of materials would be agreed by condition, however the submitted details indicate a mix of red brick and render elevations. Areas of block paving proposed for the private driveways and parking areas would contrast to the tarmacked access road adding additional variation and interest.
- 7.4 The layout has been designed to work with the varying land levels throughout the site with dwellings stepping down towards the pond, and enclosed rear gardens tiered to account for the change in levels. A retaining wall approximately 1.8m in height would be constructed along the

southern boundary of the site alongside the proposed access road and existing boundary wall/fence to the rear of properties on Corran Close to account for the change in land levels. Areas of planting are proposed along the strip of land in between the proposed retaining and existing boundary treatment. A condition is proposed to agree maintenance details for both the wall and landscaped area which would be situated outside of any residential curtilage. In addition, the applicant has indicated that the existing boundary wall/fence along the boundary with properties on Corran Close is within the applicant's ownership and will be retained/repared as required.

- 7.5 The scheme has been amended to provide gated access to the site to ensure an appropriate level of security. Additional surveillance would be provided within the site due to the orientation of properties facing onto the access road. Details of lighting within the site are required by a condition on the outline consent which will ensure an appropriate level of security is provided by any proposed lighting whilst ensuring that existing and proposed residential amenity is not adversely affected. The Crime Prevention Officer raises no objection subject to agreeing appropriate boundary treatment details. Boundary treatments are proposed as 1.8m fences between plots and 1.8m high walls on more visually prominent boundaries within the development and are considered acceptable.
- 7.6 The retention of the trees to the west and east of the site, the presence of the pond and woodland area to the north, and the proposed additional landscaping throughout the site would assist in softening the appearance of the development, and predominantly screen views of the development from the east, north and west.
- 7.7 Overall, it is considered that the design of the development is acceptable and that it would not have an adverse impact on the character and appearance of the surrounding area.

Residential Amenity – Neighbouring Properties

- 7.8 Paragraph 127 of the NPPF seeks to ensure a high standard of amenity for existing and future users. This is reflected in Policy H1 of the JCS which seeks to ensure due regard is paid to the impact of proposed development on the amenity of occupiers of neighbouring.
- 7.9 Residential properties on Corran Close are situated to the immediate south of the site and set at higher ground level, on average at approximately 1m higher ground level with some gardens rising gradually from the boundary with the application site. The majority of properties on Corran Close are 2-storeys with rear elevations facing towards the application site, with three bungalows situated towards the western end of the site, Nos. 35-39 Corran Close, adjacent to the proposed Plot 14.
- 7.10 In respect of the residential amenity of neighbouring properties on Corran Close, the proposed front elevations and habitable room windows of Plots 1, 2, 5, 6, 7 and 8 would face directly towards the rear elevations of 2-storey properties on Corran Close, some of which have conservatories to the rear. The proposed dwellings on these plots are 2-storey and do not have any dormers to the front. Plot 5 has been amended to alter the position of the proposed bay window to ensure that a 21m distance is achieved to the nearest neighbouring conservatory at No. 67 Corran Close.
- 7.11 Due to the variation in land levels throughout the site, the ground levels would predominantly be lowered to provide level plots such that the proposed dwellings would sit at a lower level than properties on Corran Close. For instance, the proposed ground floor level of Plot 2 would be set just over 1m below the base of the existing boundary wall/fence to the rear of properties on Corran Close, such that the height of this boundary wall/fence would sit approximately in line with the floor level at first floor of the proposed dwelling. Similarly, Plot 8, situated the other end of this row, would be set approximately 1.8m below this boundary wall/fence such that the top of the boundary wall/fence would sit approximately towards the top of first floor window height of the proposed dwelling.
- 7.12 Whilst it is acknowledged that there would be an element of overlooking from the proposed dwellings on these plots towards the rear of properties on Corran Close that currently does not exist, the front facing main habitable room windows of the proposed dwellings on these plots would

be situated a minimum of 21m away from main habitable room windows to properties on Corran Close. The only exception to this in respect of these plots is where properties on Corran Close face side on to the application site, and therefore no habitable room windows are adversely affected. As such, it is considered that the proposal provides an appropriate distance between existing and proposed dwellings in respect of these plots such that the development would not lead to an unacceptable impact on adjacent residential amenity in respect of overlooking, overshadowing or visual overbearance.

- 7.13 Plot 11 is situated side on to the southern boundary of the site with a first floor en-suite window proposed at first floor level facing towards the rear of properties on Corran Close. A condition requiring this window to be obscure glazed would ensure there is no loss of privacy.
- 7.14 Plots 12 and 13 are set back further in the application site but with front elevations orientated at an angle towards the rear of properties on Corran Close. Plot 12 is set slightly forward of Plot 13, such that the nearest proposed first floor window would be in excess of 26m from the main habitable room window on a conservatory to the rear of the nearest property on Corran Close, No 43. This distance, together with the fact that these dwellings would be set at a lower ground level in the site, the ground level of Plot 13 being situated approximately 4.4m below the top of the boundary wall/fence along the southern boundary, would ensure that there is no undue overlooking of the adjacent neighbouring properties.
- 7.15 Plot 14 is situated at the western end of the site and would be situated side on to Nos. 35 and 37 Corran Close, both of which are bungalows with habitable room windows facing towards the application site and rear gardens immediately adjacent to the site boundary. No. 33 Corran Close, is a 2-storey property, also situated adjacent to the boundary of Plot 14, the rear elevation of which is situated approximately 11m from the boundary wall and would overlook the rear garden of Plot 14.
- 7.16 Significant concern has been raised regarding the proximity and height of the proposed dwelling on Plot 14 and the relationship with these neighbouring properties. Plot 14 is constrained somewhat by its proximity to the boundary and the presence of the protected Oak tree and adjacent protected trees to the north of the plot.
- 7.17 As originally submitted, Plot 14 was approximately 9m in height to the ridge with the gable end situated approximately 2m from the southern boundary wall adjacent to these neighbouring properties. In response to concerns raised, the design of Plot 14 has been amended to reduce the overall ridge height to approximately 8.4m with an eaves height of approximately 5.4m and a hipped roof sloping away from the neighbouring boundary. An integral garage with a ridge height of approximately 4.2m is now proposed immediately adjacent to the boundary with No. 37 Corran Close, situated approximately 1.8m away from the boundary wall with the side gable elevation of garage situated approximately 14m away from the rear elevation of No. 37. Whilst the Council has no specific guidance in relation to minimum distance requirements in respect of new housing development, a 13m distance from main habitable room windows to a 2-storey blank elevation as required by the Council's Householder Extensions and Alterations Guidance is generally considered an appropriate guide. The proposed single storey element of Plot 14 would be in excess of this. Furthermore, the existing site levels would be lowered such that the ground floor level of Plot 14 would sit approximately 3m below the top of the existing boundary wall such that only the upper part of the gable of the garage would be visible above the boundary wall. The 2-storey element of the proposed dwelling would be off-set from the boundary by approximately 16.5m and roof sloping away. No first floor windows are proposed on the side elevation facing towards Nos. 35 and 37 Corran Close.
- 7.18 In respect of the relationship with No. 33 Corran Close, a 2-storey dwelling, the dwelling on Plot 14 would be off-set from this property, with the rear of No. 33 facing towards the proposed rear garden. Whilst there would be overlooking of the proposed rear garden from upper floor windows of No. 33, the rear elevation of the existing dwelling is situated approximately 11m away from the boundary and the circumstances are not dissimilar to those found in residential areas where an element of overlooking of rear gardens occurs. The upper floor windows to the rear of the

proposed dwelling on Plot 14 would face away from the rear elevation of No. 33 with the nearest first floor bedroom window in excess of 21m away such that no direct overlooking of the existing neighbouring rear windows would occur. The nearest proposed first floor window would allow an element of overlooking of part of this neighbouring rear garden, however, this would be an obtuse angle and again, whilst it is appreciated this is a change to the existing circumstances where currently no overlooking occurs, the distance and angle of view is such that it is not considered significant harm on residential amenity could be demonstrated that would warrant refusal on this basis.

- 7.19 It is acknowledged that the outlook from these adjacent neighbouring properties will alter significantly with the presence of the proposed dwelling at Plot 14. However, loss of view is not a planning consideration and the amended scheme assists in mitigating the impact in respect of visual dominance by increasing the distance of the 2-storey element from the rear elevations and the boundary of the neighbouring properties and lowering the overall height of this proposed dwelling in relation to these neighbouring properties. Furthermore, a condition is proposed, to prevent extensions and the addition of dormers to the new dwellings throughout the overall development to safeguard the amenity of existing and proposed occupiers. On balance, it is considered that the proposed amendments in respect of Plot 14 sufficiently mitigate the impact on these neighbouring properties such that there would not be an unacceptable adverse impact on neighbouring amenity.

Residential Amenity – Future Occupiers

- 7.20 In respect of the residential of future occupiers of the proposed development, as detailed above, it is considered that the new dwellings would have an acceptable relationship with existing neighbouring residential properties.
- 7.21 All habitable room windows in the proposed dwellings would have an acceptable level of outlook and daylight with properties having rear gardens of a minimum depth of 10m. However, given the relatively compact nature of development on parts of the site, it is recommended that the permitted development rights for rear extensions and dormer windows are removed for all properties across the application scheme to ensure the amenities of future occupiers are safeguarded and to avoid an overdevelopment of the site.
- 7.22 Details of boundary treatments are required by the outline consent to ensure an appropriate level of security and privacy between dwellings is maintained throughout the site.
- 7.23 Overall, subject to conditions, it is considered that the development would provide a reasonable standard of amenity for future occupiers.

Landscaping and Trees

- 7.24 The reserved matters scheme is supported by a detailed Arboricultural Report which has been assessed by the Council's Arboricultural Officer.
- 7.25 The majority of protected trees on the site would be retained with the exception of the removal of a small group of protected trees between the former tennis courts and a number of unprotected trees adjoining the pond area, to the east of the eastern former tennis court, and a small number of trees adjacent to the protected trees to the west of the site. The trees to be removed predominantly comprise of Category C trees, those being considered of a low quality and amenity value.
- 7.26 The proposed development will encroach within the root protection area of an English Oak to be retained in the western corner of the site in respect of footings required for Plots 13 and 14. The submitted Arboricultural Report advises that the encroachment is considered to be minor and on the periphery of the tree's root protection area. Proposed works within the excavation area would be carried out under arboricultural supervision in accordance with the recommended British Standards.

- 7.27 The Council's Arboricultural Officer considers the submitted report to be thorough and the raises no objection to the extent of removal and method for works proposed within the root protection area of the Oak, or in respect of impact on amenity of the proposed occupiers of Plots 13 and 14 due to the proximity of the retained trees. The majority of trees on the western boundary of the site and to the east of the site fronting onto Mill Lane would be retained, which would predominantly screen the development from Mill Lane. The recommendations of the Arboricultural Report will be conditioned accordingly and include a requirement to ensure tree protection measures are in place prior to commencement of development.
- 7.29 In respect of proposed landscaping, additional tree planting and ornamental planting are proposed throughout the site and along parts of the southern boundary. Whilst the proposed landscaping is relatively simple in nature the existing landscaped setting of the site with the retained trees on the application site and to the north of the pond adjoining the site provide sufficient landscaping to assist in softening the impact of the development. As such, the development is considered acceptable in this regard.

Parking and Highway Safety

- 7.30 Access to the site from Mill Lane was approved under the outline permission with alterations to Mill Lane to provide a right turn lane into the site required by condition to be provided prior to development commencing on site.
- 7.31 In respect of parking provision, the Northamptonshire Parking Standards require 3 parking spaces per dwelling for 4 and 5 bedroom properties. Provision on site would comprise a mix of on plot spaces and single and double garages. The scheme has been amended to provide sufficient size parking spaces and where single garages are proposed, sufficient size sheds are provided on plot to accord with the Highway Authority requirements. Electric vehicle charging points are proposed on each plot the provision of which within the development is required by condition of the outline permission. Two visitor spaces are proposed, with the width of the access road sufficient to allow additional roadside visitor parking.
- 7.32 The proposed road will be built to adoptable standards allowing sufficient turning provision within the site but, as the development will be gated to ensure an appropriate level of security, it is not intended that the road will be put forward for adoption by the Highway Authority. A condition is therefore recommended to agree details of the provisions to be made for the maintenance of the access road to ensure it remains fit for purpose in perpetuity.
- 7.33 Comments in respect of the provision of a street light on Mill Lane are noted, however, this was not requested by the Highway Authority as part of the outline planning permission. Off-site highway works in respect of the proposed right hand turn on Mill Lane will be subject to a separate Section 278 agreement with the Highway Authority and may form part of discussions with the Highway Authority in relation to these works.

Heritage Assets

- 7.34 Whilst the site previously lay within grounds of Dallington Manor, the historic context has since been severed by Mill Lane. Due to the presence of the road and mature roadside vegetation, the development would not be apparent in views from the Conservation Area and is therefore considered to have a neutral impact on the historic character and appearance.

Ecology

- 7.35 In respect of ecology, the outline application was accompanied by an Ecological Appraisal which was assessed by the County Ecologist and found to be acceptable subject to the development being carried out in accordance with the recommendations of the appraisal. In addition, the outline consent is subject to a condition for the submission and agreement of a Landscape and Ecological Management Plan covering both the application site and area of the Local Wildlife Site to the north,

including the pond, which is in the applicant's ownership to ensure any impact on the wildlife site and biodiversity are appropriately mitigated and managed and, where possible, enhanced.

- 7.36 In respect of concerns raised regarding the presence of newts on site, the applicant has advised that a qualified ecologist has assessed the potential of the pond for the presence of newts and determined that the potential was negligible, particularly given the presence of fish in the pond. The pond is to be retained and, given that the County Ecologist and Wildlife Trust have raised no concerns in this regard, that there are conditions in place to ensure ecological matters are appropriately managed, and that newts are protected under statutory legislation, it is considered that sufficient measures are in place to ensure there is no adverse impact on protected species.

Other Matters

- 7.37 Matters relating to flood risk, drainage and contamination were considered as part of the outline application and are subject to conditions to ensure appropriate mitigation is in place. A condition is also imposed on the outline permission to agree the details of a Construction Environment Management Plan to ensure measures are in place to appropriately mitigate any impacts on adjacent residential amenity and the highway during construction.
- 7.38 The existing pond is actively used by a private angling club. The applicant has confirmed that, with some reluctance, it would be difficult for the angling club to continue to fish the lake as it will conflict with the residential occupation of the site and the need to make the site secure. The lake will therefore be closed to the public with future residents provided with limited access. The lake will be retained by the applicant or transferred to a management company to ensure the site is appropriately maintained in perpetuity.

8 CONCLUSION

- 8.1 The proposed development, as amended, would be in accordance with the outline planning permission and the details of layout, appearance, scale and landscaping, as part of a balanced assessment and having regard to the presumption in favour of sustainable development, are of an acceptable standard. As such, and subject to conditions, the proposal would not give rise to an undue adverse impact on the character of the area, the amenities of surrounding properties, or highway safety and would provide a reasonable standard of amenity for future occupiers of the residential development. As such it is recommended that the reserved matters application is approved subject to the conditions detailed below.

9 CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the attached schedule of approved plans.

Reason: For the avoidance of doubt and to conform with the reserved matters application.

2. The development shall be carried out in accordance with Arboricultural Impact Assessment and Method Statement by Aspect Arboriculture dated September 2019 and all trees shown to be retained in the submitted report shall be protected for the duration of the construction of the development in accordance with the tree protection measures as detailed in Appendix C 'Tree Protection Plan (10311 TPP 01).

Reason: To ensure appropriate protection of protected and retained trees within the application and in the interests of the character and appearance of the area and biodiversity in accordance with the requirements of Policies S10, BN2 and BN3 of the West Northamptonshire Joint Core Strategy.

3. Prior to the construction of the development hereby approved above ground floor slab level, full 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 Policies H1 and S10 of the West Northamptonshire Joint Core Strategy.

4. The access road, parking spaces and garages shown on the approved plan, reference 9021/1E, shall laid out and constructed prior to the first occupation of the dwellings hereby approved and retained thereafter.

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

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 garage accommodation hereby approved shall be used as habitable accommodation.

Reason: To ensure the retention of adequate parking facilities in accordance with the guidance in the National Planning Policy Framework.

6. In the event that any of the streets associated with the residential element of this proposed development are not being proposed for adoption as public highway, the following conditions apply:
 - a) Details of a site management company and associated management and maintenance methodology of the streets within the development, to operate in perpetuity, will be submitted to the Local Planning Authority and agreed in writing prior to the commencement of development;
 - b) The streets will in any event be required to be laid out and constructed to adoptable standards to ensure safe and practical operation, prior to first occupation of any dwelling;
 - c) That prior to first occupation of any dwelling a legal undertaking is provided by the developer that the streets will not be put forward for adoption and will remain private in perpetuity; and,
 - d) That the streets will be identified as private through the use of appropriate private street name plates on the entrances to the development from the public highway (to be placed within the site).
 - e) Prior to commencement of development, any vehicular access to the site from the public highway shall be implemented as standard vehicle cross-overs.

Reason: To ensure a satisfactory standard of development in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy and ensure that the proposed development does not prejudice the free flow of traffic or conditions of highway safety in accordance with the requirements of the National Planning Policy Framework. Pre-commencement condition to ensure details are agreed in a timely manner.

7. Prior to occupation of the development hereby permitted details for the management and ongoing maintenance of the landscaping and retaining wall along the southern boundary of the site shall be submitted for approval in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and continue in perpetuity.

Reason: To ensure a satisfactory standard of development and in the interests of existing and proposed residential amenity in accordance with the requirements of Policies H1 and S10 of the West Northamptonshire Joint Core Strategy.

8. The electrical vehicle charging points shall be provide in accordance with the details shown on drawing no. 9021/1E prior to occupation of the development hereby permitted.

Reason: In the interests of sustainable development in accordance with the requirements of the National Planning Policy Framework.

9. Prior to the first occupation of any of the dwellings hereby permitted, the vehicular access from Mill Lane shall be fitted with automatic electronic gates as shown on drawing no. 9021/1E the details of which shall first be submitted to and approved in writing by the Local Planning Authority. The details shall include the method of hanging the gates which shall open inwards only and the associated closing mechanisms. The gates shall be installed in accordance with the approved details and shall be retained thereafter.

Reason: In the interests of highway safety, the free flow of traffic and residential amenity in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy.

10. Boundary treatments shall be provided in accordance with the approved details shown on drawing no. 9021/1E prior to occupation of the development hereby permitted and retained thereafter.

Reason: To ensure a satisfactory standard of development and in the interests of residential amenity in accordance with the requirements of Policies H1 and S10 of the West Northamptonshire Joint Core Strategy.

11. All planting, seeding or turfing comprised in the details of landscaping as shown on the approved drawings 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 Policies H1 and S10 of the West Northamptonshire Joint Core Strategy.

12. The development shall be carried out in accordance with the levels details as shown on the approved drawings.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policies H1 and S10 of the West Northamptonshire Joint Core Strategy.

13. The first floor en-suite window to Plot 11 as shown on the approved drawings shall be glazed with obscured glass to Level 3 or higher of the Pilkington scale of privacy or equivalent as may be agreed in writing by the Local Planning Authority before the development hereby permitted is first occupied and thereafter retained in that form at all times.

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

14. 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 gates, fences, walls or any means of enclosure or similar structures other than approved pursuant to Condition 10 above shall be erected or constructed in front of the main wall of any dwelling or of any other principal building of the estate nor in front of the line of any flank wall of any dwelling where the flank boundary of the curtilage abuts a highway.

Reason: To ensure that the character of this residential development is maintained in the interests of visual amenity in accordance with Policy H1 of the West Northamptonshire Joint Core Strategy.

15. 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 roof enlargements/dormer windows shall be erected to the dwellings hereby permitted.

Reason: To prevent overdevelopment of the site and safeguard residential amenity in accordance with Policies H1 and BN9 of the West Northamptonshire Joint Core Strategy.

10 BACKGROUND PAPERS

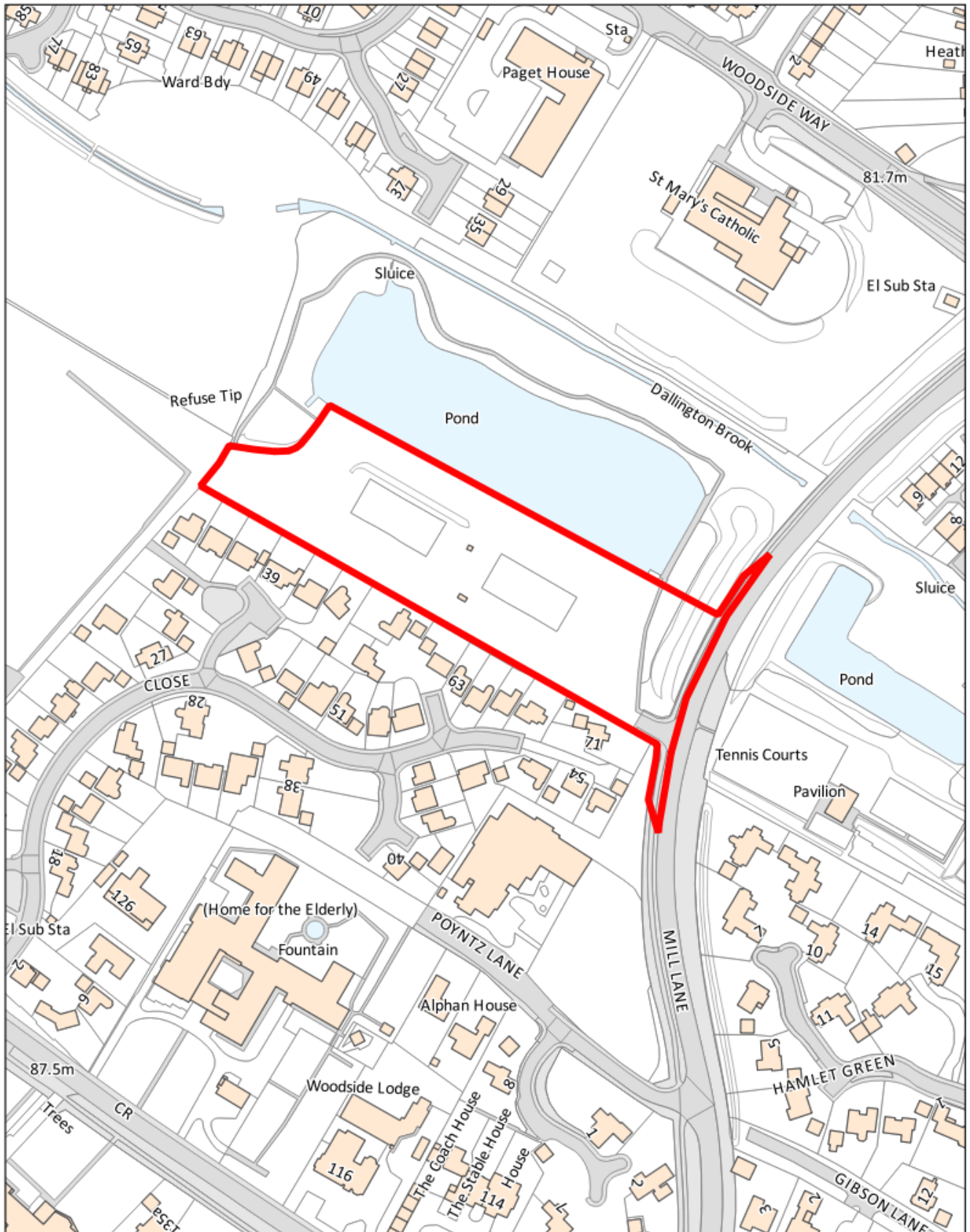
10.1 N/2019/1212.

11 LEGAL IMPLICATIONS

11.1 The development is 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: **Land off Mill Lane, Dallington**

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Date: 08-01-2020

Scale: 1:2,000

Drawn by: -----