

PLANNING COMMITTEE: 21st January 2020

DEPARTMENT: Planning Service DIRECTOR OF PLANNING: Peter Baguley

APPLICATION REF: N/2019/1394

LOCATION: Grazing Land, Mill Lane, Kingsthorpe

DESCRIPTION: Reserved Matters Application pursuant to Outline Planning

Permission N/2018/0170 (Application for outline planning permission (with all matters reserved, apart from access) for up to six dwellings for the details of the appearance, landscaping, layout and scale

WARD: Kingsthorpe Ward

APPLICANT: Sarma

AGENT: Barry Waine Planning

REFERRED BY: Councillor S Beardsworth

REASON: Development Impact on Surrounding Area

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 would contribute towards the Borough's 5-year housing supply and would have less than substantial harm upon the setting, character and appearance of the Kingsthorpe Conservation Area. The proposed development would not have undue impact on neighbour amenity, flood issues, biodiversity and highway safety. The development is therefore in conformity with the requirements of the National Planning Policy Framework, Policies H1, BN1, BN2, BN5, BN8 & S10 of the West Northamptonshire Joint Core Strategy and Saved Policies E20 and E26 of the Northampton Local Plan.

2 THE PROPOSAL

- 2.1 The application is a reserved matters application pursuant to outline planning permission N/2018/0170, which was a proposal for residential development with all matters reserved except access for up to 6 dwellings.
- 2.2 The reserved matters application provides the details for the 6 dwellings, indicating the design, appearance, layout and scale, as required by the outline consent.

2.3 The access points have been previously agreed in the earlier application, one being the location of the existing field gate and the second via a new access road from Mill Lane.

3 SITE DESCRIPTION

- 3.1 The site measures 0.74ha and is currently an irregular shaped paddock grazed by horses. To the front of the site is a stone wall. Whilst this gives the appearance of being a historic feature, records indicate that this was relocated to its current position when Mill Lane was widened in more recent times.
- 3.2 The land slopes away in a westerly direction towards the Nene, with a belt of trees separating the site from the Kingsthorpe Local Nature Reserve along the river valley. To the east of the site, on higher ground is a group of residential properties. The more substantial of these, Kingsmoor House, has been substantially extended since its construction and two further dwellings were erected towards the front of the site in 2000.
- 3.3 Land to the north of the site that adjoins Kingsthorpe Conservation Area is shown as being within the applicant's ownership but is not included in the application.
- 3.4 The Kingsthorpe Conservation Area boundary is situated approximately 14m from the application site.

4 PLANNING HISTORY

- 4.1 N/1997/570 outline application for 5 dwellings. Refused Oct 2017
- 4.2 N/2016/1188 outline application for 5 dwellings. Approved 14 February 2017
- 4.3 N/2018/0170 outline application for 6 dwellings. Approved 2 May 2018

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.

National Policies

5.2 **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 109 - developments should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.

Paragraph 124 - Good design is a key aspect of sustainable development.

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

Paragraph 178 - Ground conditions and pollution.

Paragraph 187 - assessing and recording archaeology

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

Section 14 - meeting the challenge of climate change, flooding and costal change

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 SA: presumption in favour of sustainable development

Policy S4: Northampton Related Development Area

Policy S10: Sustainable Development Principles

Policy H1: Housing Density and Mix and Type of dwellings

Policy BN1: Green Infrastructure Connections

Policy BN2: Biodiversity

Policy BN5: The Historic Environment and Landscape

Policy BN8: River Nene Strategic River Corridor

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

Policy E26: Development in Conservation Areas

5.5 **Supplementary Planning Documents**

Northamptonshire Parking Standards (September 2016) Planning out Crime in Northamptonshire SPG 2004 Parking Standards (November 2019)

5.6 Other Material Considerations

Kingsthorpe Conservation Area Appraisal.

The Setting of Heritage Assets – Good Practice Advice Historic England.

Managing significance in decision-taking in the historic environment – Good Practice Advice Historic England.

Northampton Green Infrastructure Plan which identifies this site as being within the Brampton Arm of the River Nene and adjacent to the Kingsthorpe Nature Reserve (which is characterised as riverside meadows). This area is identified as a site with opportunities for the improvement of the management of the streams, wetlands and riverside meadows to increase the biodiversity value.

6 CONSULTATIONS/ REPRESENTATIONS

Comments received are summarised as follows:

6.1 **NBC Public Protection** – no objection, but observations relating to land contamination, noise and lighting.

- 6.2 **NBC Conservation Section** The long length of stone wall along the north side of Mill Lane, although previously re-built when Mill lane was widened, is an important feature in the street scene and confirmation is required that it is to be retained as part of the development.
- 6.3 **NBC Arboricultural Officer** Initial concerns were raised regarding liveability and the potential impact the trees could have on overshadowing of plot 3 and plot 6, however following the submission of amended plans, the changes that have been made, principally from my perspective to the fenestration that should help to alleviate the possible difficulties with shade from the highway trees for plot 3, and for the trees to the west of plot 6.
- 6.4 **NCC Highways and Access** no comments to make on the application.
- 6.5 **NCC Archaeology** the site has been archaeologically evaluated and no remains of architectural interest were found. No further comments to make on the proposal.
- 6.6 NCC Ecology The submitted landscape plan includes sufficient detail on the scheme of nest boxes as recommended by the ecologist for the outline application N.2018/0170. Further details will be required regarding landscape management (in particular the wildflower meadow), details of external lighting has yet to be provided. Reference has been made previously to the potential to offer good reptile habitat. If a survey is not possible, then a method statement should be required for site clearance.
- 6.7 **The Wildlife Trust** The ecology assessment does not assess the impact on the local nature reserve, in particular in respect of maintaining a dark edge to the nature reserve and ensuring that the wildflower seed mix used on the development is complimentary to the nature reserved. Reptile surveys should be carried out and mitigation measures addressed.
- 6.8 **Northants Police** no further comment to make in respect of this application.
- 6.9 **Councillor S Beardsworth** call in this planning application on the grounds that this development is on land that acts as a buffer zone between the river and the village at this moment in time all the streams are swollen the river has burst its banks and there is more rain in the sky to come. Would like reassurance that the proposal will not have any serious damage to the properties in the village and surrounding area.
- 6.10 Three letters of representation have been received. These raised the following points:
 - Details of boundary treatment sought, the northern boundary should be constructed of stone in keeping with the boundary wall to Mill Lane.
 - Concerns regarding impact on amenity and privacy.
 - Impact on enjoyment of neighbours own property (the neighbour has a music room close to the boundary).
 - Concern that sufficient easement has been provided to protect Anglian Water's drainage assets.
 - The proposal does not respect building lines, privacy and amenity to the north of the site.
 They should allow an angle of at least 60 degrees and at least 16m to protect the privacy and amenity of neighbouring properties.
 - Consideration should be given to difference in levels between the site and neighbouring properties.
 - Loss of privacy to garden area of existing properties.
 - Concerns about highway and pedestrian safety.
 - Level of parking appears to be in conflict with Government policy to incentivise the use of public transport and reduce vehicle emissions.
 - The last remaining green buffer for Kingsthorpe Village. The area is already served well by this type of residential development. There is no good reason to build right to the bank of the River Nene and adjacent to the historic Green End in the village.

- The development would contribute to excess water run off during the winter months and exacerbate downstream flooding.
- The dwellings may be subject to subsidence and slip due to the topography and presence of springs in the locality.
- The development will compromise biodiversity.
- Residents have not been invited to potential community meetings and have not been consulted as near boundary neighbours.

7 APPRAISAL

7.1 The main issues to consider are the reserved matters in relation to the layout, appearance, landscape, scale and also impact on adjoining properties, heritage assets and biodiversity.

Principle

7.2 The principle of development for 6 dwellings on site has already been established by the outline planning permission N/2018/0170. The proposal would contribute to the Council's five-year housing land supply.

General layout

- 7.3 The layout submitted is similar to that indicated in the outline application. This shows that 5 of the proposed dwellings are to be served from a private drive, whilst the 6th dwelling (plot 1) is to be served from the existing field opening. The layout of the site is quite constrained due to existing sewers and their respective easements that exist on the site, as well as the trees on the western boundary.
- 7.4 Plots 1, 2, 4 and 5 are four bed dwellings and plots 3 and 6 are five bed properties. All properties have garaging and parking space in front of the properties. Plot 6 also has an annexe above the garage.
- 7.5 Plots 1, 2 and 3 offer frontages onto Mill Lane. Plots 1 and 2 are set back from the stone wall on the frontage by approximately 9m. The double garage that serves these properties is located to the front of these plots. It is a single storey structure and set back about 3m from the stone wall and in line with the front wall of plot 3.
- 7.6 Plots 1 and 2 on the site frontage are two storey dwellings. Plot 3 is a three storey dwelling with dormers in the roof overlooking Mill Lane. Further back into the site, plots 4 and 5 are two storey and plot 6 (at the rear is three storey with dormers). They are all indicated to be constructed of brick with timber cladding detailing. The layout and plot sizes of the dwellings are considered to be acceptable and would provide adequate separation between the new dwellings and the existing nearby properties.

Design

- 7.7 The properties are contemporary in design, with a combination of the brick and timber cladding, with natural slate roofing, which adds interests to the site and is considered to be appropriate for the character and appearance of the site.
- 7.8 The internal layout of the properties generally consists of kitchen/diners with a separate lounge on the ground floor. All of the properties also have a family room and downstairs cloakroom/WC, plots 3 and 6 also have studies. The bedrooms and further bathrooms/en-suites are on the upper floors.
- 7.9 All of the rooms have natural light of varying degrees, the overall standard of accommodation is considered to be acceptable.

7.10 The stone wall delineates the front boundary would largely be remained in situ, apart from a section which needs to be removed to allow for the provision of a new access point.

Drainage matters

- 7.11 The site lies within an area designated as Flood Zone 1 on the published drainage maps by the Environment Agency. A flood risk assessment was submitted as part of the outline application which indicates that the site is unaffected by flooding due to surface water runoff.
- 7.12 Objectors had commented that the site has various water mains and sewers running through the site (and potentially other services). The applicant has advised that the layout indicated on the submitted plans has taken this into account and no services will be affected by the proposal.

Impact on Heritage Assets

- 7.13 The Kingsthorpe Conservation Area boundary was established in 1970, amended in 1976 and further amendments have recently been proposed. The application site does not directly adjoin Kingsthorpe Conservation Area.
- 7.14 The designation of a conservation area does not preclude development; however the development needs to take account of the impact that development may have on the setting and appearance of the conservation area. The most significant view of the Conservation Area is from Mill Lane, where the spire of St John's Church and the canopy of trees around the church and village green are visible, although the view is compromised by recent housing development (notably Fremeaux Lodge and Kingsmoor House) that lie outside of the Conservation Area.
- 7.15 The height of the proposed houses is indicated as 9m high and consideration has been given to the views across the valley to ensure that the church spire and trees remain visible. It is considered that the harm would be less than substantial, and the impact would be outweighed by the supply of much needed housing land. The view from the river valley and nature reserve is partly obscured by trees.
- 7.16 The land immediately adjoins the Conservation Area, which is visible from the nature reserve, but as this is not within the site, it is considered that the view towards the Conservation Area from the river valley would not be adversely affected by the properties in the location shown.

Impact on neighbouring properties

- 7.17 There is a difference in site levels between the proposed and existing nearby dwellings of around 1-2m. The location of windows has been carefully considered. Where windows are located close to the boundary, these are proposed to serve bathrooms or en-suites and indicated with obscure glazing. There is no window proposed on the first floor side elevation to plot 1 that faces onto 85 and 87 Mill Lane. It is not considered that the proposed development would adversely impact on these properties.
- 7.18 One of the representations has suggested that the north eastern boundary wall should be constructed in stone rather than brick, in keeping with the front wall to the site. This wall is intended as a retaining wall and will not be visible in the street scene or impact on the conservation area, it is considered that it would be too onerous to insist on this feature.
- 7.19 Given the location of the proposed dwellings on the site, it is considered that there is no significant impact on privacy, daylight or sunlight to the existing properties.
- 7.20 The occupants of Kingsmoor House have raised concerns relating to privacy to their leisure building (including swimming pool). The occupier has provided information about the use of the building and it is considered that this is ancillary to the main dwelling rather than part of the main dwelling. There are windows in the side of the leisure building. These would look towards the garages to plots 4 and 5.

- 7.21 The floor level of the leisure building is recorded as 74.89m. The finished floor level of the garages is indicated as 68.00m. The distance between the two properties is indicated as 2m from wall to wall, with approximately 4m separation distance to the top of the ridge. Given the difference in levels, it is considered that whilst there may be some loss of light to the leisure building, it is considered that the impact would not result in significant harm to the amenities of the adjacent occupiers.
- 7.22 31 Green End was constructed around 2007 within the grounds of Fremeaux House. The garden to this property is also screened by a mature hedge and the main windows are to the front and rear of the dwelling. Overlooking between Plot 5 and 31 Green End is considered to be minimal. It is also considered that there would be no undue impact in terms of loss of light to 31 Green End. Although there is a side elevation window to Plot 6 that would face towards 31 Green End, due to the separation distance, it is not considered that there is objectional impact in this instance.
- 7.23 It is therefore considered that on balance the proposed dwellings do not appear to adversely impact on the residential amenities of the surrounding properties.

Highways and Access

- 7.24 The principle of the access has been established through the outline planning permission. The Local Highway Authority is satisfied with the indicated visibility splay for the proposal, which demonstrates an acceptable access for pedestrians and vehicles. Further information has been requested in terms of the gradient of the access road and this has been covered by condition.
- 7.25 All the plots have on-plot parking spaces and garages in line with the adopted Parking Standards SPD. Whilst representations have referred to the potential highway safety impact, no objections have been raised by the Local Highway Authority that cannot be otherwise covered by conditions.

Ecology

- 7.26 An ecological assessment has been submitted with the application. This considered the presence of amphibians (great crested newts and toads), mammals (badgers, hedgehogs, otters and water voles), reptiles (common lizard and grass snake), bats, and birds on and around the site.
- 7.27 As a result of the additional survey work identified at the time of the outline application, no evidence has been found of bats, badgers, breeding birds and dormice on the site. The existing habitat will be retained, and it is considered that there would be minimal impact on these species. The habitat is suitable for amphibians and reptiles, although no evidence was found at the time of the survey.
- 7.28 The appraisal recommends that further survey work specifically aimed at reptiles, is carried out prior to commencement of work on site (ideally between the months of March and October). The County Ecologist has suggested that a method statement should be required for site clearance. It is considered that this has been covered by the requirement to provide a construction environmental management plan (CEMP), which was conditioned on the outline consent.
- 7.29 The reports note that the likelihood of bats on the adjacent site is high and that the site has high potential for commuting and foraging. A condition was added to the outline application to ensure any lighting was designed to minimise the disturbance of bats and other nocturnal mammals.
- 7.30 The County Ecologist has commented on the surveys and the landscape plan and stated that there are no details of the management of the wildflower meadow to the south and western parts of the application site. This has been discussed with the applicant and details of the management of the land has yet to be established, but it is likely this will be transferred to one of the occupiers of the proposed dwellings.

- 7.31 The Wildlife Trust have raised concerns that the assessments do not assess the impact on the local nature reserve, in particular in respect of maintaining a dark edge to the nature reserve and ensuring that the wildflower seed mix used on the development is complimentary to the nature reserved. Reptile surveys should be carried out and mitigation measures addressed. It is further noted that none of the trees on the boundary are to be removed and the properties are set away from the immediate boundary.
- 7.32 The conditions on the outline application cover these points through conditions relating to lighting, landscaping and the CEMP.

Arboricultural issues

- 7.33 The Council's Arboriculture Officer is satisfied with the protection of the existing trees on the site and the planting scheme proposed. Following discussion with the Arboriculture Officer, additional side windows have been added to Plot 3 to allow additional light into habitable rooms. This would greatly reduce the pressure to remove the frontage trees within the site.
- 7.34 It is considered that the development can be achieved without a negative impact on those trees to be retained. It is therefore considered the proposal accords with Policies BN1, BN2 and BN8 of the Joint Core Strategy, in terms of the impact on biodiversity or green infrastructure grounds. Ecological surveys are recommended along with further details of the planting and habitat enhancement, as required by the outline consent.

Other matters

- 7.35 A contamination report has been submitted with the application. This has indicated that it is unlikely that contamination will be found on the site, but further investigation should be carried out, in the event that any unexpected contamination is identified.
- 7.36 The Environmental Health Officer has sought further information regarding noise mitigation. Whilst a Noise Assessment Report has been submitted with the application, it is noted that addition information is required to meet the requirements set out in condition 15 of the outline consent. The applicant has sought to provide an acoustic fence for plot 3, to screen the rear garden from noise from Mill Lane.
- 7.37 Measures to protect neighbouring residents from unreasonable levels of dust, noise vibration and hours of working, can be addressed through the submission of a Construction Environmental Management Plan (CEMP), which requires the developer to consider the impact and indicate measures to mitigate any potential issues. A condition was imposed at the outline stage to address this.
- 7.38 One of the objectors has raised concern that they were not invited to community meetings to discuss this proposal to air their concerns. Whilst the local planning authority may encourage such meetings to take place, it is noted this is not a requirement on the developer to carry out such consultation.

8 CONCLUSION

- 8.1 The principle of six dwellings on the site has been established by the outline consent. It is considered that the proposed development would contribute towards the Council's 5-year housing supply and would have a less than substantial impact upon the setting of the Kingsthorpe Conservation Area, and no undue impact on neighbour amenity, flood issues, biodiversity and highway safety.
- 8.2 Whilst the site is an open area of grazing land visually enjoyed by the public, it is not land that is publicly accessible. With appropriate landscaping and mitigation, the development can be carried out with minimal impact on the adjacent ecology.

8.3 The development is therefore in conformity with the requirements of the National Planning Policy Framework, Policies H1, BN1, BN2, BN3, BN5, BN8 & S10 of the West Northamptonshire Joint Core Strategy and Saved Policy E20 and E26 of the Northampton Local Plan. The application is recommended for approval.

9 CONDITIONS

1. This permission shall be in respect of those matters reserved by the conditions of the outline planning permission no. N/2018/0170 in respect of the following matters: appearance, landscaping, layout and scale.

Reason: For the avoidance of doubt and to secure a satisfactory standard of development in accordance with the National Planning Policy Framework.

 The development hereby permitted shall be carried out in accordance with the following approved plans: site location plan, SAR 322 PA 001 rev B, SAR 322 PA 050, SAR 322 PA 100, SAR 322 PA 200, SAR 322 PA 300 rev A, SAR 322 PA 400, SAR 322 PA 500, SAR 322 PA 600, 19052/101 and 19-118-01.

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

3. 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 buildings 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.

4. All windows serving bathrooms and en-suites 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.

5. The annexe hereby permitted shall be occupied for residential purposes by dependants of and ancillary to Plot 6 and shall at no time form a separate planning unit.

Reason: For the avoidance of doubt as a separate planning unit would be undesirable in this location in accordance with Policies E20 and H1 of the Northampton Local Plan.

6. Notwithstanding the provisions of Part 3 Class L Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any provisions equivalent to that Class in any Statutory Instrument revoking or re-enacting that Order with or with modification) none of the dwellings hereby permitted shall be used for the purposes of a house of multiple occupation.

Reason: To enable the Local Planning Authority to assess the implications of a house in multiple occupation in this location. In accordance with Policies H1, H5, BN7 and S10 of the West Northamptonshire Joint Core Strategy, saved Policy H30 of the Northampton Local Plan and the Council's adopted Houses in Multiple Occupation Supplementary Planning Document.

7. 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 outbuildings shall be erected to the dwellings hereby permitted.

Reason: To avoid overdevelopment of the site and to enable the Local Planning Authority in consultation with Anglian Water, to assess the implications for the sewers crossing the site. In accordance with Policies S10 and BN9 of the West Northamptonshire Joint Core Strategy.

8. 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 including dormers and doors shall be installed in any elevations and roofs of the proposed development.

Reason: To safeguard the privacy of adjacent properties in accordance with Policy E20 of the Northampton Local Plan.

9. Prior to occupation of the development hereby permitted, a scheme for the installation of electric vehicle charging points for each dwelling within the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained thereafter.

Reason: To ensure the delivery of sustainable development in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy.

10. The side elevation window to Bedroom 3 for Plot 6 at second floor level 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.

10 BACKGROUND PAPERS

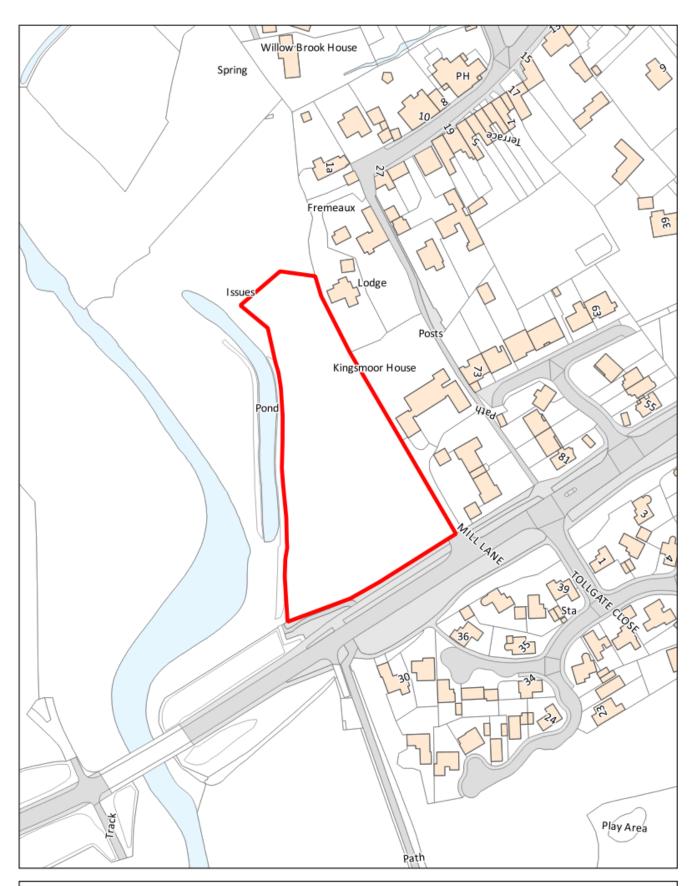
10.1 N/2019/1394

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: Grazing land, Mill Lane

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Date: 02-12-2019
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