



Planning Committee Report

Application Number: WNN/2023/0085

Location: 266A Main Road
Duston
Northampton
Northamptonshire
NN5 6PP

Development: New bungalow

Applicant: Twenty Ten Development Ltd

Agent: Mr Phil Bates

Case Officer: Andrew White

Ward: Duston East Unitary Ward

Reason for Referral: Called to Committee by Councillor Hinch – The development conflict with the Duston Neighbourhood Plan, Highway Safety, Potential loss of trees and Overdevelopment

Committee Date: 4th October 2023

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS as set out below with delegated authority to the Assistant Director – Planning and Development to approve any amendments to conditions as deemed necessary.

Proposal

The erection of a new bungalow to the rear garden of 266A Main Road, Duston.

Consultations

The following consultees have raised **objections** to the application:

- Duston Parish Council
- Councillor Hinch

The following consultees have raised **no objections** to the application:

- Highways
- Environmental Health
- Arboricultural Officer
- Northamptonshire Police

0 letters of objection have been received.

Conclusion

The application has been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance as listed in detail at Section 8 of the report.

The key issues arising from the application details are:

- Principle of Development
- Impact on Character of Area
- Neighbour and Residential Amenity
- Impact on Trees
- Access and Highways
- Contamination

The report looks into the key planning issues in detail, and Officers conclude that the proposal is acceptable subject to conditions.

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1 APPLICATION SITE AND LOCALITY

- 1.1 The application site is garden land to the rear of number 266A Main Road. The site is accessible via an existing private access drive that serves Nos 268B and 268C Main Road. The site is not in a conservation area. There are some trees on the site but none are protected by Preservation Orders.

2 DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1 The development proposed is a detached single storey dwelling to rear of 266A Main Road, with detached single garage, accessed via the private access drive. Planning permission was granted in 2016 for a single dwelling to rear of the existing house. The current proposal is for a further dwelling in addition to this.

3 RELEVANT PLANNING HISTORY

- 3.1 The following planning history is considered relevant to the current proposal:

N/2016/0376 Permission granted for single dwelling to rear of No. 268

N/2016/1083 Permission granted for single dwelling to rear of No. 268

- 3.2 The dwellings have been constructed and are now Nos 268B and 268C Main Road

4 RELEVANT PLANNING POLICY AND GUIDANCE

Statutory Duty

4.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

4.2 Development Plan

- West Northamptonshire Joint Core Strategy (Local Plan Part 1)

Policy S10 Sustainable Development Principles
Policy H1 Housing Density & Mix
Policy BN2 Biodiversity
Policy BN3 Woodland Enhancement and Creation
Policy BN9 Planning for Pollution Control

- Northampton Local Plan Part 2 (2023)

Policy SD1 Presumption in favour of Sustainable Development
Policy ENV1 Sustaining and Enhancing Existing Green Infrastructure
Policy HO1 Residential and Other Residential Led Allocation
Policy HO2 Type and Mix of Housing
Policy Q1 Placemaking and Design
Policy Q2 Amenity and Layout
Policy MO2 Highway Network and Safety
Policy MO4 Parking Standards

- Duston Neighbourhood Development Plan

Policy H4 Housing

4.3 Material Considerations

- National Planning Policy Framework (NPPF)
- Residential Extensions and Alterations Design Guide SPD
- Northampton Parking Standards Supplementary Planning Document
- Northamptonshire Parking Standards

5 RESPONSE TO CONSULTATION

5.1 Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website.

Consultee Name	Position	Comment
WNC Highways Authority	Comment	Access over 45m Northampton Fire & Rescue service requirements with regards to accesses over 45m are:

		<p>All accesses over 45m in length to be a minimum of 3.7m wide for its whole length, to accommodate an appliance. [Officer comment: Access already exists and complies]</p> <p>Such accesses to accommodate a fire appliance with a 15 Ton axle loading Turning space for a fire appliance.</p>
WNC Arboricultural Officer	No objection	<p>There is a tree in the rear garden beneath the footprint of the proposed dwelling, but there is no tree-related information with the application as far as I can ascertain. [Officer Note Tree Survey plan provided]</p> <p>Tree survey identifies the trees to be retained and removed.</p> <p>If permission granted measures are required to protect the soil beneath and around any retained tree from harm during the development.</p>
WNC Environmental Health	No objection	<p>Require planning conditions and informatives to address:</p> <p>Land Contamination;</p> <p>Electric Vehicle Charging Points for Domestic Properties</p> <p>Working Hours for Construction Sites</p>
Northamptonshire Police	No objection	<p>A number of the other houses situated along the private road have the protection of full sized metal gates to reduce opportunities for unauthorised access in this back land development and I would recommend a similar treatment should space allow. All new doors and windows should meet the requirements of a 3rd party accredited recognised security standard such as PAS24:2016.</p>
Duston Parish Council		<p>This application contradicts Duston Parish Councils Neighbourhood Plan: H4 Smaller infill sites – general criteria (objective 2) – P31</p> <p>Development will be supported on sites of up to 5 dwellings on previously developed land and large gardens, subject to the following criteria:</p> <p>i - In respect to backland and tandem development in gardens of existing properties, the need to avoid adverse impact on the amenity of neighbouring properties through; loss of privacy, daylight, visual intrusion by a building or structure, car parking, removal of mature vegetation or landscaping</p>

		<p>and additional traffic resulting from the development.</p> <p>ii - Windfall, back land or tandem development must have direct highway access.</p> <p>iii - It must have due regard to the need to preserve or enhance the Conservation Area.</p> <p>iv - The requirements for development in local character areas (Policy BE1) are met.</p> <p>v - The provision of natural landscaping, including native trees, hedgerows, wetland areas and the retention or incorporation of habitats for small mammals, birds and insects. The drive way would be located on/near a busy junction next to busy shops; two bus stops are in close proximity to the drive.</p> <p>Potential concerns over trees with Tree Protection Orders need to be felled in order to develop the land.</p> <p>Over development as adjacent gardens have already been developed, alongside privacy concerns for neighbouring properties."</p>
Cllr Nigel Hinch	Object	Identical objection to Duston PC

6 RESPONSE TO PUBLICITY

6.1 There have been no third party objections/letters of support.

7 APPRAISAL

Principle of Development

7.1 The principle of back land development can raise planning concerns. However, there have been similar cases in the locality at 268, 272, 279 Main Road, Duston, all of which have obtained approval for new dwellings.

7.2 The planning permissions for the two dwellings to the rear of No. 268 Main Road were granted after the adoption of the Duston Neighbourhood Plan in December 2015

7.3 As such, the principle of the development is considered to be acceptable.

Impact on Character of Area

7.4 The site is well screened from the open space to the rear and not generally visible within the wider area. The surrounding development is varied in character. It considered that the development of the site would not adversely impact on the character of the area. The proposed design of development is considered to reflect the design of the bungalows at 268B and 268C Main Road and there will be no change to

the private access drive as a result of the proposal. The details of the materials to be used in the external walls and roof are subject to a materials condition.

- 7.5 Having regard to comments regarding over-development, due to the degree of site coverage and the comparison to neighbouring properties the site coverage is considered to be acceptable with a suitable area of private amenity space (circa 145 sq.m). The existing dwelling would retain a reasonably sized private garden area.
- 7.6 The proposal is considered to comply with Policies Q1 and Q2 of the Northampton Local Plan Part 2.

Neighbour amenity and residential amenity

- 7.7 The design of the proposed single storey dwelling in relation to the neighbouring bungalows is such that there would be no issues of inter-visibility between Nos 268B and the proposed dwelling due to the boundary treatment, retention of existing mature hedge on northern boundary at the proposed dwelling and the distance to windows of 13 metres.
- 7.8 One bedroom window in a front dormer at 268C Main Road will provide oblique views towards the rear amenity space of the bungalow and the dining room window (20 metres). However, these are not direct views and the occupier of the proposed property can use blinds or curtains if this were ever to be a concern.
- 7.9 The proposed dwelling would be seen from the neighbouring gardens but this is not considered to be significant and would not justify a refusal of planning permission.
- 7.10 The property contains bedroom spaces that meet the Nationally Described Space Standards and the overall property size is consistent with the NDSS. The private amenity space is considered to be of a suitable size. As such, the amenity for occupiers will be of a good standard.
- 7.11 Any approval would be subject to conditions removing permitted development rights for dormer windows and extensions.

Impact on Trees

- 7.12 There are a number of existing trees on the site, none of which is subject to a tree preservation order (TPO). The scheme was amended to move the proposed single garage to retain the mature pine tree in the north-west corner of the site and the silver birch in the south-west corner will be replaced by five young silver birch trees. The other significant tree to be removed is a mature apple tree. Any approval would be subject to tree protection condition as recommended by the Council's Tree Officer.

Access and Highways

- 7.13 The private access drive is already constructed and was approved by the Highways Authority in relation to the dwellings that have been constructed. The private access drive is able to serve up to 5 dwellings in accordance with adopted highway standards. As such the objections to the access to the site cannot be sustained. The scheme proposes 3 off road parking spaces, a single garage and turning area which is acceptable to the Local Highway Authority. This complies with the adopted parking supplementary planning document.

Contamination

- 7.14 The Council's Environmental Health Officer recommends a condition for site contamination on any grant of planning permission.

Other issues

- 7.15 The request to control construction working hours is considered unreasonable, given that the scale of the proposal is for one dwelling only and noise can be controlled via Environmental Health legislation instead. It is appropriate to be certain of finished floor levels which can be agreed by condition.

8 FINANCIAL CONSIDERATIONS – COMMUNITY INFRASTRUCTURE LEVY

- 8.1 As the proposal is for a new dwelling it would be CIL chargeable. An informative is added to this effect.

9 PLANNING BALANCE AND CONCLUSION

- 9.1 Due to its appearance, scale and layout the proposal is considered acceptable and would not have an undue adverse impact on visual or residential amenity, security or highways and complies with the aims of the National Planning Policy Framework, Policies S10, H1, BN2, BN3, BN9 in the West Northamptonshire Joint Core Strategy, Policies Q1, Q2, HO2, ENV1, MO2 MO4 of the Northampton Local Plan Part 2 and Policy HO4 of the Duston Neighbourhood Plan

10 RECOMMENDATION

- 10.1 Grant permission subject to the following conditions:

Time limit

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.

Approved plans

2. The development hereby permitted shall be carried out in full accordance with the following approved plans: Proposed floor and elevations plans, Site and Block Plan ref no. 22-101-01B received 11/09/2023 and tree survey plan ref no 22-101-02 received 11/08/2023.

Reason: For the avoidance of doubt and to accord with the terms of the planning application and to ensure that existing boundary features are retained as shown.

Materials

3. The external walls and roof of the dwelling shall be constructed in materials of the same type, texture and colour as the external walls of the existing dwellings at No268B and 268C Main Road. The materials for the doors windows, vehicle hardstanding/drive and fences shall accord with the approved plans and section 9 of the application form.

Reason: In the interests of visual amenity to ensure that the development harmonises with the dwellings in the vicinity in accordance with the details of the application form and to comply with policies Q1 and Q2 of the Northampton Local Plan Part 2.

Removal of Permitted Development

4. 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 rear or side extensions shall be erected to the dwellings hereby permitted.

Reason: To prevent overdevelopment of the site in accordance with Policy Q1 of the Northampton Local Plan Part 2.

Lighting

5. Prior to first occupation of the dwellings hereby permitted, full details of all security measures for the dwelling, including any lighting, 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 prior to occupation and retained thereafter.

Reason: In the interests of security to comply with Policy S10 of the West Northamptonshire Joint Core Strategy.

Removal of Permitted Development

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 dormers shall be constructed in the roof of the dwelling hereby permitted.

Reason: To safeguard the privacy of nearby residents in accordance with Policy Q1 and Q2 of the Northampton Local Plan Part 2.

Refuse

7. 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 building(s) hereby permitted and thereafter retained.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy Q2 of the Northampton Local Plan Part 2.

Levels

8. Prior to the commencement of construction works on site, details of the existing and proposed ground levels and finished floor levels of the development in relation to 268B and 266A Main Road shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.

Reason: In the interests of visual amenity to comply with S10 of the West Northamptonshire Joint Core Strategy and Policy Q1 of the Northampton Local Plan Part 2. This is a pre-commencement condition to ensure timely submission of details.

Tree Protection

9. No development shall take place until the existing cedrus deodara tree in the north-west corner of the site has been protected in the following manner unless otherwise previously agreed in writing by the Local Planning Authority;
- a) Protective barriers shall be erected around the tree to a distance not less than a radius of 12 times the trunk diameter when measured at 1.5m above natural ground level (on the highest side) for single stemmed trees and for multi-stemmed trees 10 times the trunk diameter just above the root flare.
 - b) The barriers shall comply with the specification set out in British Standard BS5837:2012 'Trees in Relation to Construction – Recommendations' that is steel mesh panels at least 2.3m tall securely fixed to a scaffold pole framework with the uprights driven into the ground a minimum of 0.6m depth and braced with additional scaffold poles between the barrier and the tree[s] at a minimum spacing of 3m.
 - c) The barriers shall be erected before any equipment, machinery or materials are brought onto the site for the purposes of development [and / or demolition] and shall be maintained until all equipment, machinery and surplus material has been removed from the site.
 - d) Nothing shall be stored or placed within the areas protected by the barriers erected in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made, without the written consent of the Local Planning Authority.

Reason: To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policies Q1 and ENV1 of the Northampton Local Plan Part 2 and Government guidance contained within the National Planning Policy Framework.

Contamination

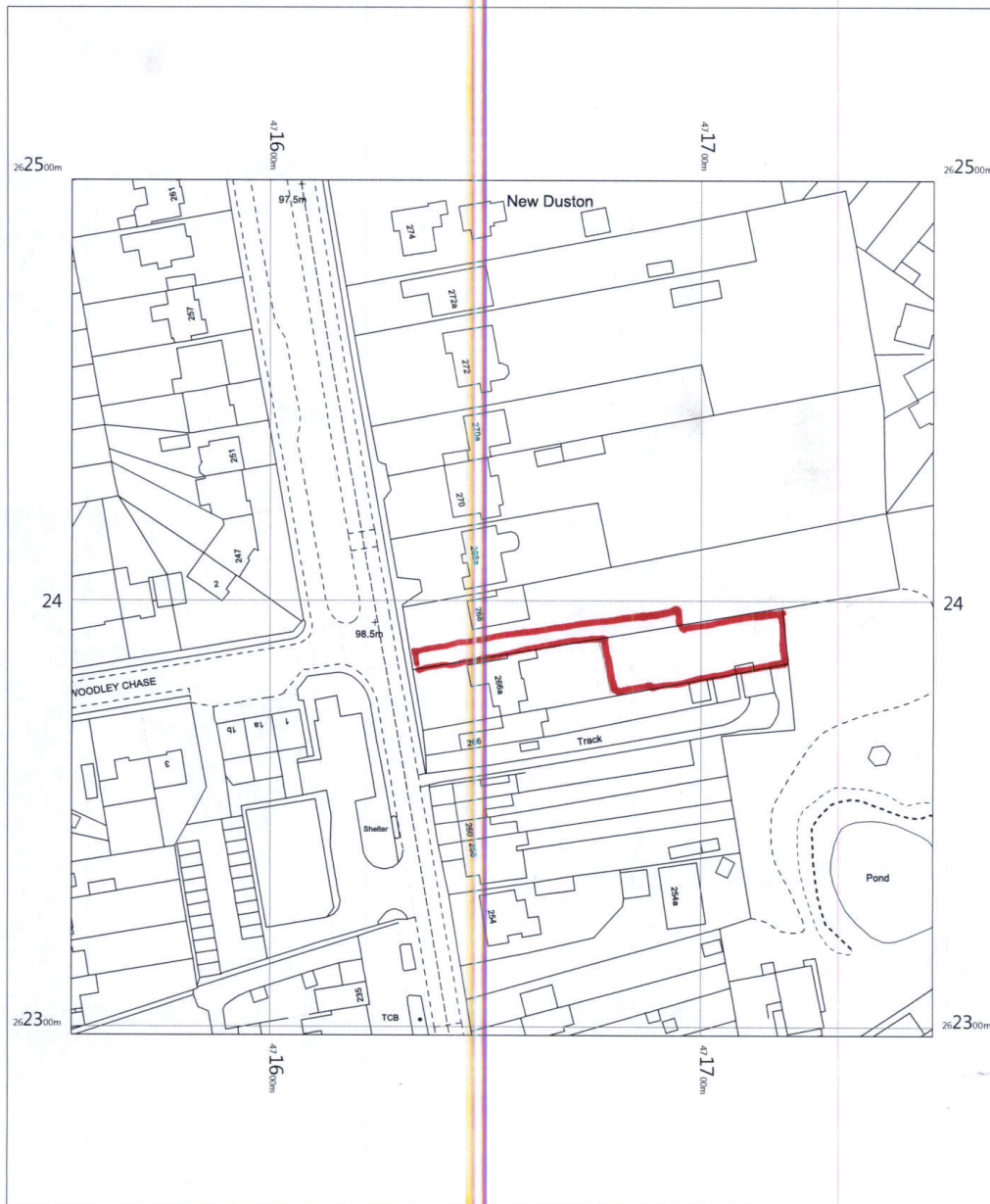
10. No development shall take place until a desk top study in respect of possible contaminants within the site is completed and a site investigation has been designed. The scope and methodology of the desk top study and the site investigation report shall be submitted to and approved in writing by the Local Planning Authority. The site investigation and appropriate risk assessments shall be carried out and the results shall be used to produce a method statement for the necessary remedial works (and a phasing programme), which shall be submitted to and approved in writing by the Local Planning Authority. All remedial works shall be fully implemented in accordance with the approved method statement and phasing programme. Confirmation of the full implementation of the scheme and validation report(s) shall be submitted to the Local Planning Authority within 2 weeks of completion (or within 2 weeks of completion of each respective phase).

Reason: To ensure the effective investigation and remediation of contaminated land sites and in the interests of health and safety and the quality of the environment in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy. Pre-commencement condition to ensure that contamination considered before work begins on site.

EV Charging Point

11. Prior to occupation of the development hereby permitted, a scheme for the installation of one electric vehicle charging point 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 prior to occupation.

Reason: In the interests of providing a sustainable development in accordance with the requirements of the NPPF and the Northampton Parking Supplementary Planning Document (2019).



268 Main Road
 Duston
 Northampton
 NN5 6PP

OS MasterMap 1250/2500/10000 scale
 Friday, November 30, 2018, ID: BW1-00760820
www.blackwellmapping.co.uk

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