

**PLANNING COMMITTEE:** 14<sup>th</sup> February 2017  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**HEAD OF PLANNING:** Peter Baguley

**APPLICATION REF:** N/2016/0083

**LOCATION:** 135 Harlestone Road

**DESCRIPTION:** Demolish existing dwelling and erect residential development of up to 12 dwellings, access road and associated works (Outline application including details of access)

**WARD:** Old Duston Ward

**APPLICANT:** Mrs Margaret Green  
**AGENT:** Wilbraham Associates Ltd

**REFERRED BY:** Councillor Suresh Patel  
**REASON:** Concerned with traffic and non-compliance with Neighbourhood Plan

**DEPARTURE:** No

---

**APPLICATION FOR DETERMINATION:**

**1. RECOMMENDATION**

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

The principle of residential development of the site for up to 12 dwellings is considered acceptable and would contribute towards the Council's 5-year housing supply. Subject to the conditions below, the development would not lead to undue impacts on the character of the area, adjacent residential amenity, trees, ecology and highway conditions in accordance with the aims and objectives of the National Planning Policy Framework, Policies SA, S3, S10, H1, BN3 and BN7 of the West Northamptonshire Joint Core Strategy, Policies E20 and H10 of the Northampton Local Plan and Policy OP1 of the Duston Neighbourhood Plan.

**2. THE PROPOSAL**

2.1 The application seeks outline planning permission, with all matters reserved except for access, for the demolition of the existing dwelling and the erection of up to 12 dwellings with a new vehicular access from Harlestone Road. The submitted indicative layout shows a single dwelling positioned to the front of the site, approximately in the location of the existing dwelling, with the remaining dwellings extending back into the site along the length of the rear garden, and a new access road along the south-eastern boundary of the site. The existing trees along the south-eastern boundary, the subject of a Tree Preservation Order (TPO), would be retained.

### **3. SITE DESCRIPTION**

- 3.1 The application site comprises of a large detached two-storey dwelling within a substantial plot, set back from Harlestone Road, with a driveway to the front and extensive rear garden of some 157m in length. The rear garden slopes gently to the south-west. The submitted details indicating a difference in levels of some 3.6m between the south-west and north-eastern boundary. There are a number of trees on the site, a number of which along the south-eastern boundary are the subject of a TPO.
- 3.2 The surrounding area is mixed in character, with further large dwellings to the immediate south-east and north-west of the existing dwelling, with a similar set back from Harlestone Road. To the north-west of the extensive rear garden is a church, grounds and car park of the Church of Jesus Christ of Latter Day Saints. To the south-east of the site and rear of the gardens of Nos. 125 to and 133 Harlestone Road is The Lawns, a residential cul-de-sac accessed from Bants Lane to the east of the application site. To the south of the site are allotments.

### **4. PLANNING HISTORY**

- 4.1 No relevant history.

### **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, and the adopted Duston Neighbourhood Development Plan.

#### **5.2 National Policies**

The National Planning Policy Framework (NPPF) sets out the current aims and objectives for the planning system and how these should be applied. In delivering sustainable development, decisions should have regard to the mutually dependent social, economic and environmental roles of the planning system. The NPPF should be read as one complete document. However, the following sections are of particular relevance to this application:

Paragraph 14 advises that at the heart of the NPPF is a presumption in favour of sustainable development.

Paragraph 17 advises on the need to seek secure high quality design and a good standard of amenity for existing and future occupants.

Paragraph 47 requires Local Planning Authorities to meet objectively assessed housing needs for their area and to identify and update a supply of deliverable sites to provide 5-years' worth of housing against these requirements.

Paragraph 49 advises that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites.

Paragraph 50 advises on the need to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities,

planning for a mix of housing based on current and future demographic trends and the needs of different groups in the community.

Paragraph 53 advises that Local Planning Authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.

Paragraph 56 advises that good design is a key aspect of sustainable development and should contribute to making places better for people.

Paragraph 58 seeks to ensure that planning decisions aim to ensure that developments respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation.

### **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 – advises on taking a positive approach towards development proposals that reflects a presumption in favour of sustainable development and approving applications that accord with development plan policies unless material considerations indicate otherwise.

Policy S3: Scale and Distribution of Housing Development – provision will be made for about 18,870 dwellings during the plan period 2011 to 2029.

Policy S10: Sustainable Development Principles – development will achieve the highest standards of sustainable design incorporating safety and security considerations; protect, conserve and enhance the natural and built environment; enhance biodiversity and reduce the fragmentation of habitats; and minimise pollution from noise, air and run off.

Policy H1: Housing Density and Mix and Type of Dwellings – advises that new housing development should provide for a mix of house types, sizes and tenures to cater for different accommodation needs making the most efficient use of the land having regard to the location and setting of the site, existing character and density, accessibility to services and public transport, the living conditions of future residents, and impact on the amenities of neighbouring occupiers.

Policy BN3: Woodland Enhancement and Creation – development that would lead to loss of aged or veteran trees will not be permitted unless the need for, and benefits of, the development clearly outweigh the loss.

Policy BN7: Flood Risk – all new development proposals should demonstrate there is no increased risk of flooding to existing properties.

### **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: the design of any new building should adequately reflect the character of its surroundings in terms of layout, siting, form, scale and use of appropriate materials.

Policy H10: Backland development - Planning permission for the development of residential backland will not be granted unless it can be shown that the siting and layout of the development will not be detrimental to the character and amenity of the locality and will not cause disturbance to or adversely affect the privacy of adjoining dwellings. This includes existing dwellings within whose curtilage the development is proposed.

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

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

#### 5.6 **Other Material Considerations**

##### Duston Neighbourhood Plan

At Full Council on 14<sup>th</sup> December 2015 Northampton Borough Council made the Duston Neighbourhood Plan. It now forms part of the Development Plan for Northampton. Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise (see section 38(6) of the Planning and Compulsory Purchase Act 2004).

The following policies are relevant to the determination of this proposal:

Policy OP1: Sustainable Development Principles – Development should have regard to the vision and objectives set out in the neighbourhood plan and be located to ensure that it does not adversely affect:

1. The amenity of nearby residents;
2. The character and appearance of the local area in which it is located;
3. The social, built, historic, cultural and natural heritage assets of the Parish.

Policy H3: Meeting the needs of all sectors of the population – supports the provision of a range of houses types.

Policy H4: Smaller infill sites - Development will be supported on sites of up to 5 dwellings on previously developed land and large gardens, subject to avoiding adverse impact on the amenity of neighbouring properties; direct access to the highway; in keeping with local character; appropriate landscaping and retention or incorporation of habitats.

### **CONSULTATIONS/ REPRESENTATIONS**

Comments received are summarised as follows:

- 6.1 **NCC Highways** – no objection following the receipt of amended plans re-locating the proposed vehicular access away from the access with No. 133 Harlestone Road.
- 6.2 **NCC Lead Local Flood Authority** – following the receipt of amended details, no objection subject to a condition for the submission of a surface water drainage scheme for the site.
- 6.3 **NBC Arboricultural Officer** – a pre-development Tree Survey has been undertaken in line with the relevant British Standard. Many of the trees along the south-eastern boundary are protected by a TPO. It is apparent that a number of unprotected trees have been removed since the survey was undertaken. The indicative location of the proposed access road does conflict with the Root Protection Area (RPA) of the trees along this boundary and, whilst preferable for the road to be constructed outside of the RPAs, it is recognised that this may restrict the viability of the site. The relevant British Standard does limit incursion into RPAs to a maximum of 20%. Any permanent hard surfacing within the RPA should be constructed using a “no-dig” construction methodology incorporating a 3 dimensional cellular confinement system. Conditions are

recommended for the provision of a site specific arboricultural impact assessment and method statement including construction details and tree protection measures, and requiring the access road, with the exception of the final surface, is constructed prior to any other construction works commencing and with arboricultural supervision to be provided by the developer.

- 6.4 **Crime Prevention Design Advisor** – recommends security measures for windows and doors, overlooking of parking areas and appropriate lighting.
- 6.5 **Duston Parish Council** oppose the application as follows:
- Concern regarding the amount of traffic generated by the development and safety of vehicular movements when Harlestone Road is already congested at peak times. The speed limit is 40mph.
  - There is no passing by place in the plans. Would emergency vehicles be able to access the site.
  - The type of housing does not comply with Policy H3 of the Duston Neighbourhood Plan.
  - The access crosses a well-used pedestrian and cycle route causing risk to both.
  - If the development proceeds, the speed limit on Harlestone Road should be reduced to 30 mph.
- 6.6 **Councillor Suresh Patel** – concern regarding amount of traffic generated by development; no passing by included in the plans; type of housing does not comply with Policy H3 of the Duston Neighbourhood Plan; the access crosses a well-used pedestrian and cycle route.
- 6.7 Objections/comments have been received from 6 neighbouring properties which are summarised as follows:
- No objection providing the proposal does not exceed 12 houses.
  - Security issues; concern that development will open up rear of property (along The Lawns) with the proposed access along the rear of the house. Would require substantial fence along boundary.
  - Maintenance issue of the TPO trees.
  - Concern regarding access to maintain property.
  - Loss of privacy.
  - Stability of trees during and after construction.
  - Destruction of habitat. There are nesting birds and bats on site.
  - Harlestone Road has a speed limit of 40 mph outside the application site.
  - Harlestone Road incorporates a cycle path which will be intersected by any development and road works.

## 7. APPRAISAL

### Principle

- 7.1 Both the NPPF and the JCS have a presumption in favour of sustainable residential development. Alongside this, the NPPF advises on the need for setting policies that resist inappropriate development of residential gardens, for example where development would cause harm to the local area. Policy H10 of the Local Plan advises on resisting residential backland development unless it can be shown that the siting and layout of the development is not detrimental to the character and amenity of the area, in particular in relation to properties adjoining the site. Policy H4 of the Duston Neighbourhood Plan allows for the development of large gardens for up to 5 dwellings.
- 7.2 Whilst it is acknowledged that the majority of the site is a greenfield site and that the development proposes in excess of 5 dwellings, both national and local plan policy clearly states that harm to

the character of the area or adjacent amenity should be demonstrated in order for residential development of backland sites to be considered unacceptable.

- 7.3 The site would be viewed in the context of the existing residential development of The Lawns to the south-east which forms a large area of existing backland development to the rear of properties on Harlestone Road. Views of the site from north-east in the church grounds would be partially obscured by existing mature trees within the church grounds, and viewed against the context of existing development on The Lawns. Similarly views of the proposed development from the allotments to the south-west of the site would be obscured by the existing band of mature trees along this boundary. Views when travelling along and looking into the site from Harlestone Road would be limited. As such, it is not considered that the residential development of the site would be visually prominent within the surrounding area and any views would be seen in the context of the adjacent residential development at The Lawns.
- 7.4 Details of layout, appearance, scale and landscaping would be considered at reserved matters stage, the consideration of which would seek to ensure the development is in accordance with policy and appropriate to the surroundings. The indicative layout indicates that the site could accommodate up to 12 dwellings without leading to any unacceptable impacts on adjacent residential amenity, achieving minimum separation distances of 26m from proposed front to existing rear elevations of properties on The Lawns, and that it would be possible to configure the dwellings to overlook the proposed access road providing appropriate surveillance of the access road and rear boundaries of properties on The Lawns. As such, it is not considered that the development of the site would lead to any unacceptable adverse impact on adjacent residential amenity.
- 7.5 The residential development of the site would contribute towards the Council's 5-year housing supply, and in view of the above considerations, the principle of residential development is considered acceptable and in accordance with policy requirements.

### **Highway Impacts**

- 7.6 The existing access to the site shares a dropped kerb with No. 133 Harlestone Road which extends across a shared footway/cycleway which runs alongside the southern boundary of Harlestone Road. A separate vehicular access would be formed to serve the proposed residential development. The scheme has been amended to re-position the proposed access further away from the existing access to No. 133 Harlestone Road, and demonstrating appropriate vehicle and pedestrian visibility can be achieved to the satisfaction of the Highway Authority. Details of parking would be considered at reserved matters stage.

### **Trees**

- 7.7 The TPO trees located along the south-eastern boundary, adjacent to the rear boundaries of properties on The Lawns, would be retained as part of the development of the site. Whilst detailed design and layout of the proposed dwellings and access road would be a matter for consideration at reserved matters stage, the indicative layout indicates potential impact on the Root Protection Area (RPA) of the protected trees arising from the proposed access road. Subject to conditions requiring the submission of a detailed arboricultural impact assessment and the approval and implementation of appropriate construction methods and monitoring of any work within the RPA of the protected trees, it is considered that the site could be developed in an appropriate manner without causing any adverse impact on the adjacent protected trees or unprotected trees to be retained on site.
- 7.8 Any trees for removal within the remainder of the site are not considered of such amenity value to warrant protection by a TPO. Details of appropriate landscaping would be agreed at reserved matters stage.

## **Other Matters**

- 7.9 Amended drainage details have been received addressing the concerns raised by the Lead Local Flood Authority. A condition requiring the submission and approval of a detailed surface water drainage scheme is proposed to ensure appropriate drainage for the site and that the development does not lead to any increased risk of flooding arising from surface water drainage to surrounding properties and sites.
- 7.10 Local residents have noted the presence of bats flying through the site and nesting birds during the nesting season. The application site comprises of a well-maintained rear garden mainly laid to lawn with mature trees predominantly along the outside edges of the site with limited number scattered throughout the middle of the site. With the exception of the TPO trees, the existing trees could be removed without the need of any consent from the Council. The indicative layout indicates that the majority of the existing mature trees surrounding the boundary are proposed for retention, although this would be a matter to be considered in detail at reserved matters stage and supported by a detailed arboricultural impact assessment. Bats and nesting birds are protected under separate legislation and any development of the site would be subject to such legislation. The submission of an Ecology Survey and any mitigation measures as appropriate would be required by condition.
- 7.11 Details of landscaping and maintenance, including maintenance of the existing TPO trees on site would be considered at reserved matters stage.

## **8. CONCLUSION**

- 8.1 The principle of residential development of the site for up to 12 dwellings is considered acceptable and would contribute towards the Council's 5-year housing supply. Appropriate layout, scale, appearance and landscaping would be considered at reserved matters stage to ensure there is no adverse impact on adjacent residential amenity, or protected trees or ecology, and that appropriate on-site provision is made for parking. The proposal is considered to be in accordance with the relevant planning policies and guidance and is therefore recommended for approval.

## **9. CONDITIONS**

1. Approval of the details of the appearance, landscaping, layout and scale ("the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: This permission is in outline only granted under Article 5(1) of the Town and Country Planning (Development Management Procedure) Order 2015.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

3. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or, if later, before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

4. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, drawing no. 978-HR-02 Proposed Entrance Details.

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

5. The residential development of the site hereby permitted shall be for a maximum of 12 dwellings only.

Reason: To accord with the terms of the planning application and to ensure a satisfactory standard of development and in the interests of the amenity of the occupiers of adjacent residential properties in accordance with Policies S10 and H1 of the West Northamptonshire Joint Core Strategy.

6. Details of all proposed external facing materials shall first 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 Policy E20 of the Local Plan and Policy S10 of the West Northamptonshire Joint Core Strategy.

7. Full details of the method of the treatment of the external boundaries of the site together with individual plot boundaries shall first be submitted to and approved in writing by the Local Planning Authority, implemented prior to the first occupation of the buildings hereby permitted and retained thereafter.

Reason: To ensure that the boundaries of the site are properly treated so as to secure a satisfactory standard of development in accordance with Policy H1 of the West Northamptonshire Joint Core Strategy and Policy E20 of the Northampton Local Plan.

8. Prior to the commencement of any construction work on site (including demolition), a full ecological survey of the site shall be undertaken, the results of which shall be submitted to and approved in writing by the Local Planning Authority. Should any protected species be identified on the site, a scheme for the protection of these species shall be submitted to and approved in writing by the Local Planning Authority with the ecological survey, and implemented in accordance with the approved scheme and retained thereafter.

Reason: In the interests of wildlife and nature conservation in accordance with Policy BN2 of the West Northamptonshire Joint Core Strategy.

9. Prior to the commencement of development, full details of all external lighting shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented prior to the first occupation of the development hereby permitted and retained thereafter.

Reason: To secure a satisfactory standard of development in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy.

10. A site specific Arboricultural Impact Assessment and Arboricultural Method Statement, in accordance with the recommendations of BS: 5837:2012 'Trees in relation to design, demolition and construction', shall be submitted alongside the submission of reserved matters details for 'layout' which shall include details of proposed construction methods within the Root Protection Areas of the trees along the south-eastern boundary of the site subject to a Tree Preservation Order and tree protection measures during the course of construction for all trees to be retained on site. The development shall be carried out in accordance with the approved details.



Reason: To ensure an appropriate standard of development and in the interests of the preservation of protected trees and trees for retention on site in accordance with the requirements of Policies BN3 and S10 of the West Northamptonshire Joint Core Strategy.

11. Details of existing ground and proposed levels in relation to the adjoining sites and proposed finished floor levels for the development hereby approved shall be submitted for approval in writing by the Local Planning Authority prior to commencement. The development shall be carried out in accordance with the approved details.

Reason: The details are required pre-commencement to ensure a satisfactory standard of development and in the interests of adjacent residential amenity in accordance with Policies S10 and H1 of the West Northamptonshire Joint Core Strategy.

12. Before construction commences a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, shall be submitted to the Local Planning Authority for approval in writing.

The details of the scheme shall include:

i) Designs, diameters, invert and cover levels and gradients. In addition, the assessment shall include dimensions of all elements of the proposed drainage system: pipes, inspection chambers, outfalls/inlets and attenuation basins.

ii) BRE 365 compliant infiltration testing to confirm that such a method of surface water disposal is / is not viable.

The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To reduce the risk of flooding both on and off site by ensuring the satisfactory means of surface water attenuation and discharge from the site in accordance with Policy BN7 of the West Northamptonshire Joint Core Strategy.

13. The access shall be laid out in accordance with the details shown on the approved drawing no. 978-HR-02 dated 14.07.16 prior to occupation of the development hereby permitted and maintained as such in perpetuity.

Reason: In the interests of highway safety in accordance with the requirements of the National Planning Policy Framework.

14. Prior to commencement of the development hereby permitted, details of the hard bound surfacing of the vehicular access shall be submitted to and approved in writing by the Local Planning Authority. The access shall thereafter be completed in accordance with the approved details.

Reason: In the interests of highway safety in accordance with the requirements of the National Planning Policy Framework.

## **10. BACKGROUND PAPERS**

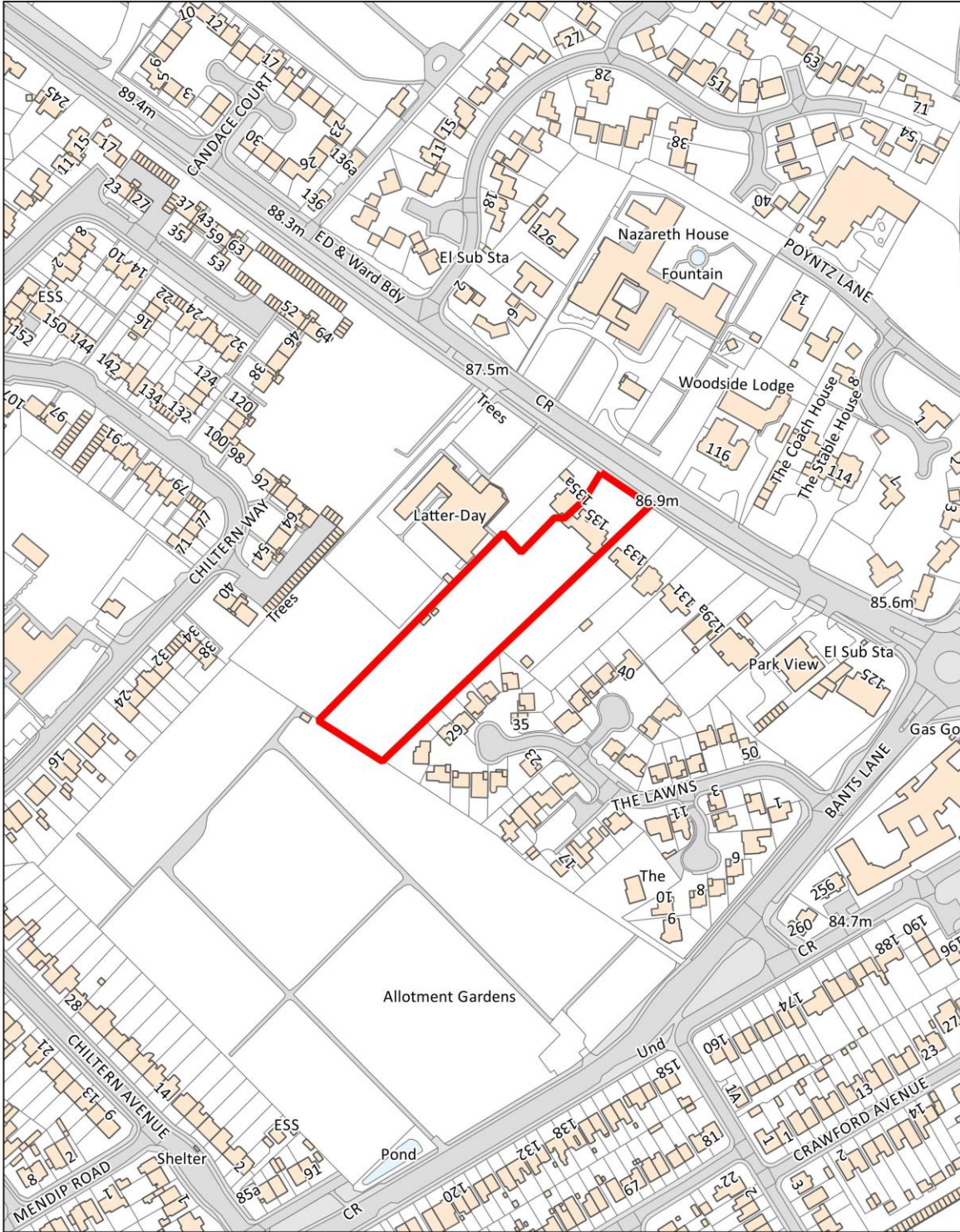
10.1 N/2016/0083

## **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: **135 Harlestone Road**

© Crown copyright and database rights 2016 Ordnance Survey licence no. 10019655

Date: 30-01-2017

Scale: 1:2,500

Drawn by: -----