



LATE ITEM, SUPPLEMENTARY INFORMATION AND SPEAKERS LIST

Strategic Planning Committee

Monday 23 January 2023

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Application Number: WNS/2022/2088/NA

Location: OS Parcel 5616 South West Of Huscote Farm And East Of, Daventry Road, Banbury

Proposal: Neighbouring Authority Re-Consultation (Cherwell District)- Ref 22/01488/OUT (Construction of up to 140,000 sq m of employment floorspace (use class B8 with ancillary offices and facilities) and servicing and infrastructure including new site accesses, internal roads and footpaths, landscaping including earthworks to create development platforms and bunds, drainage features and other associated works including demolition of the existing farmhouse)

Applicant: Greystoke CB

Agent: Pegasus Group

Case Officer: Daniel Callis

Ward: The adjacent WNC Ward is Middleton Cheney

Reason for Referral: Major Development/Neighbouring Authority re-consultation following the receipt of a non-determination appeal.

Committee Date: 23.01.2023

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: THAT WNC AS NEIGHBOURING AUTHORITY WOULD OBJECT TO THE APPLICATION ON THE GROUNDS THAT THE INFORMATION SUBMITTED WITH THE APPLICATION IS INSUFFICIENT TO DEMONSTRATE THAT THERE WOULD NOT BE HARM TO THE LOCAL HIGHWAY NETWORK, AND THE NATIONAL HIGHWAY NETWORK. THAT THERE HAS BEEN INSUFFICIENT INFORMATION SUBMITTED TO DEMONSTRATE THAT THERE WOULD NOT BE ECOLOGICAL IMPACTS, OR LANDSCAPE AND VISUAL IMPACTS TO THE DETRIMENT OF LOCAL AMENITY.

RECOMMENDATION: TO OBJECT TO THE PROPOSAL WITH DELEGATED AUTHORITY TO THE HEAD OF PLANNING DELIVERY FOR PLANNING AND ENVIRONMENT, IN CONSULTATION WITH THE CHAIR, VICE CHAIR AND THE PORTFOLIO HOLDER, TO FINALISE A WRITTEN RESPONSE TO CHERWELL DISTRICT COUNCIL AND THE PLANNING INSPECTORATE.

Proposal

The proposal is a speculative application for outline planning permission (with all matters reserved) for large scale employment (B8) development on the east side of Banbury and the M40.

Consultations

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

- WNC Highways, WNC Ecology, Overthorpe Parish Council

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

- WNC Environmental Protection, WNC Heritage

The following consultees are **in support** of the application:

- None

One letter of objection has been received and no letters of support 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 local highway network
- Landscape and visual impact and ecology.

The report looks into the key planning issues in detail, and Officers conclude that the proposal could have an unacceptable impact upon West Northamptonshire (see below).

As this appeal relates to an adjacent authority, WNC also has the option to become a Rule 6 Party and appear at the Inquiry. The recommendation would be to provide a written response to the Inspectorate, which will still allow for WNC to provide further comment on further information provided with the appeal and any Committee Report subsequently submitted by Cherwell in response to the non-determination of the appeal.

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 comprises 66.15Ha of agricultural (greenfield) land on the eastern side of the M40 at Banbury.
- 1.2 The application site directly abuts the WNC boundary on both its northern and eastern sides (approximately two thirds of the site boundary).
- 1.3 The site lies 1.3km (0.8miles) due west of Middleton Cheney and 800m (0.5miles) north of Overthorpe.

2. CONSTRAINTS

- 2.1. The application site lies fully outside the WNC boundary.
- 2.2. The site is not allocated for development and constitutes open countryside.
- 2.3. A Grade II listed building (Seale's Farm) stands within West Northamptonshire, 75m to the north-east of the site.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The proposal is a speculative application for outline planning permission (with all matters reserved) for large scale employment (B8) development. Building heights are proposed up to 23m, with a total maximum floorspace of 140,000m² (1,506,947.5ft²). Information submitted with the application states it is to create up to 1,915 full-time equivalent jobs.
- 3.2. On 28th Dec 2022, WNC received a statutory consultation letter from Cherwell District Council informing that the applicant had submitted an appeal for non-determination. WNC has until 31st Jan 2023 to submit comments to The Planning Inspectorate (PINS).

4. RELEVANT PLANNING HISTORY

- 4.1. WNC has received 3 consultations on the same application since June 2022:
 - WNS/2022/1100/NA (original consultation – June 2022)
 - WNS/2022/1502/NA (re-consultation – July 2022)
 - WNS/2022/2088/NA (re-consultation – Nov 2022)
- 4.2 None of the above have yet been responded to.
- 4.3 WNC was also consulted on the preceding application for an EIA Screening Opinion (WNS/2022/0271/SCR) – response issued March 2022.

5. RELEVANT PLANNING POLICY AND GUIDANCE

Statutory Duty

- 5.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 5.2. As the site is outside West Northamptonshire, the Development Plan for the application site comprises:
- Cherwell Local Plan Part 1 2011-2031 (2015)
 - Saved policies from the Cherwell Local Plan (1996)
- 5.3. Below is a list of the relevant Material Planning Considerations
- National Planning Policy Framework (NPPF)
 - Planning Practice Guidance (PPG)

6. RESPONSE TO CONSULTATION

Below is a summary of the consultation responses received at the time of writing this report.

Consultee Name	Position	Comment
Overthorpe Parish Council	Objection	Fully supports the response by Chacombe Parish Council (submitted to Cherwell District Council)
WNC Heritage	No objection	See Appraisal section below
WNC Highways	Objection	See appraisal section below
WNC Environmental Protection	Comments	Does not object, but recommends that conditions would be needed to suitably control impacts relating to: Noise; Light: Ground Contamination, and; Construction Management
WNC Ecology	Objection	See appraisal section below

7. RESPONSE TO PUBLICITY

Below is a summary of the third party and neighbour responses received at the time of writing this report.

- 7.1. One letter of objection was received to the initial consultation application (WNS/2022/1100/NA) raising the following comments:
- This proposed development will have a serious impact on the local countryside and effect what is a public amenity enjoyed by all.
 - The site is home to wild birds and flowers and reducing these habitats will have a real effect on the environment.
 - The increase in lorries and with that the increase in carbon emissions is also going to impact on the air quality in what is a very rural area.

- There will be an increase in noise pollution due to increased traffic, specifically lorries.
- The increase in traffic will severely impact on the whole area, both post and during construction. The roads in the area are already heavily congested and not in good condition. More heavy lorries will only add to the damage being caused to our local country lanes and with that will be added cost of road repairs to WNC.

8. APPRAISAL

Principle of Development

- 8.1. The site is not within any existing settlement confines and constitutes open countryside. The site is not allocated for development in the Development Plan. Compliance with the Development Plan is principally a matter for Cherwell District Council to form a view on.
- 8.2. Therefore, whilst it is not proposed that WNC raises any explicit objection on the grounds of principal, the potential for conflict with the Development Plan could be highlighted in the response.

Impact on Character of Area (landscape and visual impact)

- 8.3. The site directly abuts the WNC boundary on its northern and eastern/south-eastern sides. In both directions, the land beyond is open countryside, as far as Middleton Cheney (east), Chacombe (north-east) and Overthorpe (south). A Landscape and Visual Impact Assessment (LVIA) has been submitted with the application.
- 8.4. Land levels are important. The escarpment to the east of the site means that the development would have little impact upon the character of the rural landscape towards Middleton Cheney. The topography means that the site simply wouldn't be visible in this direction (VP7 and VP8) other than in the fields immediately adjacent to the border.
- 8.5. From the south, around the area of Overthorpe, views would be partially screened by both the escarpment and existing foreground vegetation. The most open views would be along Public Right of Way leading west from Overthorpe. From viewpoints where the development was visible, it would also be seen in the context of the existing urban form of Banbury and the M40. However, the LVIA does not appear to give an assessment for the magnitude of impact upon this direction (VP10)
- 8.6. The landscape to the north is generally flatter and views are often limited by existing hedges and mature trees. However, where gaps allow longer distance or more open views, the character is more strongly of an unspoilt rural nature (with limited glimpse views of existing development around the M40). The embankment of the dismantled railway line (and the self-set woodland thereon) realistically limits the extent of possible significant visual effects to within 500-1,000m to the north.

- 8.7. The LVIA assesses the impact on views from the public right of way running to Seale's Farm (to the north-east, from elevated ground) to be moderate adverse. As with views from the south-east, the baseline is already lowered by the fact that any views are also seen very much in the context of the existing urban form of Banbury and the M40.
- 8.8. Approximately half the site would have a maximum height parameter of 23m. The remainder, including the plots predominantly around the site's northern and eastern edges, would have a maximum height of 19m. Extensive landscaping is proposed to the eastern and south-eastern parts of the site, where the land starts to rise up to the escarpment. A relatively narrow line of additional woodland planting is proposed to the northern boundary. No bunding appears to be proposed.
- 8.9. The LVIA does not provide any wireframe images (which could indicate what how the buildings bulk and scale would be in context) to show how visible the development could theoretically be. Whilst landscaping is a reserved matter in this case, it is considered that the LVIA fails to demonstrate what the visual impacts of the development would be and how well they could be mitigated.
- 8.10. In summary, landscape and visual impacts upon West Northamptonshire are considered to be limited in magnitude and geographical extent. The main impacts would be from the open countryside to the north, north-east and north-west of the site, up to a distance of about 500m.
- 8.11. Therefore, it is proposed that WNC objects on the grounds that the applicant has failed to fully demonstrate the landscape and visual impact to land within West Northamptonshire or that the visual impact on the rural landscape to the north of the site could be effectively mitigated.

Highway impacts

- 8.12. National Highways issued holding directions (currently expiring 21st March 2023) that the application proposals should not be determined until they had time to properly assess the implications of development on the strategic highway network.
- 8.13. WNC Highways consider that the proposed development will have a profound impact on the strategic transport network under WNC's jurisdiction, as demonstrated by the transport assessment. This has not been assessed as part of the proposal. No consideration has been made with regard to the potential impacts upon the local highway network within West Northamptonshire.
- 8.14. In detail, the application fails to demonstrate that the proposals would not cause severe congestion along the A422 and B4525 through West Northamptonshire (the routes to/from the A43 and, ultimately, the M1 and A14) and also along the A361 (towards Daventry). The transport assessment has identified the major role these routes play in light and heavy traffic. Therefore, WNC's own strategic planning and transport policy must also be considered, and wider assessment undertaken to assess transport impacts of the proposal (as the proposal has been identified to have significant traffic impacts beyond the boundary of the application site itself and the authority it falls within). As a result, the application

should assess the full impacts of the development upon WNC roads using the Northamptonshire Saturn Transport Model (NSTM), which will also include all the committed developments that will impact upon it simultaneously.

- 8.15. The quality of the framework travel plan is also of concern. It lacks genuine SMART targets, ambition, and the expected level of monitoring and evaluation methodology. The toolkit of incentives is also poor, for example WNC would also expect to see the development deliver improvements to public transport (between Banbury and Brackley).
- 8.16. Therefore, it is proposed that WNC objects on the grounds of detrimental impact to the local highway network within West Northamptonshire, acknowledging this is also major strategic highway infrastructure of more than local importance

Heritage Impact

- 8.17. The proposal has potential to impact two nearby heritage assets, the Grade II designated C17 Seals Farm farmhouse which is located to the north east of the proposed development site and Overthorpe Hall to the east of the proposed development site, a non-designated heritage asset.
- 8.18. The application concludes that the development, with mitigation (landscaping) would cause no harm to the setting of Seale's Farm or Overthorpe Hall.
- 8.19. The WNC Conservation Officer is satisfied that the significance of each assets has been appropriately considered and reasonable conclusions formed as the potential impact of the proposed development on the setting / significance on the assets.
- 8.20. Therefore, it is NOT proposed that WNC objects on the grounds of heritage impacts.

Ecology Impact

- 8.21. The impacts on ecology and biodiversity of WNC are, on the whole, more likely in the context of the use of habitats by species at a landscape scale. The application site is outside WNC and is not due to have any direct habitat loss or biodiversity net gain within the WNC boundary.
- 8.22. General comments only can be provided with respect of the potential for impact on badgers. Much of the development site presents foraging, commuting and potential sett locations for badgers which utilise large territories. Therefore, loss of habitat could push Badger clans into each other's' territories, negatively impacting populations. There is also the aspect of impacts from increased potential for road collisions.
- 8.23. Bats are likely to impacted with the loss of foraging habitat (grassland) and disruption to their commuting corridors, through breaking up of the hedgerow network and increased lighting.

- 8.24. Farmland Birds will be affected through the loss of habitat, pushing birds into adjoining suitable habitats, which may not have the carrying capacity to support these additions to the local population.
- 8.25. Great Crested Newts operate in meta populations at a landscape scale. This is the basis for the District Licensing model. The scale of the development is likely to have potential impact on GCN population operating across this local landscape given the network of pond and terrestrial habitats. There is a large number of ponds within and surrounding the site. The site is identified on the Impact Risk Map that support the Great Crested Newt District Licensing Scheme as being within mainly the Amber and Red zones, giving rise to the potential for impacts on Great Crested Newts (GCN). The information submitted to support the conclusions of the Environmental Statement has some limitations; a number of ponds were not surveyed (eDNA) to prove presence or absence of GCN. Instead, there was reliance on HIS score and the presence of potential barriers to movement (for example the A422).
- 8.26. Given the limitations to the GCN survey data outlined above, there is a need to ensure sufficient clarity on the presence/absence of GCN to fully rule out this potential impacts.
- 8.27. In summary, the applicant has failed to fully investigate and identify the true impact upon protected species and has, therefore, failed to demonstrate that the proposed mitigation would be adequate, or delivery the required 10% biodiversity net gain.
- 8.28. Therefore, it is proposed that WNC objects on the grounds of ecology.

Neighbouring amenity impacts

- 8.29. The properties within West Northamptonshire closest to the application site are:
- Seale's Farm (75m to north-east of site)
 - The Bungalow, adjacent to Dogs For Good (186m south of the site – on opposite side of A422)
 - Various properties at and around Overthorpe Hall (270m approx. east of the site)
- 8.30. All of these properties are separated from the developable part of the application site by the proposed areas of strategic landscaping, meaning that all are at least 370m from any building or service yard.
- 8.31. In light of the lack of objection from WNC Environmental Protection, it is NOT proposed that WNC objects on the grounds of impact upon residential amenity to properties within its authority area.
- 8.32. The response will set out the conditions proposed by Environmental Protection.

9. FINANCIAL CONSIDERATIONS

- 9.1. CIL is not applicable.

9.2 As this appeal relates to an adjacent authority, WNC also has the option to become a Rule 6 Party and appear at the Inquiry, which would then incur costs associated with the preparation of documents and appearance. This is an appeal for non-determination where the level of information provided does not, in your Officers' view, provide the information necessary to allow the determination of impacts, which would then impact on the ability to fully participate at Inquiry. The recommendation therefore would be to provide a written response to the Inspectorate, which will still allow for WNC to provide further comment on further information provided with the appeal and any Committee Report subsequently submitted by Cherwell in response to the non-determination of the appeal.

10. CONCLUSION

10.1. In light of the above, it is recommended that WNC responds to The Planning Inspectorate with objections relating to: Highways; Landscape and Visual Impact, and; Ecology.

10.2. Given the constraint on available time, it is recommended that the final detailed wording of the response be delegated to the Head of Planning Delivery for Planning and Environment, in consultation with the Chair, Vice Chair and the Portfolio holder, to finalise a written response to Cherwell District Council and the Planning Inspectorate.

11. RECOMMENDATION / CONDITIONS AND REASONS

11.1. Detailed recommendation:

THAT WNC AS NEIGHBOURING AUTHORITY WOULD OBJECT TO THE APPLICATION, ON THE GROUNDS THAT THE INFORMATION SUBMITTED WITH THE APPLICATION IS INSUFFICIENT TO DEMONSTRATE THAT THERE WOULD NOT BE HARM TO THE LOCAL HIGHWAY NETWORK, AND THE NATIONAL HIGHWAY NETWORK. THAT THERE HAS BEEN INSUFFICIENT INFORMATION SUBMITTED TO DEMONSTRATE THAT THERE WOULD NOT BE ECOLOGICAL, LANDSCAPE AND VISUAL IMPACTS TO THE DETRIMENT OF LOCAL AMENITY.

RECOMMENDATION: TO OBJECT TO THE PROPOSAL WITH DELEGATED AUTHORITY TO THE HEAD OF PLANNING DELIVERY FOR PLANNING AND ENVIRONMENT, IN CONSULTATION WITH THE CHAIR, VICE CHAIR AND THE PORTFOLIO HOLDER, TO FINALISE A WRITTEN RESPONSE TO CHERWELL DISTRICT COUNCIL AND THE PLANNING INSPECTORATE.

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**West Northamptonshire
Strategic Planning Committee**

UPDATES

for the planning applications to be discussed at the

Strategic Planning Committee

23rd January 2023

Committee Updates

The schedule below details those letters etc. that have been received since the Committee reports were drafted:

Application Details:	Item No.
<p>Case Officer: Erica Buchanan</p> <p>Ward: Spratton Moulton Ward</p> <p>Application No: WND/2021/0500</p> <p>Development description: Residential Development of Affordable Homes Including Access, Parking, Landscaping and Associated Infrastructure.</p> <p>Location: Land off Central Avenue, Adj. Kingsthorpe Bowling Club Boughton</p>	5

Amended recommendation

The application is withdrawn from the Committee agenda by the Head of Planning and Delivery. This is to enable a consultation with Kingsthorpe Parish Council. The application will then be reported back to Committee incorporating the comments of the Parish Council.

Application Details:	Item No.
<p>Case Officer: Rebecca Grant</p> <p>Ward: Moulton</p> <p>Application No: WND/2022/0770</p> <p>Development description: Reserved matters application (appearance, layout and scale) pursuant to outline approval DA/2013/0850 for construction of 223 dwellings relating to Zone 4</p>	6

Location: Overstone Leys, Overstone Lane, Overstone	
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No update

Application Details:	Item No.
<p>Case Officer: Adam Walker</p> <p>Ward: Nene Valley Unitary Ward</p> <p>Application No: WNN/2022/0559</p> <p>Development description: Reserved Matters Application (Appearance, Landscaping, Layout and Scale) pursuant to Outline Planning Permission N/2013/0338 for Phase Two development comprising Community Centre, Primary School, Playing Fields and other associated works including landscaping and parking</p> <p>Location: Land to the east of Hardingstone, north of Newport Pagnell Road, Northampton, Northamptonshire</p>	7

Amended recommendation

The Lead Local Flood Authority has not formally commented on the detailed design of the proposed drainage scheme for the site. The recommendation is therefore amended as follows:

RECOMMENDATION: THAT THE HEAD OF PLANNING DELIVERY FOR PLANNING AND ENVIRONMENT BE GIVEN DELGATED POWERS TO APPROVE THE RESERVED MATTERS SUBJECT TO CONDITIONS AND SATISFACTORY RESOLUTION OF SURFACE WATER DRAINAGE MATTERS.

Response to consultation

Some additional comments have been received from the Construction and Development Team on behalf of School Services. A summary of the comments and an officer response is provided as follows.

Boundary to the school

The proposed site layout includes a narrow strip of land between the playing field boundary fence and the adjacent new houses. This is a maintenance liability and a potential security concern. There is a similar maintenance issue with the landscaped buffer between the school's nature area/forest school and the neighbouring dwellinghouse. The school operator or Council would not want to be responsible for the maintenance of these strips of land.

The applicant has advised that it is intended that the space between the playing field fence and neighbouring gardens has been provided to allow for fence maintenance and that it is envisioned that some low maintenance planting would be located in this space.

Officer response: The full extent of the land to be transferred and matters relating to the future maintenance of the playing fields and open space, including a financial obligation for a maintenance contribution, are covered within the Section 106 agreement and would therefore need to be agreed separately. This would cover the strips of land in question. Furthermore, details of the landscaping of the perimeter strips would be subject to a condition (recommended condition 3).

From a security perspective, Northamptonshire Police have not raised any concerns with this aspect of the scheme.

Pedestrian access to the school grounds on the northern boundary

A concern has been raised with the proposed pedestrian access to the school site from the north because it is considered that this access would encourage parents to park on the adjacent residential road, especially given that the access lies opposite a small area of amenity space. This could cause a nuisance for local residents and is therefore a potential source of conflict.

Office response: It is acknowledged that the pedestrian access is likely to encourage some parking within the vicinity. This access is however consistent with the Design Code, which identifies a pedestrian access towards the north eastern corner of the school site. The inclusion of the access would also help to encourage walking and cycling to the school from residential development towards the north. On balance, the benefits of the inclusion of the access are considered to outweigh the potential for nuisance caused by parking.

Tree planting within the school grounds

The proposed site plan indicates a substantial number of trees within the school grounds, particularly to the periphery of the playing fields. The number of trees indicated raises a potential concern from a maintenance point of view.

Officer response: The planting as shown on the proposed site plan is indicative only and the detailed planting scheme is to be agreed by condition.

Marking out of the outdoor playing areas and sports pitches

It has been stated that the netball area within the playground needs to be marked out for multi-sports use and not just netball. Also, the running track markings on the playing fields overlap the football pitches and would be confusing for players.

Officer response: The marking out of the playing fields and the playground would be a matter for the school. For the purposes of this planning application, the markings are only necessary to demonstrate that there is sufficient space being provided within the site, and it is considered that this has been provided.

Heat pump location

The location of the heat pump makes it vulnerable to damage if trespassers were to climb over the enclosure to gain access from the front of the school. Some additional fencing would improve security.

Officer response: The heat pump enclosure is 2.4m weldmesh fence with timber slat infill and there would be some planting provided alongside it, which is envisioned as full height screen planting (planting details to be agreed by condition). It is considered that the proposal would strike a suitable balance between security and creating an attractive environment in this prominent location within the site.

Gated access to the sports pitches

There is a gated access to the sports pitches towards the west of the school site between some of the new houses. This appears to make the school site and adjacent housing less secure.

The applicant has advised that this access has been provided for maintenance and optional occasional pitch access if required for school events etc.

Officer response: Northamptonshire Police have not raised any specific issues with this access from a security point of view and its inclusion is not considered to give rise to any other planning related concerns.

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West Northamptonshire Council

Strategic Planning Committee

23 January 2023

List of Public Speakers

Page No.	Application	
13 - 30	Agenda Item WND/2021/0500 Land off Central Avenue, Adj. Kingsthorpe Bowling Club, Boughton Moulton	The application is withdrawn from the Committee agenda by the Head of Planning and Delivery. This is to enable a consultation with Kingsthorpe Parish Council. The application will then be reported back to Committee incorporating the comments of the Parish Council.

Page No.	Application	
31 - 50	Agenda Item WND/2022/0770 Overstone Leys, Overstone Lane, Overstone Moulton	None

Page No.	Application	
51 - 74	Agenda Item WNN/2022/0559 Land to the east of Hardingstone, North of Newport Pagnell Road, Northampton, Northamptonshire Nene Valley	None

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