



Daventry Local Area Planning Committee

A meeting of the Daventry Local Area Planning Committee will be held at the Council Chamber, Lodge Road, Daventry NN11 4FP on Wednesday 4 August 2021 at 6.00 pm

Agenda

1.	Apologies for Absence
2.	Declarations of Interest Members are asked to declare any interest and the nature of that interest which they may have in any of the items under consideration at this meeting.
3.	Minutes (Pages 5 - 10) To confirm the Minutes of the Meeting of the Committee held on 9 th June 2021.
4.	Chairman's Announcements To receive communications from the Chairman.
Planning Applications	
5.	Planning application DA/2020/0783 Barby (Pages 13 - 32)
6.	Urgent Business The Chairman to advise whether they have agreed to any items of urgent business being admitted to the agenda.
7.	Exclusion of Press and Public In respect of the following items the Chairman may move the resolution set out below, on the grounds that if the public were present it would be likely that exempt

information (information regarded as private for the purposes of the Local Government Act 1972) would be disclosed to them: The Committee is requested to resolve: "That under Section 100A of the Local Government Act 1972, the public be excluded from the meeting for the following item(s) of business on the grounds that if the public were present it would be likely that exempt information under Part 1 of Schedule 12A to the Act of the descriptions against each item would be disclosed to them"

Catherine Whitehead
Proper Officer
27 July 2021

Daventry Local Area Planning Committee Members:

Councillor Kevin Parker (Chair)

Councillor Alan Chantler (Vice-Chair)

Councillor Daniel Cribbin

Councillor Rupert Frost

Councillor Lauryn Harrington-Carter

Councillor Rosie Humphreys

Councillor Daniel Lister

Councillor Peter Matten

Councillor Wendy Randall

Information about this Agenda

Apologies for Absence

Apologies for absence and the appointment of substitute Members should be notified to democraticservices@westnorthants.gov.uk prior to the start of the meeting.

Declarations of Interest

Members are asked to declare interests at item 2 on the agenda or if arriving after the start of the meeting, at the start of the relevant agenda item

Local Government and Finance Act 1992 – Budget Setting, Contracts & Supplementary Estimates

Members are reminded that any member who is two months in arrears with Council Tax must declare that fact and may speak but not vote on any decision which involves budget setting, extending or agreeing contracts or incurring expenditure not provided for in the agreed budget for a given year and could affect calculations on the level of Council Tax.

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Queries Regarding this Agenda

If you have any queries about this agenda please contact Marina Watkins / Jeverly Findlay, Democratic Services via the following:

Tel: 01327 302236 / 01327 302324

Email: democraticservices@westnorthants.gov.uk

Or by writing to:

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**West
Northamptonshire
Council**

Daventry Local Area Planning Committee

Minutes of a meeting of the Daventry Local Area Planning Committee held at Council Chamber, Lodge Road, Daventry on Wednesday 9 June 2021 at 6.00 pm.

Present Councillor Kevin Parker (Chair)
 Councillor Alan Chantler (Vice-Chair)
 Councillor Daniel Cribbin
 Councillor Rupert Frost
 Councillor Rosie Humphreys
 Councillor Daniel Marc Lister
 Councillor Peter Matten
 Councillor Wendy Randall

Also Councillor Phil Bignell
Present: Councillor Charles Morton

Apologies Councillor Lauryn Harrington-Carter
for
Absence:

1. **Apologies for Absence**

2. **Declarations of Interest**

Rupert Frost	DA/2019/1000 Daventry West	Knows landowner and will leave meeting for discussion
Daniel Cribbin	DA/2020/1148 East Haddon	Knows applicant and will leave meeting for discussion
Kevin Parker	DA/2020/1148 East Haddon	Knows applicant and will leave meeting for discussion

3. **Minutes**

That the Minutes of the Interim Planning Committee - Daventry District Area of 21st April 2021 be approved and signed as a correct record.

4. **Chairman's Announcements**

The Chairman welcomed members to the first meeting of the new Committees, and reminded the committee to determine applications under the appropriate policies.

5. **Planning Application DA/2019/1000 Daventry West**

Having declared an interest, Councillor Rupert Frost left the meeting during consideration of the following item.

DA/2019/1000 DAVENTRY WEST – Construction of 140 dwellings and associated infrastructure including vehicular access from the A425, provision of public open space and green infrastructure including Leap, demolition of Drayton Lodge and associated outbuildings and provision of drainage infrastructure – Land at Drayton Lodge, Staverton Road, Daventry

The Major Projects Officer outlined the application. The proposal was for 140 dwellings along with associated infrastructure and landscaping. Access to the site would be provide via a separate access from the A425, and the site would benefit from 25% affordable housing.

The application forms part of the Daventry SW Sustainable Urban Extension. An outline application for up to 1,100 dwellings and associated infrastructure came to planning committee in December 2020 (application reference DA/2019/0750). Members resolved to grant planning permission for this scheme and delegated authority was given to negotiate the S106 and finalise the conditions. The scheme is referred to as the Malabar site. A two form entry primary school will be provided on the adjacent Malabar site within the local centre. The Bellway application will pay a contribution towards the primary school.

It is proposed that each property will have an electric vehicle charging point installed where possible.

On balance, officer's recommended that permission be granted subject to conditions and the completion of a section 106 legal agreement.

Karen Tweedale spoke on behalf of the Daventry Town Council and Katherine Else, the agent, addressed the Committee.

Councillor Wendy Randall expressed concerns regarding parking on the proposed development. Narrow roads would likely lead to parking on pavements. The children's play area was too isolated, and there were concerns regarding bus routes and cars speeding along the roads near the site.

The Major Projects Officer advised that 271 parking spaces were to be provided, along with 21 visitor spaces. This met highways standards and Highways had raised no objections.

Concerns regarding the location of the play area were noted. The site however would be overlooked by four properties within the Bellway scheme and other properties which are part of the wider scheme. There are also footpaths linking to the open space.

Issues regarding the bus routes would be discussed with colleagues later in the process.

Councillor Peter Matten considered that the proposed number of parking spaces to be provided was reasonable and proposed that officers advice to approve the application be accepted. The proposition was seconded by Councillor Daniel Cribbin,

who was very pleased to see the inclusion of electric vehicle charging points in many properties.

Councillor Rosie Humphreys was disappointed with the design of the scheme which was considered unimaginative. The layout of affordable dwellings was not ideal and was not spread evenly across the site. In response, the Major Projects Officer advised that ideally the farm buildings would have been retained but they were not protected and the retention of them would have influenced the viability of the scheme. The layout of the affordable dwellings was in accordance with policy and should be considered as part of the wider allocation of over one thousand houses.

Councillor Rosie Humphreys raised the issue of the lower levels of affordable housing allocation on the Malabar site. The Council's Legal Adviser noted that were the application to be passed by the Committee, the application would be delegated to officers to negotiate the finer details. It was often the situation that developments with high infrastructure costs at the beginning of the project, would require the provision of some elements to be delayed.

In response to a question from Councillor Wendy Randall, the Major Projects Officer advised that the existing footpaths in the area would be linked into the new development. The Section 106 agreement was still under negotiation with issues to be finalised including healthcare, education contributions and open spaces. Any outstanding issues such as the footbridge would be discussed and finalised. If no agreement can be reached, the application would be referred back to Committee for consideration.

The proposition to approve the application subject to conditions and a Section 106 agreement was put to the meeting and declared carried with four voting in favour and two against.

RESOLVED:

That the application be approved as set out in the report.

Councillor Rupert Frost returned to the meeting.

6. Planning Application DA/2020/1148 East Haddon

Having declared an interest, Councillors Daniel Cribbin and Kevin Parker left the meeting during the consideration of the following item and Councillor Alan Chantler took the Chair.

DA/2020/1148 EAST HADDON – Variation of condition 2 (approved plans) of planning permission DA/2018/0157 (erection of two storey detached dwelling utilising existing private access, plot 1 Tythe Farm (revised scheme)) – to alter the scale and appearance of the dwelling, including raising the height of the building by 1 metre to provide living accommodation in the roof at second floor, construction of first floor balcony platform on rear elevation and to

increase the footprint of the dwelling (retrospective) – Tythe Farm, Holdenby Road

The Principal Planning Officer outlined the report. The site had an extensive planning history and was originally granted prior approval as former agricultural buildings. The application was retrospective as the building had not been built in accordance with the approved plans. However, it was pointed out that the application should be considered as new. The roof height had been increased by around one metre in height, and extended and moved closer to plot 2. Highways had raised no objections. The principle of development had been established on the site, and it was for the Committee to determine if the harm was considered acceptable or not.

Sebastian Charles spoke against the application, and Eddie Nixon spoke in favour of the application.

Councillor Phil Bignell noted that the application was controversial. Permission had been granted in May 2018. The property was 27% bigger than on the original plan and it dominated the surroundings. Numerous objections had been received. If allowed, the decision could set a precedent. The amendments to the original application were not minor. Demolition was not the answer but compromise should be discussed to reduce the impact.

In response to a question from Councillor Wendy Randall, the Principal Planning Officer advised that the floor space had increased by 206 square metres, with 96 square metres of that being at roof height.

The Chair advised that members needed to focus on whether the additional harm outweighed the benefits. With regards to the Special Landscape Area (SLA), permission had already been granted with this consideration. Councillor Rupert Frost questioned the Chair's comments. The Council's Legal Adviser responded that the Chair was entitled to be involved in the debate and was factually correct in his comments. The planning regime was regulatory, not punitive.

The Principal Planning Officer advised that officers were recommending the application be approved but members were entitled to come to a different opinion if they considered that the additional changes were harmful to the Special Landscape Area. The Committee must consider whether the bulk and massing of the development impacted on the character of the locality. Strong planning reasons were needed to sustain any appeal.

Councillor Daniel Lister proposed that the application be refused as the significant scale, increase in height and massing was damaging to the Special Landscape Area. The proposition was seconded by Councillor Peter Matten and on being put to the meeting was declared carried with four voting in favour, none against and one abstention.

RESOLVED:

That the application be refused for the following reasons:

The original approved dwelling is of a significant scale and the submitted proposal seeks to further increase the height and scale of the building. The dwelling, as constructed, by reasons of its sheer bulk and mass has deviated from the character and form of the original approved building, and the constructed development owing to its scale and appearance, detracts from the character and appearance of the existing group of buildings at Tythe Farm and has resulted in harm to the character and appearance of the Special Landscape Area and open countryside. The development, therefore, is contrary to Policies R1 9) C) E) i) and S10 (i) of the adopted West Northamptonshire Joint Core Strategy 2014; Policies SP1 (G), ENV2, ENV10 A) i) iii) vii) B), RA6 vi) of the adopted Settlements and Countryside Local Plan (Part 2) for Daventry District 2020; Paragraphs 122 d) e), 127 a) b) c) and 130 of the National Planning Policy Framework 2019 and The National Design Guide 2019 (Paragraphs 20-21, 37-39); which seek to protect Special Landscape Areas, promote 'environmental improvements', 'good/ high quality design and architecture', ensure planning proposals 'blend in well with the site and surroundings', 'add to the quality of the area and be sympathetic to local character' and 'respect the surrounding built and natural environment'.

Councillor Kevin Parker returned to the Chair to close the meeting.

The meeting closed at 7.15 pm

Chairman: _____

Date: _____

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PLANNING APPLICATIONS

PLANNING AGENDA

04-Aug-2021

BACKGROUND PAPERS

"The background papers relating to reports on planning applications and which are open to public inspection under Section 100D of the Local Government Act 1972 consist of all written responses to consultations made by the Local Planning Authority in connection with planning applications referred to in the reports."

Please note that the order of items discussed on this agenda may be subject to change and you are advised to be in attendance from the beginning of the meeting to hear and/or speak on a particular item.

List of Planning Applications on this Agenda

Application Number

Location

DA/2020/0783

BARBY

The latest version of the National Planning Policy Framework was published and came into force on 20 July 2021 and took immediate effect for decision making on planning applications superseding the previous version.

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

The policies in the Framework are material considerations which should be taken into account in dealing with applications.

The presumption in favour of sustainable development remains:

For decision-taking this means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Paragraph 219 states:

...existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

In the case of the Daventry Area of West Northamptonshire Council, this includes the West Northants Joint Core Strategy 2014, and the various neighbourhood plans that had been made before 19 February 2019.

Significantly, following the decision of the Council to adopt the Settlements and Countryside Local Plan (part 2) for Daventry District on 20th February 2020 the saved policies of the Daventry District Local Plan 1997 now fall away as they are superseded. Adopted supplementary planning documents and guidance can continue to be given weight where they are in accordance with the new Local Plan and the NPPF and National Planning Guidance.

**LIST OF LATE REPRESENTATIONS RECEIVED FOR ITEMS ON THE
PLANNING COMMITTEE AGENDA
4th AUGUST 2021**

DA/2020/0783

Agenda Item 5

Page 13

Braunston and Crick Ward

Officer Update 1: The plan numbers in condition 2 need to be updated to account for the amended plans received 23/7/2021. These amendments are points of correction / detail only, as follows:

Plan 3754-01revC: Scale bar updated as the scale bar on the previous version had been labelled incorrectly.

Plan 3754-00revD: A fourth driveway that is no longer needed now only 3 dwellings are proposed, was still erroneously shown on the previous version of this plan so this has now been deleted.

The proposed re-wording of condition 2 is as follows:

“The development hereby permitted shall be carried out in accordance with the amended plans: 3754-00revD and 01revC received 23 July 2021, and 3754-02revB, 03revB, 04revB, 05revC, 06revA, 07revA and 08revA received 25 March 2021, unless otherwise agreed in writing by the Local Planning Authority”.

Officer Update 2: The plan that Highways referred to in their representation as having been approved has not in fact been formally approved by the LPA yet (a condition on permission DA/2018/0635 reserved these details for later approval and such approval has not been formally sought or given). Therefore the wording of condition 6 is being amended to mirror that on the previous approval (DA/2018/0635), i.e. to require further precise details of the highway widening to be submitted and approved.

The re-wording of condition 6 is as follows:

“Notwithstanding the submitted plans full details of the proposed alterations to the existing access where it joins the Daventry Road shall be submitted to and approved in writing by the Local Planning Authority and the approved works shall thereafter be implemented prior to the commencement of development. This shall include measures for the protection of existing adjacent protected trees whose root systems may be impacted by any access improvement works.”

Officer Update 3: The following corrections should be made to the officer report:

- *11 dwellings have been mentioned in 6.2 and 6.3, but the revised planning application for 3 dwellings would make a total of 10 not 11 being served by Balding Close*
- *10.2 mentions a stone wall, but it is in fact a brick wall*

Email from Local resident:

“I am writing to you with regard to the above planning application which is scheduled to be considered at the next meeting of the Local Area Planning Committee on Wednesday 4th August 2021. Unfortunately I am unable to attend this meeting

Further to objections already submitted, I would wish to make you aware of my additional objections following publication of the Planning Officer’s Report and latest amended plans and

would be grateful if you would consider these together with previous objections, prior to the committee determining this application.

-It is acknowledged that, given the site's location within Barby Village, the principle of allowing some form of residential development on this site is acceptable in strategic policy terms.

Therefore, the key considerations relate to the details, as highlighted in your Council's relevant adopted planning policies. i.e. the extent, design and layout of the proposed development, its visual impact and impact on residential amenity and the amenity of neighbouring residents. Despite the submission of amended plans the proposed scheme is still considered unacceptable.

Re Amended Plans:

-Neither of these plans actually specify what the amendments are. They don't include specific dimensions on the plan. Therefore I would conclude that there is no change to design or layout and the only change is a revision to the scale bar on the proposed Site Layout Plan.

Re Officer's Report:

-With regard to 'Spatial relationships with adjoining dwellings' (para 8.22), it states that in terms of relationships between new and existing dwellings it is widely accepted that 22m between elevations containing habitable room windows is reasonable. This standard sets a minimum rear garden depth of 11m for new development. The proposed two storey dwelling on Plot 2 has a rear garden depth of only 10 m adjacent to my rear garden and Plot 3 adjacent to 27 has a depth of 6 m. This is not only below normal development control criteria but also relies on the length of our gardens to achieve the perceived separation distance. New development should accommodate adequate rear garden depths within the application site. The revised scheme fails to do this and as such results in a development that creates an undesirable overbearing effect which adversely impacts on my property and the level of residential amenity I should reasonably be expected to enjoy. This conflicts with adopted planning policies designed to protect residential amenity.

-Furthermore, it does not take into account the difference in levels. The site sits at a higher level than my curtilage, as explained in my previous objection letters, which further exacerbates the overbearing and dominating nature of the development making the scheme unacceptable. The plans do not include proposed and finished floor levels and do not include cross sections drawings to enable the relationship of the new dwellings to the existing neighbouring dwellings to be properly assessed.

-The restricted overall depth of the application site makes it difficult to revise the scheme to overcome this given the size and design of the proposed dwellings. Therefore in its present form it is considered that the application conflicts with the Council's adopted planning policies and should be refused planning permission or alternatively, determination should be deferred to enable the applicants to properly amend the scheme to take into account the objections raised. Such amendments to include substitution of the two storey house types with dwellings no higher than 1 ½ storeys high with reasonable rear garden depths. Failing this due to depth issues, a single storey building.

-In addition, the Local Area Planning Committee may wish to defer determination of this application to enable it to undertake a formal site visit in order that Members can appreciate the existing levels and sensitive relationship of the of the site to existing neighbouring properties.

Parish Council:

-I note the Parish Council still maintain their objection to the development in the form proposed."

Email on behalf of a local resident:

"We are naturally disappointed with your recommendation to Approve the more so because we feel you have largely disregarded the wider implications and objectives of our Village Plan; we also feel many of the supporting arguments in the Committee Report seemingly and largely dismiss the genuine concerns of both our Parish Council and the 8 objectors (presumably local residents who are most likely to be affected by the proposed development) as being of little concern and consequence especially as you largely ignore reference in the Committee Report to the wider implications of the Balding Close developments already approved under Application DA/2020/0635. Incidentally we note there are no supporters of the latest Application.

Planning Policies and Housing Densities.

Whilst we fully appreciate that Applications DA/2020/0635 and 0783 are two separate applications from two different applicants, as we pointed out in earlier correspondence, for all practical aspects they refer to the same development site enjoying the same access and foul and surface water regime showing the interdependence of the two development proposals. Accordingly, we feel this latest application should be considered as an extension of the 0635 Approval with the inherent Affordable Housing implications. We note that this latest proposal was first discussed at a Pre Application Meeting way back in 2015 before the revised proposals embodied in Application 0635 were submitted.

In the accompanying Design and Access Statement supporting the 0783 Application, the applicant sought to justify approval on the grounds that the proposed development for 4 dwellings off Balding Close was a logical completion of the 0635 approved scheme. For some reason, the Design and Access Statement seems to have been removed from the public file.

We also note that the proposed housing density is still higher than neighbouring developments even though the proposed site comprises open fields and the rear of largish gardens off Daventry Road with an inevitable increase in hard standing in the area.

The individual plots are significantly smaller than those approved under Application 0635 something which would have been more obvious if a meaningful "Street Scene" had been in the papers submitted with Application 0783.

We suggest there would have been even more local objections and perhaps a very different decision and outcome if both applications had been considered simultaneously as a single development.

Foul and Surface Water Run-Off Proposals.

As we pointed out in our earlier submissions and objections, Applications DA/2020/0635 and DA/2020/0783 are essentially interdependent; access to the latest development is via Balding Close whilst the proposed foul and site drainage surface water proposals seem to rely absolutely on the Roscoe scheme forming part of the earlier 0635 Application.

You refer in para 10.3 of the Committee Report to technical advice having been sought over site drainage matters. From this, are we to assume the Authority's Engineer has held recent, ideally joint, discussions with technical experts representing both developers to ensure that the Roscoe system has the capacity and ability to satisfactorily cope with the increased water flows from both developments as the Abington Consulting Engineers report dated 17 June 2020 seems to provide little meaningful additional information even though their proposals depend absolutely on the Roscoe scheme.

Roscoe scheme for connection to the public sewers ? We pose this question because of the potential impact of increased foul and especially surface water flows, local topography and the potential impact they could have on dwellings on the lower Brackendale Drive.

Correspondence on the public file confirms our continuing concerns about potential surface water run off problems especially during a flash flood. We are still waiting to learn from your colleague.....in the absence of any such confirmation, we can only conclude it is still an outstanding matter.

Conditions and Reasons.

Although we accept that there are numerous suggestions in the Committee Report about the sort of Conditions which the various statutory bodies and individuals (such as the Council's Engineer) would like to see imposed..... feel that for the avoidance of future doubt, proposed conditions should form part of any discussion and consideration; we feel our concerns and suggestions are justified by the on-going and apparently unresolved discussions over implementation of Application 0635.

As we suggested in our earlier submissions, if the LPA is minded to Approve this latest application, any imposed conditions should be consistent with those forming part of the 0635 Consent and should again make reference to compliance with specific matters like access problems and site drainage in the event that the other applicant decides either not to proceed with or indefinitely delays implementation of Application 0635.

On balance, we feel any consideration of and decision on Application 0783 should be deferred at least until the outstanding issues of Application 0635 have been satisfactorily resolved. We hope Members will find our considered reactions and responses to both your Committee Report and your decision to recommend Approval helpful when they consider the above Application."

Email from Local resident:

"I would ask you to consider the following concerns and representations when making your decisions.

Highways issue

Overall, we feel that the road widening / lack of pavement and ensuing traffic / Visibility / Safety issues on Balding Close have been rather conveniently put to one side. For Planning to say that these were addressed at the point of the original application in 2014 is no longer relevant: With a combined total of 7 properties now proposed this becomes a far more pertinent issue which we feel needs readdressing.

The current planning proposal allows for an overall road width of just 4.8m and 1 x 1.8m footpath, this is despite a 90-degree blind bend in the road. Neither of these aspects meet the required minimum standards laid out by the NCC detailed below.

Northamptonshire Highway Development Management Strategy "Fit for Purpose": (Page 27)

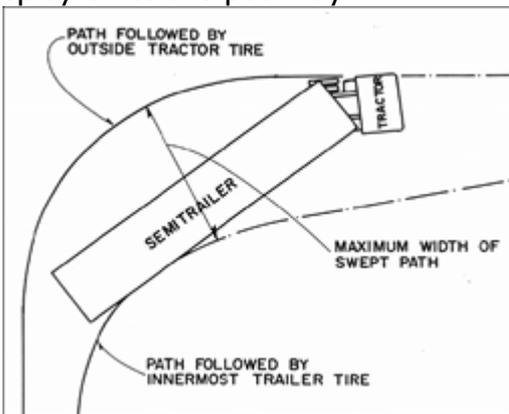
*"In practice Northamptonshire County Council has found that the minimum carriageway width of 4.8m for short straights and cul-de-sacs maybe acceptable but that at junctions and **bends swept paths may show that wider carriageways are required. In general, most residential streets should consider a minimum carriageway width of 5.5m, with 2 x 1.8 minimum width footpaths"***

Extract from Planning Documentation



Extract showing HGV incremental berth on 90-degree bend

If the road width is insufficient HGV's/ Waste Refuse /Oil Tankers etc will have no choice but to splay on to the pathway.



In addition, Balding Close residents have also had solicitors check their deeds and there is no evidence of any requirement for us to give up or cede any part of our property curtilage. With this being the case then it simply isn't possible for these highways recommendations to be met with the road constraints. Pedestrian and resident's safety (especially children) being paramount throughout. Personally, having three young children and with our property being at the point of the 90degree bend we fear for the safety aspect of this proposal.

Recent Planning Proposal in Barby DA/2021/0306

There has also been a recent rejection of planning for one dwelling within Barby in May-21 Land adjacent to Tudor house on Daventry Road).

The quote taken from the decision documentation *"The proposal would result in the creation of a dwelling where the housing requirement for rural areas in the District has been reached and at a period when Daventry district has an excess 5-year housing land supply."* This further supports that there is no requirement for additional dwellings within Barby."

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<u>Application Number</u>	DA/2020/0783
Location Description	LAND TO REAR OF 25B DAVENTRY ROAD, BARBY, NORTHAMPTONSHIRE
Site Details	CONSTRUCTION OF 3 DWELLINGS AND ASSOCIATED WORK (ACCESS FROM BALDING CLOSE)
<hr/>	
Applicant	MR B LUCAS
Agent	MR C SMITH, GP PLANNING LTD
Case Officer	S HAMMONDS
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Ward	BRAUNSTON & CRICK WARD
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Reason for Referral	CALL IN
Committee Date	4 AUGUST 2021
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EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

Proposal

The proposal is for 3no detached dwellings, one of which is a bungalow. The site is to be accessed via Balding Close, which is currently an existing development of 3no detached properties on a private drive off Daventry Road. The necessary road widening and improvements to Balding Close, to bring the access up to adoptable standard, are put forward as part of the current application but it should be noted that these works are already approved as part of an extant planning consent for 4no dwellings on the adjacent site to the east (DA/2020/0635), also accessed via Balding Close.

Consultations

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

- Barby Parish Council.

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

- Highways, Planning Policy, Engineer (Drainage), Environmental Protection, Archaeology, Wildlife Trust.

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

-

8 letters of objection have been received and 0 letters of support have been received.

Conclusion

The application has been assessed against the relevant policies in the NPPF, the adopted Development 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
- Design and visual impact
- Housing mix, density and tenure
- Highways, access and parking
- Surface water drainage
- Spatial relationship with adjacent dwellings

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 provide full details of all consultation responses, planning policies, the Officer's assessment and recommendations. 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 associated with 25b Daventry Road. It comprises a broadly rectangular piece of land roughly 28m deep and 52m wide that borders the rear gardens of five other dwellings to the west and north. Ground levels within the site are reasonably level however the site is at a slightly higher level than the neighbouring gardens to the west and north. The site is enclosed by hedges and trees on all sides.
- 1.2. To the west of the site are the long rear gardens of the houses on Daventry Road. To the north is a residential cul-de-sac of 3 dwellings known as Balding Close. This is currently a private drive with no hard footways and bordered by grass verges.
- 1.3. To the east and south of the site is open grassland with a hedge running north to south down the centre, which was planted to replace a previous ancient hedgerow. This land to the east and south has planning consent for 4 dwellings but no work has yet begun. Further to the east beyond the grassland is the housing on Brackendale Drive.

2. CONSTRAINTS

- 2.1. The trees that line the Daventry Road, through which the entrance to Balding Close passes are subject to a group Tree Preservation Order.
- 2.2. The entrance to Balding Close passes between 2no Grade II listed buildings. The garden of the southernmost listed building, 23 Daventry Road, borders the northern edge of the application site.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. Initially an application for 4no 4-bed detached dwellings, the proposal has been scaled down during the course of this application. The final version of the scheme is for 3no detached dwellings, comprising 1no 2-bed bungalow, 1no 3-bed house and 1no 4-bed house.
- 3.2. The three dwellings would be in a linear alignment backing onto the rear gardens of Daventry Road. The proposed front gardens and separate driveways for each dwelling would sit behind the existing hedgerow that forms the western boundary of the site so that the development would face westwards onto the proposed extended estate road serving the development and the neighbouring approved housing site.

4. RELEVANT PLANNING HISTORY

- 4.1. The garden land on which the 3 new dwellings are proposed has no planning history.
- 4.2. The access to the site however has two lots of planning history, set out below. All of this history is considered relevant to the current proposal:

1-3 Balding Close (existing three dwellings)

- 4.3. DA/94/1227 – Outline for 3 dwellings. Refused, allowed on appeal
- 4.4. DA/97/0161 – Three detached houses and access road. Approved.
- 4.5. DA/97/162/LB – Demolish brick and stone walls to allow access in association with three detached houses. Approved.

Neighbouring development site to the east and south

- 4.6. DA/99/0383 – Outline for 6 dwellings. Refused, appeal withdrawn.
- 4.7. DA/2014/0611 – Outline for 6 dwellings, extended access and open space. Approved.
- 4.8. DA/2018/0013 – Reserved matters for 6 dwellings, access and open space. Approved, but now lapsed.
- 4.9. DA/2018/0635 – Full application for 4 dwellings. Approved.

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.

Development Plan

- 5.2. The Development Plan comprises: the West Northamptonshire Joint Core Strategy Local Plan (Part 1) which was formally adopted by the Joint Strategic Planning Committee on 15th December 2014 and which provides the strategic planning policy framework for the Area to 2029; the adopted Settlements and Countryside Local Plan (Part 2) (2020); and adopted Barby and Onley Neighbourhood Development Plan (2016). The relevant planning policies of the statutory Development Plan are set out below:

West Northamptonshire Joint Core Strategy Local Plan (Part 1) (LPP1)

- 5.3. The relevant policies of the LPP1 are:

- SA – Presumption in Favour of Sustainable Development
- S1 – Distribution of Development
- S10 – Sustainable Development Principles
- H1 - Housing density and the mix and type of dwellings
- H2 - Affordable Housing
- BN2 – Biodiversity
- R1 - Rural spatial strategy

Settlements and Countryside Local Plan (Part 2) (LPP2)

- 5.4. The relevant policies of the LPP2 are:

- RA2 - Secondary Service Villages
- HO8 - Housing Mix and Type
- ENV5 - Biodiversity
- ENV10 - Design

Barby and Onley Neighbourhood Plan (NHP)

- 5.5. The relevant policies of the (NHP) are:

- BO-GP1 - General Development Principles
- BO-H1 - Scale and type of new housing in Barby and Onley
- BO-H3 - Ensuring an appropriate range of tenures, types and sizes of houses
- BO-D1 - Design of Development in Barby & Onley
- BO-D3 - Water Management and Surface Water Run-off

Material Considerations

- 5.6. Below is a list of the relevant Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- DDC Housing Supplementary Planning Document

- Barby and Onley Housing Needs Survey

6. RESPONSE TO CONSULTATION

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

6.2 Barby Parish Council – Objection

- over-development of the site, plots have very little garden or area for parking BO-H1(d)
- the proposal will result in 11 dwellings served off Balding Close but NCC Highway standards would not be met with regard to visibility, pathways provision and road widths.
- the entrance to Balding Close can't be widened due to a Grade 2 listed wall
- there is already a surface water drainage problem down Daventry Road which will be exacerbated by additional dwellings (BO-D3)
- Affects the setting of an adjacent listed property "Stone Cottage".
- Design contrary to BO-D1
- concerns about unadopted private road and the residents' responsibility for upkeep
- questions around rights of access
- if granted would request limit to the times of construction to protect amenity.

- the reduction from 4 to 3 dwellings does not materially change the issues and our previous objections still stand.

6.3 Highways – no objection subject to conditions

This development proposes to take access from the extension to Balding Close already approved under DA/2018/0635. It would therefore be necessary for this development to be conditioned to deliver the agreed upgrade to Balding Close in the event that this development was built out prior to that approved under DA/2018/0635.

Due to the number of dwellings proposed to be served from Balding Close (11), a fully adoptable highway layout is required. I attach the approved layout for information (approved under the extant consent for 4 dwellings on the neighbouring site, ref DA/2018/0635).

4-bed dwellings require 3 parking spaces in line with adopted NCC Parking Standards. We will only accept a single garage as contributing one of those parking spaces if ancillary outside storage (garden shed and/store) is provided.

6.4 Archaeology – No objection, subject to conditions

The archaeological trial trenching has recently been carried out and I viewed the trenches during the work – no definite archaeological remains were observed. However the northern area (which would be the most likely location for any building remains) was not trenched due to the

presence of suspected asbestos. The possible asbestos would need to be identified and removed but if the northern area is to be developed then a further programme of archaeological work would be recommended to ensure that any remains present in that area are recorded. This can be achieved by condition.

6.5 Lead Local Flood Authority – No comment

As this proposal is below the 10 dwelling threshold for LLFA involvement, please refer to standing advice.

6.6 Wildlife Trust – no objection subject to conditions

An updated Ecological Constraints Assessment (ECA) was submitted in January 2021 in response to initial concerns and questions. This updated ECA now contains suitable measures for protected species including bats, badgers and birds as well as other wildlife which may occur on the site. If permission is to be granted please impose a condition requiring works to be carried out in line with the recommendations in the Jan 2021 ECA.

In terms of achieving net gain in biodiversity there would be opportunities to include replacement tree and hedgerow planting with a wildlife friendly flowering lawn or longer meadow grassland along the access road to the front of the properties. Could you impose a condition requiring a suitable landscaping scheme to provide a net gain in biodiversity?

6.7 Planning Policy – No objection

- The site is within village confines, satisfying RA2 A.
- As it is a private garden it has not been identified in the Neighbourhood Plan as land that makes a significant contribution to public amenity, local green space or other important open space (BO- GP1, CF1 or CF2).
- It would qualify as infill according to the definition in BO-H1 and looking at the SCLP inset map which shows the site surrounded by either existing or proposed housing.
- As the Neighbourhood Plan sets out criteria that allows development then this is considered to satisfy RA2 D.
- Although it is not allocated in the Neighbourhood Plan the fact that it can satisfy RA2 D would also suffice for R1(v).
- The revised scheme for 3 dwellings has responded to our initial concern about mix and density (the ideal mix to meet local housing need would be 1x4-bed, 1x3-bed and 1x2 or 3-bed bungalow).
- The proposal is below the threshold for affordable housing provision.

6.8 Engineer (Drainage) – No objection subject to conditions

The proposal is in keeping with the current recommended practice and I see no reason to object. The proposed drainage solution is legitimate but we should condition the provision of full details for approval in order to be sure that the system will continue to be sustainable.

The application proposes a stand-alone drainage solution that will limit the surface water runoff from the additional houses to the equivalent

green-field rate of 0.3l/s and then allow that to flow into the existing surface water drain in Balding Close. In simple terms they will dig a big hole under the driveways and fill it with relatively large diameter stone that when compacted will leave voids for water to collect in. The rate of discharge will be controlled by a simple orifice plate in the receiving manhole. The application doesn't identify if the receiving drain has capacity to receive the additional flow, but at that level it is highly unlikely that the additional flow would present a problem.

Permeable paving is part of the drainage solution and this is a tried and trusted method to manage surface water and reduce flood risk. However it does require routine maintenance – future home owners ideally need to be made aware of their responsibilities in this regard.

In terms of ongoing flooding, the proposal brings a benefit to the properties in the immediate area insofar as surface water from this site will be directed to a positive drainage system and the level of overland flow towards properties to the north will be reduced.

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. There have been 8 objections raising the following comments:

- Insufficient consideration of the necessary infrastructure capacity (drains, sewers, roads and pavements)
- Previous issues of flooding in Daventry Road from storm drains
- Overdevelopment and cramming
- Out of keeping with Balding Close and the approved development on the neighbouring site (gardens / plot sizes for the new dwellings are very small)
- Proximity to rear boundaries of existing dwellings will have a closing in and overbearing impact and
- Overshadowing and loss of light
- Loss of privacy
- Diminish quality of neighbouring garden space
- Difference in levels cannot be appreciated as there are no cross sections
- Poor design, minimal space, insensitive and inappropriate to the character of the village
- Noise
- Housing mix doesn't meet policy
- Visual and amenity impact arising from the loss of green land and trees
- Loss of wildlife habitat
- Traffic volumes will increase

- Highway safety concerns for residents and visitors - forward visibility requirements won't be met on bends, even when widened two cars won't be able to pass, there is insufficient space for a footpath along the length of Balding Close and no space for parking
- Overspill parking onto Balding Close or Daventry Road would create a hazard
- Balding Close is a private unadopted road, residents are responsible for maintenance and repair
- Concerns over construction traffic and damage to the road
- Questions regarding rights of way and civil access rights – residents are likely to contest this

8. APPRAISAL

Principle of Development

- 8.1. JCS Policy SA requires councils to take a positive approach that reflects the presumption in favour of sustainable development and to work proactively with applicants to secure development that improves the economic social and environmental conditions in the area.
- 8.2. JCS Policy S1 allows for limited development in the rural areas, with the emphasis on enhancing the character and vitality of rural communities and respecting the quality of tranquillity. S1 goes on to give priority to proposals that make best use of previously developed land (which this site is not) but the policy does still allow for development on other non-developed land.
- 8.3. SCLP Policy RA2(A) allows for new development at Barby if it is within the confines of the village, which this site undoubtedly is (as illustrated in the Barby and Onley Neighbourhood Plan and the Inset Map of the Settlements and Countryside Local Plan). As the land is private garden land, the Barby and Onley Neighbourhood Plan has not identified the land as making a significant contribution to public amenity, local green space or other important open space (BO-GP1, BO-CF1 or BO-CF2).
- 8.4. As the Neighbourhood Plan sets out criteria that would allow for new development (in BO-GP1), then the planning policy team advise that this is considered sufficient to satisfy SCLP Policy RA2(D) which states "Development that is provided for in a made Neighbourhood Plan will also be supported". They further advise that, because it can satisfy RA2(D), this would also constitute compliance with JCS policy R1(v), even though the site is not specifically allocated in the Neighbourhood Plan (NB: the Neighbourhood Plan does not specifically allocate any sites, yet it does allow for development).
- 8.5. As a consequence of the rural housing requirement already having been met and exceeded in the Daventry area, the final part of JCS policy R1 is engaged, namely criteria i) to v). This states that further housing

development will only be permitted where it can be demonstrated that it either:

- (i) Would result in environmental improvements on a site; or
- (ii) Is required to support the retention of local services under threat;

AND either

- (iii) Has been informed by a pre-application community involvement exercise; or
- (iv) Is a rural exceptions site that meets JCS policy H3; or
- (v) Has been agreed through an adopted Neighbourhood Plan.

8.6. On the latter criteria, compliance with R1(v) has been established above. With regard to the former criteria, as there is no argument that these 3 houses are necessary to save local services under threat the proposal would need to demonstrate environmental improvement in order to be fully compliant with R1 (i-v). Whilst some may say that building on a green, undeveloped site cannot be said to be Environmental Improvement, it must be accepted that this is an inevitable consequence of new development that has to be weighed in the balance. Other environmental improvements would be provided by the proposal, such as a new positive surface drainage system to better manage overland flow in the immediate vicinity, and these should also be weighed in the balance.

8.7. In mind of the above policy context, and the general need to make best use of land and boost the housing supply, it is considered that the proposed housing development has a high degree of conformity with the relevant spatial policies of the development plan and the aims of the NPPF. It is therefore considered that the proposal should be supported in principle, subject to detail.

Design and visual impact

8.8. Objectors feel the proposal constitutes over-development and cramming, that the plots are too small to provide adequate garden / amenity space for the proposed dwellings and that it is out of keeping with the existing spacious plots in the area. Whilst adjoining plots on Daventry Road are set within very large well landscaped gardens, which is usual for a main thoroughfare through a settlement, it is noted that the other nearby plots off the main road, including those on adjoining Balding Close and Brackendale Drive are more modest / compact in scale and are not dissimilar from the plot sizes now proposed for these three new dwellings. With this in mind it is considered that the revised proposal for three dwellings fits in well with the grain of surrounding development in terms of its scale and density and is in keeping with the character of the wider area.

8.9. The height, design and architectural style of the individual buildings has also been criticised, but officers feel that this is acceptable. Each proposed house type is unique to give some variation and individuality,

yet they all reflect the overall height, bulk, style and detailing of the four approved dwellings on the neighbouring development site, without being a carbon copy. This is considered to be good design and will give rise to a varied yet distinctive streetscene for the extended section of Balding Close, whether the neighbouring development is implemented or not. The proposal is considered to be in line with LPP2 policy ENV10(iii).

- 8.10. Trees will still dominate the entrance to the Close. Unlike the initial submission, the revised proposal allows for the retention of sections of the native hedge that currently exists on the western boundary of the proposed plots, with just three gaps created for the access to each plot. This will help assimilate the dwellings into their setting and make good use of existing landscaping features as advised in LPP2 policy ENV10(v). Further landscaping and tree/hedge planting is to be a requirement of any consent in order to bring a net gain in biodiversity, which will further enhance the visual appeal of the development.
- 8.11. The dwellings meet the National Space Standards as required by LPP2 policy HO8(C)(iii), and a condition can be included to ensure that water efficiency measures comply with a limit of 110 litres per person per day, as required by LPP2 policy HO8(C)(iv).

Housing mix, density and tenure

- 8.12. During the course of the application the proposal was revised down from 4no to 3no dwellings, consisting of 1no 2-bed bungalow, 1no 3-bed detached house and 1no 4-bed detached house. This revision is very much welcomed from a planning policy and housing needs point of view and it overcomes officers' initial concerns about density, tenure and housing mix. The proposed mix of house types and sizes is a good match for the identified housing needs of the village and accords with LPP1 policy H1 and LPP2 policy HO8(A).
- 8.13. The proposal for 3 dwellings is small scale and includes an appropriate mix of dwelling types and sizes in line with NHP policy BO-H3 (NB affordable housing cannot be required as it is below the 5 dwelling threshold set in LPP1 policy H2). The proposal also meets NHP policy BO-H1(b) and (d) which requires that development maintains an appropriate density in context with the immediate surrounding area and not exceeding 25 dwellings per hectare (dph). Having been reduced from 4 to 3 dwellings the final density of the scheme is 20 dph. This is compliant with the NPD and is comparable with the density of the nearby development at Brackendale Drive, which is approximately 17 dph. On this basis the objections that claim overdevelopment or cramming are not considered to be justified.

Highways, access and parking

- 8.14. This development proposes to take access from the extension to Balding Close that is already approved under DA/2018/0635. It is therefore necessary for this development to be conditioned to deliver the agreed upgrade to Balding Close in the event that this development was built out prior to that approved under DA/2018/0635.
- 8.15. Highways have stated that, due to the number of dwellings that would potentially be served from Balding Close (which would be 11no if both this development and the neighbouring planning approval is implemented), a fully adoptable highway layout is required. The approved highway layout for DA/2018/0635 is considered to meet this requirement and so the condition for this permission would reference this previously approved highway layout (drawing BGBARBY.2/100/01revC produced by Mayer Brown and dated Nov 2017). Whilst objectors may feel that this will be unsafe, this has already been considered in detail by Highways and was found to meet the necessary requirements in respect of highway safety.
- 8.16. For clarity the approved highway layout shows:
- Daventry Road junction radii improved to 6m
 - wall at the Daventry Road frontage to be shortened at both sides by c.1m and c.1.5m
 - access road widened to 7.4m (6.8m tarmac with 0.3m block paved edge)
 - turning head between 1 and 2 Balding Close to be stopped up
 - extended 7.4m access road along the frontage of the three proposed dwellings
 - turning head projecting c.13m east over the adjoining development site.
- 8.17. By imposing a condition requiring the implementation of the previously approved highway improvement scheme, this will basically ensure that neither scheme can be built out without first having implemented the approved upgrade of Balding Close to bring it to adoptable standard. Whilst the applicant does not own the access, the whole of this area is included in the red line so these works can be conditioned. The matter of gaining the consent of the relevant landowners to carry out these works on their land is a civil matter for the applicant to resolve and is outside the remit of the planning system.
- 8.18. The adopted NCC Parking Standards set the parking requirement for 4-bed, 3-bed and 2-bed dwellings at 3, 2 and 2 off-road spaces respectively. The off-road parking shown within the front gardens of the three plots meets this parking requirement, so there is no reason to conclude that the parking provision is inadequate in quantitative terms. The internal dimensions of the proposed integral garages on the 3 and 4-bed plots meet Highways' updated minimum size requirements, so they can potentially provide additional parking over and above the usual requirement.

Spatial relationships with adjoining dwellings

- 8.19. The northernmost plot is proposed to be a bungalow so this significantly reduces the impact on amenity and outlook for neighbouring 3 Balding Close. The distance between the opposing elevations of these two dwellings would be at least 13m, which is considered acceptable side to back separation, particularly as the proposed dwelling is single storey only. The roof of the bungalow would be visible over the neighbour's rear fence, but the proposed hipped roof would slope away from the neighbours side so minimising any sense of overbearing. There would be no potential for overlooking into the garden of 3 Balding Close as all three side windows would be at ground floor level and would be obscure glazed.
- 8.20. Numbers 25a, 27 and 29 Daventry Road all have very long back gardens so the back to back separation between opposing elevations would be 36m and 41m and 45m respectively. All of these dwellings on Daventry Road would look out primarily towards the 6m wide gap between proposed dwellings, which is preferable in terms of outlook to having the full width of a new dwelling positioned centrally to the rear of their plots and minimises any perception of overbearing impact.
- 8.21. The boundary between the site and the rear of the dwellings on Daventry Road is currently defined by a low level wire fence and the land level of the application site is higher than the neighbouring gardens. Therefore, in order to ensure the privacy of the neighbouring gardens on Daventry Road a higher and more solid boundary screen will need to be provided between gardens as part of the development. As the application does not include details of the proposed boundary treatment for the rear gardens it is necessary and reasonable to impose a planning condition requiring full details of this to be submitted and approved. Whilst the rear garden of plot 3 appears to be short at just 6m, the first floor of plot 3 does not project as far to the rear as the ground floor footprint and would itself be 10m from the neighbouring boundary. This additional distance is sufficient to ensure an acceptable relationship in terms of any views into neighbouring gardens from first floor windows.
- 8.22. It is clear from objections that neighbouring properties consider any new development to be a major incursion into their outlook as new properties are being proposed where none currently exist. However it has been shown above that the relationship between the new dwellings and these existing properties is acceptable and in-line with the widely accepted spacing guidelines, which are a minimum of 12m from blank gables to rear elevations containing habitable room windows, and 22m between elevations containing habitable room windows.
- 8.23. Overall therefore the proposed development is considered to be acceptable in terms of the prospective spatial relationships between the proposed and existing dwellings.

Surface water drainage

- 8.24. This is an issue of some concern to neighbouring residents due to ongoing pre-existing problems with surface water run-off from the application site and drainage/soil conditions within the existing rear gardens. Neighbours on Daventry Road, Balding Close and Brackendale Drive have all complained of existing problems of waterlogging in their rear gardens after rainfall and pointed to the development site as part of the problem. They consider that development of the site will only make matters worse.
- 8.25. A detailed Drainage Strategy Report dated June 2020 has been provided with respect to this current application. The council's in-house Engineer has considered the report in detail and has also been made aware of the criticisms of the report made by local objectors together with their complaints about the existing drainage situation. With all of this information in mind our Engineer has concluded that the drainage solution proposed in the application is legitimate in principle. Subject to a condition requiring further submission of full details, he sees no reason to object. The drainage strategy proposed is a stand-alone solution that will limit the surface water runoff from the additional houses to the equivalent green-field rate and then allow that to flow into the existing surface water drain in Balding Close. He advises that, at the levels indicated, the additional flow would not present a capacity problem for the receiving drain and the rate of discharge will be controlled.
- 8.26. The second part of the proposed drainage solution relies upon the use of permeable paving which is a tried and trusted method, provided that ongoing routine maintenance is undertaken (to prevent material getting down into the storage media so to ensure the upper surface remains permeable). A planning condition can be added to ensure the permeable paving is installed, retained and maintained for the lifetime of the development and not replaced with a non-porous surfacing. A note can also be added to the decision notice requiring the developer to ensure that homeowners are made aware of their responsibilities in this regard when they purchase the individual homes. Notwithstanding this, the Engineer has commented that although neglect of permeable paving can lead to failure it would take years of continued neglect to reach a point where it would present an increased flood risk.
- 8.27. Summing up, the proposed surface water drainage regime would not be any worse than the current situation and would actually be likely to improve the situation with respect to runoff from the current site onto neighbouring properties. The proposed drainage regime should at worst generate a neutral net impact and at best deliver an improved net impact in respect of surface water drainage.

Listed buildings and heritage assets

- 8.28. The proposed built form of plot 1 would be offset from the grounds of adjacent listed building to the north of the site, with only the rear private garden land adjoining the listed buildings boundary. The boundary with the listed building is well screened with mature trees and planting and the

application does not propose the removal of any trees on this section of the boundary. There would be barely any change from the existing situation in terms of what can be appreciated from the grounds of the listed building. The single storey nature of plot 1 further minimises any potential impact. It is therefore concluded that the proposed development would not adversely affect the setting of the listed building.

- 8.29. The concern raised about the access works meaning that an additional small section of the roadside wall would need to be removed must be taken in the context of the fact that the access improvements are already approved, and that in the first instance the initial break in this wall was made back in the late 1990s to accommodate the initial development of 1-3 Balding Close.

Trees

- 8.30. There are some mature trees on the Daventry Road frontage covered by a tree preservation order; these are not directly affected by the proposed development over and above any works to the existing access that have already been agreed via the previous permission. However tree protection works around the access can be conditioned, as per previously.
- 8.31. On the site itself, it is proposed to retain existing boundary trees, hedges and landscaping as far as possible and we will require some additional planting to compensate for losses and achieve a net gain in biodiversity. This is to be secured by condition (see section below on biodiversity).

Ecology and biodiversity

- 8.32. The Wildlife Trust have analysed the submitted Ecological Assessment, and the subsequent revision that was re-visited to address some initial deficiencies that they highlighted with the report. The updated Ecological Assessment now contains suitable measures for protected species as well as other wildlife which may occur on site, including measures to protect them during construction. The impact on wildlife and protected species will therefore be acceptable subject to a condition that ensures the recommendations in the Ecological Assessment are followed as development progresses.
- 8.33. LPP2 policy ENV5 requires applicants to provide a net gain in biodiversity. The plans show the retention of existing boundary features where possible as well as incorporating wildlife friendly native trees and shrubs in to the planting scheme. Although the gardens will be relatively small there would be opportunities to include replacement tree and hedgerow planting along with wildlife friendly flowering lawn or longer meadow grassland along the frontages. As no planting details are shown in the submission a condition is recommended that would require the further approval of a detailed planting and landscaping scheme to provide a net gain in biodiversity. Subject to this condition the proposal complies with LPP1 policy BN2 and LPP2 policy ENV5.

Archaeology

- 8.34. The archaeologist expressed a particular interest in the site due to the previous (until 1977) existence of a complex of buildings referred to as the Old Manor and when it was demolished ornate 15th century timberwork was found. For this reason the archaeologist requested that trial trenching take place prior to determination of the application in order to establish if significant archaeological remains may be an insurmountable constraint on development.
- 8.35. The applicant duly undertook the requested trial trenching and this was observed by the county archaeologist. She confirms that no definite archaeological remains were observed. However the northern area (which would be the most likely location for any building remains) was not able to be trenched due to the presence of suspected asbestos. The possible asbestos would need to be identified and removed but as the northern area is proposed to be developed a further programme of archaeological work is recommended to ensure that any remains present in that area are recorded. This can be achieved by condition.

Access rights and other civil matters

- 8.36. Many objections refer to the fact that Balding Close is unadopted and in private ownership, and that the applicant may not have the right to access the site or carry out the required improvements. The applicant has submitted certificate B with the planning application which declares that he has served notice on owners of any third party land that is needed to facilitate or give access to the development. As far as the planning process goes that is as much as we need to get involved in the matter of access rights. We cannot delay the determination of the planning application pending discussion over access rights – these are civil matters that fall outside planning control.
- 8.37. A planning decision does not override anyone's private property rights regarding access – this is controlled by civil law. If the developer needs permission from a third party to cross or carry out work on third party land and this permission is denied, then regardless of any planning permission that may or may not be granted, that civil dispute over access rights would need to be resolved between the relevant parties before work could commence. These are matters for the relevant landowners to take up with their own legal advice and are not matters that the planning authority would involve themselves in. It would not prevent the granting of planning permission.

9. FINANCIAL CONSIDERATIONS

- 9.1. The proposed dwellings are liable for the Community Infrastructure Levy (CIL) and no exemptions are being claimed. It is not considered that great weight should be attributed to this financial implication either for or against the proposal.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. The site is located within the village confines of a Secondary Service Village, surrounded on all sides by existing or consented residential development and carrying no designation or classification as important open land. There is therefore a high degree of conformity with the spatial policies of the development plan which would all allow for the principle of developing this site for housing.
- 10.2. The extant full planning permission for four dwellings on the neighbouring site has already authorised the details of the access improvements for Balding Close and Highways have confirmed that these approved details are sufficient to also safely accommodate the additional three dwellings now proposed in this application. The impact of these access works on the stone wall on Daventry Road, on protected trees and on the setting of listed buildings has already been considered acceptable and the impact is not increased at all by the current application.
- 10.3. Advice has been taken on the technical matter of drainage and it has been concluded that the impact in this regard would be more likely to bring improvement to the existing situation than harm – at worst the impact would be neutral.
- 10.4. The scale, design and appearance of the proposal are acceptable and the proposed mix of dwelling types and sizes aligns with the identified local housing need. The impact of new dwellings upon the residential amenities of surrounding residents is considered acceptable.
- 10.5. In terms of the planning balance, all of the above factors weigh in favour of the proposal and there is little if anything to weigh against it.

11. RECOMMENDATION / CONDITIONS AND REASONS

- 11.1. The proposed development is recommended for approval subject to the following conditions.

CONDITIONS

- 1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.**
- 2. The development hereby permitted shall be carried out in accordance with the amended plans deposited with the Local Planning Authority on the 25 March 2021 and numbered: 3754-**

LP3754-01revB, 02revB, 03revB, 04revB, 05revC, 06revA, 07revA and 08revA, unless otherwise agreed in writing by the Local Planning Authority.

- 3. Prior to construction works above slab level samples of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details.**
- 4. Prior to the first occupation of the dwellings hereby approved, details of all or any boundary treatments shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out in accordance with the approved details.**
- 5. No equipment, machinery or materials shall be brought onto any part of the application site for the purposes of the development until details of the proposed type and a plan of the proposed position of fencing for the protection of trees adjacent to Daventry Road and along the sides of Balding Close have been submitted to and approved in writing by the Local Planning Authority. The fencing shall be implemented in accordance with these details and shall remain in place until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored, disposed of, or placed, nor fires lit, in any area fenced in accordance with this condition and the ground levels within these areas shall not be driven across by vehicles, altered, nor any excavation made (including addition/removal of topsoil/subsoil) without the written consent of the Local Planning Authority.**
- 6. Before any work commences on the construction of the dwellings or the preparation of the main part of the site, the approved works for the upgrade to Balding Close and the alterations to the existing access where it joins the Daventry Road shall have been completed in accordance with previously approved details for DA/2018/0635 (that being drawing BGBARBY.2/100/01revC produced by Mayer Brown and dated Nov 2017) to the satisfaction of the local highway authority.**
- 7. No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.**
- 8. A Construction and Environment Management Plan (CEMP) must be submitted to and approved by the Local Planning Authority prior to any works commencing on site, and shall be implemented and remain in place throughout the development. The CEMP shall include and specify the provisions to address the following for the duration of the construction period:**
 - Hours of construction**
 - Measures to control the emission of dust, dirt and fumes during the construction period (NOTE: there shall be no burning on-site)**
 - Control of noise and vibration emanating from the site during the demolition and construction period**

- The location of contractors' compounds, materials storage and other storage arrangements for cranes, plant, equipment and related temporary infrastructure, including temporary external lighting
 - Provision for all site operatives, visitors and construction vehicles loading and unloading plant and materials during the demolition and construction period
 - Provision for parking and turning within the site for all vehicles and plant during the demolition and construction period
 - Details of measures to prevent mud and other such material being deposited onto the highway from vehicles entering and leaving the site including details of the type and location of wheel washing equipment and its operation for the duration of the works of demolition and construction; and
 - Monitoring Arrangements covering the above items.
9. The development hereby approved shall be implemented in full accordance with the recommendations and measures specified in the Ecological Constraints Assessment (BMD, January 2021).
 10. The development hereby approved shall be implemented in full accordance with the tree protection measures as advocated in the submitted Arboricultural Report – Tree Survey, Arboricultural Impact Assessment & Tree Protection Plan dated July 2020 and prepared by The Mayhew Consultancy Ltd, ref AR/89420.
 11. Notwithstanding the details already submitted, prior to the commencement of development further technical details and specifications for the proposed surface water drainage system shall be submitted to and approved in writing by the local planning authority. The approved details shall be fully implemented prior to first occupation, unless otherwise agreed in writing by the Local Planning Authority.
 12. The hardsurfacing of the frontage driveways for all plots shall be formed of permeable paving materials. Prior to development above slab level, full details and technical specification for the surfacing, together with the details of maintenance required to ensure its ongoing permeability, shall be submitted to and approved by the local planning authority prior to development above slab level. The permeable surfacing shall be installed, retained and maintained thereafter in accordance with these details.
 13. Notwithstanding the provisions of the Town & Country Planning (General Permitted development) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification) no development shall be carried out which falls within Classes A to F inclusive of Part 1 of Schedule 2 to the Order without the prior express consent of the Local Planning Authority.
 14. Each dwelling hereby approved shall be designed to incorporate water efficiency measures to comply with a limit of 110 litres per person per day.
 15. Prior to development above slab level, full and precise details of a landscape and planting scheme that will offer a net gain in biodiversity shall be submitted to and approved by the local planning authority. The approved scheme shall be implemented prior to the development, or any phase of the development, being

first occupied, or in accordance with a programme approved in writing by the Local Planning Authority. If within a period of five years from the date of the planting of any tree or shrub, they, or any planted in replacement for them, are removed, uprooted or destroyed or die (or becomes in the opinion of the Local Planning Authority, seriously damaged or defective) another tree or shrub of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

16. If during development, contamination not previously considered is identified, then the LPA shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing with the LPA.

REASONS

1. To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. To ensure that the development is carried out in accordance with agreed amendments.
3. From the approved application details it is not possible to assess the appropriateness of the proposed materials without checking them on site and comparing them to their surroundings, to ensure the proposed materials are appropriate to the appearance of the locality. Because it can take up to 8 weeks to discharge a condition, it is recommended the samples are provided at least 8 weeks before they need to be ordered.
4. In the interests of visual amenity and to safeguard the amenities of nearby residents.
5. In the interests of the visual amenity of the area.
6. In the interests of highway safety.
7. To ensure that features of archaeological interest are properly examined and recorded, in accordance with NPPF, as the northern part of the site is yet to be investigated.
8. To limit any detrimental impacts arising from construction works and traffic on nearby residents and businesses and in the interests highway safety.
9. To ensure that the approved development does not harm any protected species likely to use or visit the site, and that suitable mitigation measures are in place to offset any potential impacts.
10. To ensure that all and any trees and hedgerows to be retained or which are otherwise protected will be not be adversely affected by the proposed development.
11. To ensure that the approved development is provided with adequate drainage and does not impact adversely upon existing properties.
12. To ensure that the approved development is provided with adequate drainage and does not impact adversely upon existing properties.
13. To prevent any subsequent permitted extensions detracting from the visual amenity of the locality or from the residential amenities of neighbouring properties by means of overlooking or proximity.

- 14. To achieve sustainable development in accordance with LPP2 policy HO8(C)(iv).**
- 15. In the interests of the visual amenity of the area.**
- 16. To ensure all contamination within the site is dealt with.**

NOTES

- 1. As required by Article 35 of the Town and Country (Development Management Procedure) (England) Order 2015 (as Amended) the following statement applies:**

In dealing with this planning application the Local Planning Authority have worked with the applicant in a positive and proactive manner with a view to seeking solutions to problems arising in relation to the consideration of this planning application.

- 2. The applicant's attention is drawn to the fact that the Council has identified this development as liable for Community Infrastructure Levy (CIL) payments under the 'Daventry District Council Community Infrastructure Levy Charging Schedule –Approved' (31st July 2015) which has been implemented by the District Council under the provisions of 'The Community Infrastructure Levy Regulations 2010 (as amended).' Accordingly, unless exemptions have been sought under the provisions of the CIL Regulations, payment of CIL charges will be payable to the Council upon commencement of development.**
- 3. The developer should make any future homeowners aware of their responsibilities in respect of ongoing maintenance of permeable driveway surfacing.**
- 4. Northamptonshire has varying levels of radon due to its underlying geology. Radon can enter buildings and affect the health of the occupants living in affected areas. Advice should be sought from local authority building control officers or from approved inspectors to establish if radon protection is necessary and if this is the case radon protection measures will need to be installed in accordance with BRE Report (BR 211 Radon: guidance on protective measures for new dwellings).**
- 5. Asbestos is thought to be present on the site so the developer is responsible for ensuring due care is taken to ensure its safe removal and legal disposal.**