



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 8 December 2021 at 6.00 pm

Agenda

1.	Apologies for Absence and Appointment of Substitute Members
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 3 rd November 2021.
4.	Chair's Announcements To receive communications from the Chair.
Planning Applications	
5.	Planning application DA 2020 0469 Barby (Pages 15 - 32)
6.	Planning application WND 2021 0391 West Haddon (Pages 33 - 54)
7.	Planning application WND 2021 0592 Weedon (Pages 55 - 66)
8.	Planning application DA 2020 1051 Badby (Pages 67 - 96)

<p>9.</p>	<p>Urgent Business</p> <p>The Chairman to advise whether they have agreed to any items of urgent business being admitted to the agenda.</p>
<p>10.</p>	<p>Exclusion of Press and Public</p> <p>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"</p>

Catherine Whitehead
Proper Officer
30 November 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:

West Northamptonshire Council
One Angel Square
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Northampton
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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 NN11 4FP on Wednesday 3 November 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 Peter Matten Councillor Wendy Randall Councillor Phil Bignell
Apologies for Absence:	Councillor Lauryn Harrington-Carter Councillor Daniel Lister
Officers	Katherine Daniels, Principal Planning Officer Chuong Phillips, Principal Planning Officer Marina Watkins, Committee Officer

15. Declarations of Interest

Councillor Phil Bignell declared an interest in application WND/2021/0552 Teeton and advised that he would leave the room during the discussion and voting.

16. Minutes

RESOLVED:

That the Minutes of the Daventry Local Area Planning Committee of 8th September 2021 be approved and signed as a correct record.

17. Chair's Announcements

The Chair advised that application DA/2021/0592 Weedon had been deferred.

18. DA/2018/0602 NORTON – Change of use of agricultural land to retail. Construction of three new retail buildings, including garden centre, relocation of existing cabins and containers and provision of 46 extra parking spaces including 4 disabled spaces – Heart of the Shires Shopping Village, Watling Street

Councillor Daniel Cribbin advised that the agent for the application was a neighbour but the application had not been discussed.

The Principal Planning Officer outlined the application and the proposed increase in size of the retail area and car parking. Officers considered that a sequential test would not have been required had the garden centre element been submitted separately, as the proposal would have been under the required threshold. The proposal would have a negligible impact on the town centre as the retail units catered to a niche market. Highways England had raised no objections. The increased size would impact on the character and appearance of the locality but it was considered that mitigation could be carried out to make the impact acceptable.

Councillor Peter Matten proposed that officers' advice to approve the application be accepted. The proposition was seconded by Councillor Alan Chantler.

Councillor Rosie Humphreys was concerned that the sequential test was not carried out as required. The Principal Planning Officer advised that there were concerns that the addendum had not been included in the sequential test, although on balance the impact was not considered so adverse as to recommend refusal.

Councillor Humphreys considered that it had not been proved that there was no impact on the town centre. There were concerns regarding sustainability and viability. The Principal Planning Officer noted that the large garden centre had tipped the proposal over the threshold for a sequential test and would not have been required had the applications been submitted separately. The site was an existing rural enterprise with an existing client base and on balance, officers were of the opinion that it should be supported.

The proposition was put to the meeting was declared carried with 7 voting in favour, none against and one abstention.

RESOLVED:

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

19. **DA/2021/0344 STAVERTON – Proposed change of use of existing buildings to use Class E (commercial, business and service) to allow for any of the following uses (A) retail sale of goods; (B) sale of food and drink for consumption on the premises; (C) (I) financial services; (II) professional services; (III) any other services which it is appropriate to provide in a commercial, business or service locality; (D) indoor sport, recreation or fitness to visiting members of the public; (E) provision of medical or health services; (F) a crèche, day nursery or day centre; (G) (I) an office, (II) research and development or (III) any industrial process, being a use which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit) and to include expansion of existing lake for leisure fishing and construction of new car park with associated landscaping works all to be accessed off existing entrance from A428 – Staverton Hill Farm, Badby Lane**

The Principal Planning Officer outlined the application and planning history of the site. Many of the trees around the site were protected. Policies were in place to support rural enterprises. The application sought to double the size of the fishing lake, which was not readily visible from the surrounding areas. Residents were

concerned with the impact of the car park as well as the potential uses of the site. Class E had a wide range of uses, many of which were acceptable in a residential area but some could cause concern during unsociable hours.

Environmental Health has suggested conditions restricting use from 8am until 8pm Monday to Friday, and 8am until 4pm on Saturdays with no use on Sundays and bank holidays. Deliveries would also be subject to the same time restrictions. On balance, officers recommended approval.

Mrs Simpson spoke against the application, and the Chair used his discretion to allow Mr McGibbin to speak on behalf of the Parish Council.

The Principal Planning Officer noted that the Inspectors report did not refer to the scale and physical impact of the carpark or its impact on the Special Landscape Area (SLA), although reference was made to the use of the carpark and buildings during antisocial hours, hence the proposed conditions to mitigate this aspect.

Councillor Peter Matten considered that the Inspector was concerned about the carpark if he had expressed concerns over its use. The Principal Planning Officer advised that the Inspector's comments referred to different elements of the carpark. Concerns were not regarding the physical construction of the carpark but rather its use.

Councillor David Smith supported the Parish Council and residents. The site would have a detrimental effect on residents. Class E was a very broad use class which could result in noise and disturbance. There would also be a cumulative effect of many different businesses operating from the site. Any use after 5pm/5.30pm was not appropriate. The application should be refused and should the applicants choose to appeal, the Inspector could make his views known.

The Principal Planning Officer advised that the types of business that could operate under Class E were outlined in the report. Although the condition suggested 8pm as the time to stop use on site, many businesses may choose not to operate that late. There was currently no end user identified.

Councillor Rupert Frost proposed that the application be refused for numerous reasons including unsustainability, failure to enhance or protect the rural area and the use being inappropriate to the location. He noted that although officers felt that the car park would not have a harmful impact on the landscape, its construction would have an adverse impact on biodiversity by loss of habitats and this should be included in the reasons. The proposal contradicted several policies of the Local Planning Policy Part 1 and Part 2.

The Principal Planning Officer highlighted that the buildings were already in existence and consideration must be given to the Inspectors report. The impact on the SLA would be difficult to prove on appeal, residential impact on amenity might be more successful and whilst the construction of the car park would result in some loss there was no evidence that there would be no net gain due to the extension of the proposed fishing lake.

Councillor Phil Bignell considered that the application should be refused due to its impact on the residential amenity of the local residents.

Councillor Rupert Frost proposed that the application should still be refused with focus to the proposal's effect on the amenity of local residents and the vagueness of uses under Class E. The proposition was seconded by Councillor Phil Bignell.

Councillor Wendy Randall was content with the increased size of the fishing lake and noted that the access was onto the main road which was quite busy.

Councillor Peter Matten was concerned about oversimplifying the situation by narrowing down the reasons for refusal. The Principal Planning Officer advised that it was important to clarify reasons as Officers may need to defend them at appeal. The buildings had been approved under a previous application and deemed acceptable. The prime concern for residents and the Parish Council appeared to be the potential noise and disturbance that could be caused by the use of the buildings.

Councillor Daniel Cribbin considered that Councillor Bignell's proposal was sensible. A focused reason for refusal would be preferable.

In discussions with Councillor Phil Bignell, Councillor Rupert Frost agreed to include paragraph 180 of the National Planning Policy Framework (NPPF) to the reasons for refusal.

The Council's Legal Advisor urged caution and stressed that the grounds for refusal must be very clear. The applicant can then decide whether to appeal or submit another application.

Councillor Rupert Frost indicated that the application should be refused adding the NPPF paragraph 180 and the effect of any proposed use on the amenity of local residents, referring to the noise and disturbance detailed in the Inspectors report.

On being put to the meeting, the proposition to refuse the application was put to the meeting and declared carried with 5 voting in favour and, 3 against.

RESOLVED:

That the application be refused for the following reasons:

The Local Planning Authority considers that given the location of the complex relative to nearby residential properties and in a tranquil open countryside setting, the proposal for use of the buildings for Use Class E would represent an inappropriate range of uses which would adversely impact upon the amenities the occupants of nearby residential properties presently enjoy by reason of noise and general disturbance that is likely to result from comings and goings associated with such uses. Furthermore the proposed car park would not lead to an enhancement of biodiversity on site. Accordingly the LPA considers the proposal would be contrary to the provisions policies SA, S1, S10, R2, E7 and BN2 of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) and Policies SP1 G&H, RA6, ENV1, ENV2

and ENV10 viii of the Settlements and Countryside Local Plan (Part 2) For Daventry District and having regard to NPPF 180 (5-3).

20. **DA/2021/0552 TEETON– Variation of condition 2 of planning permission DA/2020/0385 (detached double garage and workshop) to amend position and increase gable width, ridge height and slab height – Old White Horse, Creaton Road**

The Principal Planning Officer outlined the application. The garage had not been constructed in accordance with approved plans and the application had been submitted to regularise matters. The length and width had increased by some 500mm, with a 200mm increase on the eaves height. The location had also altered slightly. Members' attention was drawn to the list of late representations.

Mr Blake spoke against the application, Mr Crisp spoke on behalf of the Parish Council and Mrs Stockley the applicant addressed the Committee.

The Principal Planning Officer noted that Officers had considered the development plan, the Village Design Statement, the previous approval and harm caused. Officers deemed the impact acceptable. The overall footprint of the garage was the same as the 2018 application.

Councillor Phil Bignell advised that he had called in the application as requested by the Parish Council. The application should be refused as the applicant had given no heed to the planning process. The previous application for a development of this size had been refused. The ridge height may have since been reduced but the building was set higher than approved. The development contravened the Village Design Statement, was set on a rising site and was therefore dominant in the surroundings and intruded unopen the street scene.

Councillor Phil Bignell left the room during consideration of the item and took no part in the discussion or voting thereon.

Councillor Wendy Randall was surprised that the application had been approved initially as it was very dominate in the surroundings. The Principal Planning Officer advised that retrospective applications were permitted but consideration had to be given to reasons for refusal. The development would look better once completed and rendered, and the new location was little further away from the neighbouring property.

Councillor Alan Chanter was aware that many people did not like retrospective applications but they were within the rules. Once completed, the position and size of the garage would be acceptable within the street scene.

Councillor Chantler proposed that officers' advice to approve the application be accepted.

The proposition was seconded by Councillor Rosie Humphreys and on being put to the meeting was declared carried with 5 voting in favour, one against and one abstention.

RESOLVED:

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

21. **Planning application - WND/2021/0592 Weedon**

The Chair advised that application DA/2021/0592 Weedon had been deferred.

The meeting closed at 7.45 pm

Chair: _____

Date: _____

PLANNING APPLICATIONS

PLANNING AGENDA

08-Dec-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

<u>Application Number</u>	<u>Location</u>
DA/2020/0469	Barby
WND/2021/0391	West Haddon
WND/2021/0592	Weedon
DA/2020/1051	Badby

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 20 July 2021, 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.

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<u>Application Number</u>	DA/2020/0469
Location Description	THE CAVANS, BARBY LANE, BARBY, NORTHAMPTONSHIRE, CV23 8UX
Site Details	CHANGE OF USE OF LAND TO USE AS A RESIDENTIAL GYPSY CARAVAN SITE COMPRISING 5 PITCHES ACCOMMODATING A TOTAL OF 7 CARAVANS, INCLUDING NO MORE THAN 5 STATIC CARAVANS/MOBILE HOMES, TOGETHER WITH ADDITIONAL HARDSTANDING AND CONSTRUCTION OF ANCILLARY AMENITY BUILDING.
Applicant	MR G MCCANN
Agent	PHILIP BROWN ASSOCIATES LTD
Case Officer	NISAR MOGUL
Ward	BRAUNSTON & CRICK WARD
Reason for Referral	CALLED IN BY ASSISTANT DIRECTOR GROWTH CLIMATE CHANGE AND REGENERATION
Committee Date	8 DECEMBER 2021

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS AND INFORMATIVES.

Proposal

This full application seeks permission for the change of use of land to use as a residential gypsy caravan site comprising 5 pitches accommodating a total of 7 caravans, including no more than 5 static caravans/mobile homes, together with additional hardstanding and construction of ancillary amenity building.

Previously, under planning permission reference number DA/2017/0277, the site was granted planning permission for the change of use of land to use as a residential caravan site for one traveller family with two static caravans/mobile homes, construction of amenity building, laying of hard-standing and construction of new access driveway which was approved in July

2017 and hence there are two static caravans and two touring caravans currently in situ on the site.

The proposed non-transient mobile homes, residential pitches and ancillary caravans and amenity building, coupled with the associated hardstanding, access and other features, would make a small but appropriate contribution towards meeting the District's overall required provision for Gypsies and Travellers, as stipulated within policies especially including policy H6 of the adopted West Northamptonshire Joint Core Strategy, but also underpinned by policies SA, S1, R1 and R2 of that strategy, and it is considered that the proposal accords with criteria A i) to iii) of policy HO9 of the Settlements and Countryside Local Plan Part 2.

This particular small-scale development is not considered to detract from the character and landscape qualities of the rural area and if visually improved by suitable landscaping and also conditioned appropriately to retain its small scale. Overall, the proposal is judged to be in accordance with the presumption in favour of sustainable development from the locational, economic, social and environmental perspective.

Consultations

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

- Barby Parish Council

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

- WNC Planning Policy
- WNC Local Highway Authority
- WNC Environmental Health Officer
- WNC Crime Prevention Design Adviser

7 letters of objection were received on the initial plans and **4 letters of objection have been received on the amended plans.**

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 below in the report.

The key issues arising from the application details are

- Principle of the development
- Impact on the visual amenity of the area

- Impact on neighbour residential amenity
- Impact on highway safety

The report looks into the key planning issues in detail below, and Officers conclude that the proposal is acceptable and should be approved 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

APPLICATION SITE AND LOCALITY

The site is within a rectangular plot of land on the west side of Barby Lane and is about 1 mile north of the village of Barby and 1.5 miles south of the southern outskirts of Rugby. The whole plot is in the ownership of the applicant. It measures approximately 65m wide by 150m long and is accessed via an un-named lane off Barby Lane and has two metre high double metal gates that are set back from the highway.

The application site area that is the subject of the current application is a rectangular plot adjacent to the highway and measure circa 65 metres in width and 80 metres in length.

This area has been laid with hardstanding and there is a 2 metre high close boarded fence to its western, eastern and southern site boundaries. There are two static caravans, two touring caravans (mobile homes) and a utility building in situ.

The site and the surrounding land consists of open countryside but is not within the Special Landscape Area. The area is quite open, flat and occasionally developed. Approximately 250m to the north of site lies the road bridge over the Oxford Canal. Just before the bridge, the road – in progressing in a generally northern direction – bends slightly to the left. Adjoining the south western quadrant of the bridge is a dwellinghouse, being the nearest residential property to the application site.

Approximately 100m-150m to the south of the site, depending where in the field measurements are taken, and on the opposite (eastern) side of Barby Lane, lies the Barby Shooting Club. This currently holds outdoor activities every Wednesday and Saturday.

The access lane along the south side of the application site eventually leads to Barby Marina further to the west.

CONSTRAINTS

The site is situated within the open countryside and is considered to be previously developed land.

DESCRIPTION OF PROPOSED DEVELOPMENT

The proposal is for the change of use of the land of the existing residential Gypsy caravan site to add additional 3 pitches accommodating a total of 7 caravans, including no more than 5 static caravan/mobile homes, together with the additional hardstanding and construction of ancillary amenity building (part retrospective)

The proposal is part retrospective as the hardstanding area has already been laid. The two static caravans which are in situ and the utility building were granted planning permission previously under planning application number DA/2017/0277 in July 2017.

The static caravans measure 3.6 metres in width, 10 metres in length and 2.5 metres in height to the ridge of the shallow pitched roof. A typical static caravan will comprise of an open plan kitchen/dining/lounge area, a bathroom and two bedrooms.

The typical size of the touring caravan is circa 2.75 metres in width and 7 metres in length.

The utility building that was approved under the DA/2017/0277 is to be relocated to the north eastern corner of the application site. This building is circa 7.75 metres in length and 4.15 metres in width with an overhang of the roof area that measures 5.5 metres in width in total. The utility building will also be used as the bathroom area for the site.

The applicant has stated in the accompanying design and access statement that additional three static caravans are required for his relatives.

RELEVANT PLANNING HISTORY

There is some history relating to adjacent land to the south which is used as stables and a menage for horses. There is also some history relating to land further to the west which is now a marina for canal boats. Planning history that directly relates to this site includes:

DA/2015/0865 - Change of use of land to use as a residential site for one gypsy family with two caravans, laying of hard-standing, construction of driveway, improvement to access and construction of amenity building. Refused and dismissed at appeal.

DA/2017/0277 - Change of use of land to use as a residential caravan site for one traveller family with two caravans, construction of amenity building, laying of hard-standing and construction of new access driveway (revised scheme). Approved.

DA/2019/0896 - Siting of two Portakabins for use as toilet block and washing and storage (retrospective). Approved.

RELEVANT PLANNING POLICY AND GUIDANCE

Statutory Duty

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

Development Plan

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 District to 2029; and the adopted Settlements and Countryside Local Plan (Part 2) (2020). The relevant planning policies of the statutory Development Plan are set out below:

West Northamptonshire Joint Core Strategy (WNJCS) (2014)

Policy SA – Presumption in Favour of Sustainable Development

Policy S1 - Development will be primarily in and adjoining the principal urban area of Northampton. Development in the rural areas will be limited with the emphasis being on maintaining the distinctive character and vitality of rural communities. Priority will be given to making best use of previously developed land.

Policy S10 - Sustainable Development Principles

Policy R1 - Spatial Strategy for the rural areas

Policy R2 - Supporting the rural economy

Policy H6 – Gypsies, Travellers and Travelling Showpeople

Daventry District Settlements and Countryside Local Plan (Part 2) (2020):

Policy RA2 – Secondary Service Villages

Policy RA6 – Open Countryside

Policy HO9 - Gypsies, Travellers and Travelling Showpeople

Policy ENV1 - Landscaping

Policy ENV10 – Design

Barby & Onley neighbourhood Development Plan (NDP) (2016):

Policy BO-GP1 – General

Policy BO-D1 - Design

Policy BO-D2 – Local Landscape

Planning Policy for Traveller Sites (2015):

Policy H: Determining planning applications for traveller sites

National Planning Policy Framework (NPPF) (2021):

Presumption in favour of sustainable development

Para 9 Take local circumstances into account

Para 11 Approve proposals that accord with the dev plan without delay. Where plan is absent, silent or out of date, grant permission unless adverse impacts significantly and demonstrably outweigh the benefits

Chapter 5 Delivering a sufficient supply choice of homes

Chapter 9 Promoting sustainable transport

Chapter 12 Achieving well designed places

Chapter 15 Conserving and enhancing the natural environment.

RESPONSE TO CONSULTATION

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

Barby Parish Council:

Initial Plans

Barby & Onley Parish Council OBJECT to this application since the Neighbourhood Development Plan Policy BO-H2 was drafted to prevent isolated development in open countryside. The policy was put in place to help protect the green space between the village and Rugby's built up area.

Barby & Onley Parish Council object to this application as they feel it is over-development in the open countryside and contrary to Policy BO-H2 of their Neighbourhood Development Plan.

Although the Parish Council recognises that there is a shortage of Traveller and Gypsy sites within the District, the area already has a history of incremental development which has taken place without permission and has led to the countryside being defiled.

Because of this, the Parish Council would like this application to be discussed by the Planning Committee.

Should the District Council be minded to grant this application, then the Parish Council request that screening is put in place along the north and eastern boundaries of the site and that this application represents the maximum number of static caravans/mobile homes and touring caravans that may be permitted.

Concern was raised that the plans do not show the location of the Septic Tank, and no detail of the size of the proposed mobile homes is included in the application. The Parish Council would like confirmation that spacing between static caravans, and fire safety provision complies with current legislation.

Amended plans

Barby & Onley Parish Council OBJECT to this application since the Neighbourhood Development Plan Policy BO-H2 was drafted to prevent isolated development in open countryside. The policy was put in place to help protect the green space between the village and Rugby's built up area. Barby & Onley Parish Council object to this application as they feel it is over-development in the open countryside and contrary to Policy BO-H2 of their Neighbourhood Development Plan.

This area already has a history of incremental development which has taken place without permission and has led to the countryside being defiled. Because of this, the Parish Council would like this application to be discussed by the Planning Committee.

Should the District Council be minded to grant this application, then the Parish Council request that the proposed screening is put in place along the north and eastern boundaries of the site this planting season and that details and location of the Septic Tank are clarified and confirmed. The Parish Council would like confirmation that this application represents the maximum number of static caravans/mobile homes and touring caravans that may be permitted in this location and confirmation that spacing between static caravans, and fire safety provision complies with current legislation.

WNC Highways:

The Local Highway Authority have no objections to this application.

WNC Environmental Health Services:

No objections subject to the following conditions to secure the following

1. Drainage Plan

Prior to the commencement of the development the applicant shall provide a detailed drainage plan for the application site, to include details of foul and surface water collection and disposal methods, this shall include details of any water saving measures to be employed on the application site.

Reason: To ensure that all services are effectively connected to the described system

2. External Lighting

Details of any external lighting shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development. This information shall include a layout plan with beam orientation and schedule of equipment in the design (luminaire type; mounting height; aiming angles and luminaire profiles). The means of illumination of the subject of this consent shall not be of a flashing or intermittent nature. The approved scheme shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

Reason: to protect the appearance of the area, the environment and wildlife and local light-sensitive development from light pollution.

Reason: In order to ensure adequate safety and security on site.

3. Post Commencement Contamination

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.

Reason: To ensure all contamination within the site is dealt with.

WNC Local Strategy Service (Planning Policy):

It is considered that the proposal accords with criteria A i) to iii) of policy HO9 of the Settlements and Countryside Local Plan Part 2 however further consideration is required to determine if the application would have unacceptable impact on the landscape, local infrastructure or existing communities due to the cumulative impact of gypsy and traveller sites in this area. This would determine whether or not the proposal accords with criterion v). Although there is no evidenced need it is considered that the benefits of the proposal in considering the long term supply of gypsy and traveller sites are important although the weight to be attached to this benefit is a significant consideration in the context of there being no outstanding need. Whilst there is no specific policy on Gypsy and Traveller provision in the Barby and Onley Neighbourhood Plan the proposal has some conformity and conflict with policy BO-GP1. National planning policy is a material consideration and the proposal has some conformity and conflict with the policies in the planning policy for traveller sites however the criterion related to personal circumstances (Policy H b and c) will need to be subject to further consideration by the case officer with appropriate weight attached.

WNC Crime Prevention Design Adviser:

Northamptonshire Police generally approve the use of land for traveller/gypsy sites provided that the sites are for small family groups who have local

connections to the area. Such small family groups integrate better with local settled communities. Not restricting the use of sites to small family groups opens up the possibility that the land will be further let or sold to a number of different families which could give rise to tensions and disorder without any formal site management. In this instance the applicant has identified immediate family members who it is proposed to accommodate on the site and therefore this requirement is met.

Should permission be granted Northants Police would require the following conditions to be appended to the permission:

The application addresses local needs for the provision of traveller pitches/accommodation for people with local connections to the county of Northamptonshire and Daventry District Council area in particular.

No business shall be conducted on the site and no storage of trade waste or metals is permitted.

A minimum of 6m should separate each individual unit to reduce the potential for fire spread.

RESPONSE TO PUBLICITY

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

There have been 7 objections raising the following comments on the initial plans:

- There is already too much traffic on Barby Road
- Site already has more caravans than approved for.
- It is unsightly on green belt land
- Entrance is concealed which is a danger for other road users and is off a road with national speed limit.
- Site is close to Marina and canal walks used by many people and allowing caravans here will spoil the views and increase noise.
- Existing land is farm/grazing land – change of use to a caravan site will detract from the greenfield status of this land.
- There are other sites that can be considered but the quiet village of Barby is not the right place.
- The Neighbourhood Development Plan Policy B0-H2 is designed to prevent isolated development and thus protect our green spaces.

There have been 4 objections on the amended plans to date (expires 24/11/2021) raising the following comments:

- Site is already causing increased traffic and danger on Barby Lane.
- The site has been observed to have more caravans than permitted on it on many occasions.

- The proposed plans will negatively effect the natural layout, beauty and appearance of the landscape and countryside by increasing buildings, volume of traffic and increased pollution.

APPRAISAL

Planning Law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, when assessing applications in respect of Gypsies Travellers and Travelling Show-people the development plan for Daventry District consists of the policies within the WNJCS and Daventry District Council Settlement and Countryside (Part 2) Local Plan as well as the Barby and Onley Neighbourhood Plan.

West Northamptonshire Joint Core Strategy

Annex 1 of the National Planning Policy Framework (NPPF) makes reference to due weight being given to relevant policies in existing plans (i.e. those adopted before the introduction of the NPPF) according to their degree of consistency with the Framework and that the closer the policies in the plan are to the policies in the Framework, the greater the weight that may be given.

The WNJCS was adopted in 2014 and forms part of the development plan. Policy H6 relating to Gypsies, Travellers and Travelling Showpeople, insofar as it covered Daventry District, was superseded by policy H09 within the Part 2 Plan, discussed further below.

Daventry District Settlements and Countryside Part 2 Local Plan

Daventry District Settlements and Countryside Part 2 Local Plan was adopted by Daventry District Council on 20th February 2020 and forms part of the development plan. In order to ensure the evidence base was up to date for this Part 2 Plan the Council commissioned an updated version of the evidence base in 2016 to take account of the revised guidance.

Although the most up to date assessment of need demonstrates there is no need for additional pitches in Daventry District for Gypsy and Traveller households that meet the planning definition, the assessment included a projected need within the plan period of up to 6 additional pitches.

The assessment stated that this is likely to relate to only 1 additional pitch for gypsies and travellers meeting the definition when applying the 10% national average¹; and this need has been met through recent permissions.

Since the completion of the 2017 Gypsy and Traveller Accommodation Assessment (GTAA), recent evidence indicates that the national average for

households that meet the planning definition may potentially be up to 25% resulting in a potential need for 2 additional pitches arising from unknown households.

Therefore, whilst there is no evidenced need for additional pitches at the time of the assessment, policy HO9 recognises that future applications would be considered on a case by case basis, this meaning that the absence of need would not be cited as a sole reason for refusal. The application needs to be considered on its merits, having regard to other relevant policies and guidance. However, paragraph 6.6.09 makes it clear that the justification for such pitches will be an increasingly important factor, particularly the further provision exceeds identified needs.

Policy HO9 relating to Gypsies, Travellers and Travelling Showpeople states provision will be made for the accommodation of Gypsies, travellers and Travelling Showpeople in the period 2016 to 2029 to meet the needs identified in the most recent GTAA.

It states that applications for planning permission must meet certain criteria as follows:

- a) The site has an existing vehicular access from a public highway with adequate space for parking, turning and servicing on-site. The site has ample parking and the Highways Authority have not objected to the proposal on highway safety grounds and hence the proposal is considered to accord with this criteria.
- b) Criterion b requires that the site has reasonable access to a range of services. The site is within reasonable proximity of the village of Barby being circa 1 mile away and within 1.5 miles from the town of Rugby. The village has limited services and facilities although there is a village shop and a local primary school. Although there is no public transport within close proximity of the site nor is there direct walking access to the settlement it is considered due to the close proximity of the site to the village of Barby and Rugby, that the proposal would accord with criterion b.
- c) With regard to criterion c) it is not considered that there are any high levels of flood risk, noise or air pollution that could result in an unacceptable standard of amenity for residents. The site is in close proximity to the Barby Sporting shooting club however, an appeal decision in 2017 on a site adjacent to this found that the noise from this facility was not sufficient to impact on an acceptable level of amenity for the residents of the site. Therefore, it is considered that criterion c is satisfied.
- d) This criterion requires the site capable of providing adequate on-site services for water supply, power, drainage sewage and waste disposal facilities. Whilst no details have been provided regarding the drainage and waste facilities, a condition can be included in any planning

approval requesting these details to be submitted to and approved by the LPA and hence this criterion could be satisfied.

e and f) With regards to these criterion it is considered that whilst the proposal will result in more urbanisation of the site. It is an established Gypsy site and is not within the Special Landscape Area. It is also some distance away from the nearest residential dwelling, any impact on the area could be softened with additional landscaping and this can be conditioned should the application be approved.

Overall, it is therefore considered that the proposal will comply with policy H09 of the settlements and Countryside Local Plan.

Policy RA6 refers to the open countryside and policy ENV1 refers to landscaping. As the site is outside of the village confines this policy is therefore of relevance. As discussed above the site lies within the open countryside but is not in a Special Landscaped Area. Part of the site has previously been granted planning permission for the use as a residential gypsy site it is considered that with a suitable planting scheme will assist in mitigating against the visual impact of the development, and a condition should be included in any approval requiring details of a landscaping scheme to be submitted to accord with policies RA6 and ENV1.

Barby and Onley Neighbourhood Plan (2016)

The plan does not provide specific guidance on Gypsy and Travellers, however, policy BO-GP1 sets out the General Development Principles for all new development.

Of particular relevance are criteria a), b), and d). With regard to criterion a) the site could be considered as a brownfield site as permission for the access, hardstanding and use as a Gypsy site was granted in 2017, however, it does not involve the conversion of existing buildings. The site is within reasonable proximity to existing services and facilities at Barby and Rugby and residents may make use of these, therefore the development conforms with criterion b). The development also conforms with criterion d) as the highways authority are satisfied with the access arrangements to the site and do not consider that proposal will lead to any highway safety issues.

On balance, it is considered that the proposal is in conformity with policy H6 of the WNJCS and there is some conformity with the Barby and Onley Neighbourhood Development Plan and hence the proposal does not warrant a refusal on these grounds.

Section 38(6) of the Planning Act 2004 requires authorities to determine applications in accordance with the development plan unless material considerations indicate otherwise. In relation to this case, other material

considerations are the National Planning Policy Framework and the planning policy for traveller sites.

Policy H – Refers to determining planning applications for traveller sites. This policy seeks to ensure a number of criteria are considered when determining planning applications for traveller sites. These are set out in paragraph 24. Criterion a) requires the consideration of the existing level of local provision and need for sites. As previously discussed, there is no outstanding evidenced need however the site could contribute to the supply of sites for gypsies and travellers across the District in the longer term.

With regard to criterion b) there is no alternative accommodation within the District for the applicant.

With regards to criterion c) relating to the personal circumstances of applicant, this has been discussed above and the need for the additional 3 static caravans are due to need to provide permanent site for the applicant's family.

The remainder of the criteria d) and e) have been considered in the decision of the previously granted application DA/2017/0277.

Impact on the Character and Appearance of the Locality:

The proposal is for the additional hardstanding and the additional static caravans on this previously developed land is considered would have minimal adverse impact on the visual amenity of the area due to the enclosed nature of the site and furthermore with additional planting proposed this will help mitigate further any visual harm on the landscape.

Impact on residential amenity:

The proposed additional caravans within the existing site will not impact on any immediate residential amenity due to there being no residential dwellings within the immediate vicinity.

Other issues:

Highways: The Highways Officer commented on the proposal and raised no objections on highway safety grounds.

Crime Prevention: The Crime Prevention Design Adviser has commented on the application and has not objected to the proposal subject to the static caravans being sited 6 metres away each individual unit to prevent the spread of potential fire and that no business should be carried out from the site and no or storage of waste materials should be stored on the site.

Environmental Health Protection: The Environmental Health Officer commented on the application and raised no objections subject to the inclusion of conditions and informatives in any planning approval relating to

drainage, external lighting, contamination and caravan site licences being obtained.

Parish Council: Whilst the Parish Council have objected to the proposal they do recognise that there is a shortage of Traveller and Gypsy sites within the District, they feel that the current proposal will lead to overdevelopment of the site. They have requested that should the LPA be minded to approve the application then a condition regarding landscaping, drainage and adequate spacing between the caravans to prevent spread of fires should be included. These issues have been adequately addressed within the body of the officer report.

Neighbours: There were 7 objections on the initial plans from local residents and one objection on the amended plans raising concerns relating to highway safety and issues relating to impacts on views and noise for the walkers along the canal and the Marina. However, as stated above the Highway Officer is satisfied that the proposal will not cause any highway safety issues and the Environmental Officer has not identified any noise issues that would warrant a refusal on these grounds whilst there are no given rights to views.

Planning Balance and Conclusion

The proposal does not represent overdevelopment of the site and there are no negative visual impacts owing to natural screening and fencing around the site. The proposal would make a small but appropriate contribution towards meeting the District's overall required provision for Gypsies and Travellers, as stipulated within policies especially including policy H6 of the adopted West Northamptonshire Joint Core Strategy, but also underpinned by policies SA, S1, R1 and R2 of that strategy. It is considered that the proposal accords with criteria A i) to iii) of policy HO9 of the Settlements and Countryside Local Plan Part 2.

If any additional caravans and traveller families do overstay their temporary visiting rights, it may become a matter for enforcement but only if judged expedient on planning grounds to do so.

On balance, for the above reasons, it is considered that the benefits of the proposal in terms of providing additional pitches will lead to limited social, economic and environmental benefits with regards to the provisions within policy HO9 of the Settlements and Countryside Local Plan which will outweigh any potential harm to the open countryside in which the site lies and therefore it is considered that the proposal is acceptable and in accordance with the development plan and having regard to the Framework.

RECOMMENDATION / CONDITIONS AND REASONS

The proposal is therefore recommended for approval subject to conditions and informatives:

CONDITIONS

- 1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.**
- 2. This permission does not authorise the use of the land as a caravan site by any persons other than gypsies and travellers, as defined in Annex 1 of the Planning Policy for Traveller Sites, Communities and Local Government 2015.**
- 3. All occupants of the residential units hereby approved shall solely be Mr G McCann or members, dependants, spouses or in-laws of the applicant's said McCann family (or possess a maiden name as such) at all times.**
- 4. Except where expressly stated by other conditions on this planning permission, the development shall be carried out strictly in accordance with the details shown on the following drawings:**

Drawing number: Site location plan at a scale of 1:2500, Floor and elevations of single unit mobile, site layout plan at a scale of 1:500, un-named Key plan and Amenity Building (Floor Plan and Elevations) as received by the Local Planning Authority on 8th October 2021.

- 5. The additional static caravans hereby approved shall not be occupied until full details (including planting plans, species, size and proposed numbers/densities) of all proposed hard and soft landscape works, have been submitted to, and approved in writing by, the Local Planning Authority. The approved works shall be implemented as approved and shall be carried out 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 tree or shrub planted in replacement for them, are removed, uprooted or destroyed or die (or become 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.**
- 6. Prior to the commencement of the development hereby approved, full details of any external lighting to serve the site shall be submitted to and approved in writing by the local planning authority. The external lighting shall be strictly carried out in accordance with the said details.**
- 7. No more than a total of five mobile homes, which shall all comply with the definition of 'caravans' as conferred by the Caravan Sites and Control of Development Act 1960 (or any**

- act amending or re-enacting the said Act), shall be stationed on the site at any one time.
8. Any caravans, mobile homes or day vans positioned on the site shall be capable of being towed on the public highway, in accordance with the relevant Highways legislation, without division into separate parts.
 9. Prior to the commencement of the development the applicant shall provide a detailed drainage plan for the application site, to include details of foul and surface water collection and disposal methods, this shall include details of any water saving measures to be employed on the application site.

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. This permission is being granted on the basis that it complies with the provisions of policy and guidance of relevance to gypsies and travellers, especially policy H6 of the West Northamptonshire Joint Core Strategy and policy H09 of Settlements and Countryside Local Plan Part 2.
3. This permission is being granted, as an exception to normal rural restraint policies, as a small scale family site only, to limit its scale, particularly in the interests of sustainability.
4. To clarify the terms of this planning permission, to ensure that the development is carried out as permitted interest of visual amenity and to ensure the development would not detract from the character and appearance of the application site and the local streetscene.
5. In the interests of the visual amenity of the area.
6. To keep the level of lighting to a level proportionate to the operation of the site, in the interests of sustainability.
7. To limit the scale of the approved development commensurate with the site constraints and characteristics (mindful that small increases in the number of features, etc, might not necessarily result in a material change of use under planning legislation).
8. To limit the scale and visual impact of the features comprising the approved development.
9. To ensure that all services are effectively connected to the described system.

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. A minimum of 6m should separate each individual unit to reduce the potential for fire spread**
- 3. The applicant will need to progress an application with Environmental Improvement to obtain a caravan site licence prior to the first occupation or use of any caravan or mobile home.**

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<u>Application Number</u>	WND/2021/0391
Location Description	LAND ADJ 30, WEST END, WEST HADDON, NORTHAMPTONSHIRE
Site Details	CONSTRUCTION OF NEW COTTAGE DWELLING WITH ASSOCIATED LANDSCAPING (RESUBMISSION OF PREVIOUSLY REFUSED SCHEME UNDER DA/2020/0627)
Applicant	MR & MRS M & V LONGLEY
Agent	CAT ABLITT, ROGER COY PARTNERSHIP
Case Officer	NISAR MOGUL
Ward	LONG BUCKBY WARD
Reason for Referral	APPLICANT IS A WEST NORTHAMPTONSHIRE COUNCILLOR
Committee Date	8 DECEMBER 2021

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: THAT THE APPLICATION BE REFUSED.

Proposal

This full application seeks permission for the construction of a detached thatched cottage style two storey dwelling including a detached garage, alterations to the access and the land levels including associated works (revised scheme following the refusal of a similar scheme under DA/2020/0627) on part of open space (OS10) adjacent to 30 West End, West Haddon which in February 2020 was designated as part of the West Haddon Conservation Area.

The previous application was refused for the following reasons:

It is considered that the proposed two storey thatched dwelling and the detached garage fronting on to the street at an elevated height will have a detrimental impact on the character and appearance of this piece of open space that would fundamentally change its character and appearance due to the loss of the openness of the land and the prominence of the two storey dwelling and the associated double garage. The proposal would

therefore conflict with policies S1 and R1 of the West Northamptonshire Joint Strategy, and policies SP1, RA2, ENV1, ENV7 and ENV10 of the Settlements and Countryside Local Plan as well as policies within the West Haddon Neighbourhood Development Plan and policy OS10 of the West Haddon Area Appraisal and Management Plan as well as having regard to the Framework.

The current application addresses the issue of the dwelling being at an elevated height and is now proposed to be at a lower level so that it is at street level. The proposal also sets the dwelling and the garage slightly to the south towards No.30 West End's boundary so that two off road parking spaces can be provided to the north east of the proposed garage.

Whilst the proposed detached dwelling and the detached garage could be accommodated here without any adverse impact on the amenities of the occupants of the neighbouring properties, it is considered that this area of open space contributes to the peaceful, rural atmosphere of this part of the village and enhances the setting of the historic buildings opposite. It further enables open views along West End in a north-westerly direction towards two groups of important trees that are covered by Tree Preservation Orders. The stone wall along the frontage of the site is also identified as an important boundary feature in the Conservation Area Appraisal and Management Plan (CAAMP).

The site has in the recent past been cleared of vegetation and hedgerow at the frontage of the site and a number of trees have been removed. A new vehicular access has also been created which has opened up views across the site and along West End.

The application site is considered to part of a wider area open space. Although it sits wholly within the village confines the wider open space is contiguous with adjoining fields forming part of the open countryside abutting immediately to the east of the site.

Whilst the proposed two storey detached dwelling fronting on to the street will now be at street level, it is considered that the proposal will have a detrimental impact on the character and appearance of this piece of open space and would fundamentally change and harm its character and appearance with the introduction of a prominent detached dwelling.

Furthermore, due to the changes in the levels proposed, it is considered that this will cause un-acceptable harm to the roots of the TPO Trees within the application site as well as the adjacent TPO Tree within the grounds of No.30 West End.

The proposal would therefore conflict with policies S1 and R1 of the West Northamptonshire Joint Strategy and policies SP1, RA2, ENV1, ENV7 and ENV10 of the Settlements and Countryside Local Plan (part 2), as well as policies within the West Haddon Neighbourhood Development Plan and the West Haddon Conservation Area Appraisal and Management Plan, which describes the site and the existing stone wall

as being 'important open space and important stone wall', as well as having regard to the Framework.

For the reasons set out above it is considered that the proposed development would cause harm to the significance of the West Haddon Conservation Area and that the harm would be 'less than substantial' having regards to the NPPF which requires that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification and that any harm should be weighed against the public benefits of the proposal. It is considered that there is limited public benefit arising from this proposal which would not outweigh the harm identified above.

Consultations

The following consultees have raised objections to the application:

WNC Conservation Area Officer

WNC Landscape Officer

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

West Haddon Parish Council

WNC Local Highway Authority

WNC Environmental Health Officer

WNC Ecology Officer

WNC Archaeology Officer

2 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 below in the report.

The key issues arising from the application details are:

Principle of the development;

- Impact on the important part of the open space and the Conservation Area;
- Impact on neighbour residential amenity;
- Impact on highway safety;
- Impact on the TPO trees;

- Impact on Ecology;and
- Impact on Archaeology

The report looks into the key planning issues in detail below, and Officers conclude that the proposal is on balance unacceptable and should be refused, on planning grounds.

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

APPLICATION SITE AND LOCALITY

The application site lies on the east side of West End (A428) towards the northern limit of residential development in the village of West Haddon circa 300 metres north of the village centre it is rectangular in shape being approximately 1000sqm in size. Whilst the site is wholly within the confines of the village, it is also part of the West Haddon Conservation Area which identifies the site as 'important' part of the designated open space (OS10). The boundary wall is also described as being an 'important' non designated heritage asset.

It is believed that historically this parcel of land may have been part of the garden area belonging to no.30 West End and other than a small break in the site to form the existing access, (which has since been widened) it was enclosed by a stone wall with relatively high dense hedgerow adjacent to the wall including several trees on the land. The actual land on the site is elevated by circa 1.1 metres above the pavement level.

More recently, the hedgerow along the frontage including several trees have been removed and the existing access widened into the site to the northern part of the site. The effect has been to open up the views across the site and to the western boundary where there is a group of TPO'd trees.

The site boundary adjacent to no.30 West End consists of a 2 metre high close boarded fence whilst the rear boundary is screened by a belt of trees.

The application site abuts a wider parcel of open land which is open countryside to the north-west and north-east. To the south-east of the site lies the adjacent neighbouring property, no.30 West End. This property has two prominent TPO trees in close proximity to the side eastern boundary of the application site whilst the nearest elevation of this property is circa 23 metres away from the side boundary of the site.

The nearest residential property to the site is on the opposite side of the West End is no.45 West End which is circa 13 metres from the front boundary of the site.

CONSTRAINTS

The site is situated within the confines of the village of West Haddon and is within the West Haddon designated conservation area and in an important open space (OS10). There are also TPO trees on site or nearby.

DESCRIPTION OF PROPOSED DEVELOPMENT

The proposal consists of the construction of a two storey detached thatched roofed 'L' shaped dwelling, a detached double garage, together with the alteration of the existing access into the site, and the repair works to make good the stone wall to the front boundary of the site and provide a pedestrian gated entrance adjacent to the front elevation of the proposed dwelling.

The proposed dwelling will include a porch to the front elevation and dormers to the first floor and two chimneys to each end of the main body of the dwelling.

The dwelling will sit circa 1.5 metres at its nearest point from the front boundary of the site and is set in circa 13 metres in from the side boundary of the adjacent property, no.30 West End and the detached garage will be set circa 4.5 metres from the rear boundary.

The dwelling will be 15.8 metres in length and circa 7 metres in width to the main body of the dwelling with a two storey addition to rear elevation.

The proposed dwelling will consist of a dining room, kitchen, an office, a utility room and a living room on the ground floor whilst on the first floor there will be four bedrooms all with en-suites.

The external materials proposed in the construction of the dwelling and the detached garage will be **thatched roof** and local stone to the external facing walls of the main body of the dwelling and will be rendered to the subservient two storey element to the side elevation.

RELEVANT PLANNING HISTORY

DR/72/353 – Residential Development (larger site) – Refused 06/02/1973

DR/73/214 – Houses with garages (larger site) – Refused 16/10/1973
Appeal to DR/73/214 – Dismissed 5/6/1975

DA/82/683 – Two detached dwellings with shared access – Refused 26/01/1983

DA/93/1157 – Outline application for residential development of two dwellings – 4/2/1994

T/APP/Y2810/A/94/235304/P2 – Appeal for DA/93/1157 – Dismissed 01/7/1994.

DA/2018/0552 – Construction of four apartments, alterations to access, replacement stone wall to frontage and associated works – Withdrawn 15/10/18.

DA/2019/0383 - construction of four apartments, alterations to access, replacement stone wall to frontage and associated works (revised scheme) – Withdrawn 19/12/2019.

DA/2020/0627 - Construction of dwelling with associated landscaping – Refused 12/2/2021.

RELEVANT PLANNING POLICY AND GUIDANCE

Statutory Duty

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and under Section 72 of the Planning (Listed Buildings and conservation Areas) Act 1990.

Development Plan

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 District to 2029; and the adopted Settlements and Countryside Local Plan (Part 2) (2020). The relevant planning policies of the statutory Development Plan are set out below:

West Northamptonshire Joint Core Strategy Local Plan (2014) (Part 1) (LPP1)

Policy S1 Development will be primarily in and adjoining the principal urban area of Northampton. Development in the rural areas will be limited with the emphasis being on maintaining the distinctive character and vitality of rural communities. Priority will be given to making best use of previously developed land.

Policy S3 Provision to be made for 12,730 additional dwellings in Daventry District 2011 – 2029.

Policy S10 Sustainable Development Principles

Policy BN5 Historic environment and landscape

Policy R1 Spatial Strategy for the rural areas

Daventry District Settlements and Countryside (Part 2) Local Plan (2019) (LPP2)

Policy SP1 Daventry District Spatial Strategy

Policy RA2 Secondary Service Villages

Policy ENV7 Historic environment

Policy ENV1 Landscaping

Policy ENV10 Design

West Haddon Neighbourhood Development Plan (2016)

WH1 Protecting and enhancing the landscape and local countryside character

WH10 New residential development in West Haddon

WH11 New housing development outside West Haddon Village

WH13 Design

West Haddon Conservation Area Appraisal and Management Plan (Feb 2020)

OS10 – An area of open ground north of no.30 West End that makes a significant contribution to the Conservation Area.

National Planning Policy Framework (NPPF) (2021)

Presumption in favour of sustainable development

Para 9 Take local circumstances into account

Para 11 Approve proposals that accord with the dev plan without delay.
Where plan is absent, silent or out of date, grant permission unless adverse impacts significantly and demonstrably outweigh the benefits

Chapter 5 Delivering a sufficient supply choice of homes

Para 68 Need to maintain a 5 year land supply plus 5%

Chapter 9 Promoting sustainable transport

Chapter 12 Achieving well designed places

Chapter 16 Conserving and enhancing the historic environment

RESPONSE TO CONSULTATION

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

West Haddon Parish Council – Whilst the Council acknowledged the slight movement of the property away from a root protection zone, the amended scheme now indicated additional car parking / driveway in the vicinity and within the root

protection zone of other trees. Consequently, the Council respectfully asked that the planning authorities arborist would ensure the proposal would not damage the trees on the site. Further, the Council acknowledged the objections and concerns raised by some members of the community with regard the proposed scheme and would ask that the planning authority take all concerns / observations into consideration when determining the application at committee. The Council, however, endorsed the style of the proposed dwelling as attractive.

WNC Local Highways Authority - The Local Highway Authority (LHA) has the following observations, comments and recommendations: -

All matters relating to access were resolved during consultation for DA/2020/0627 to the LHA's satisfaction. As this new application retains the same access arrangements as the previous proposal, the LHA have no objection.

WNC Archaeology - The site lies to the north of the village centre and on the eastern side of West End and is within the area of known historic settlement. A short distance to the south the county Historic Environment Record indicates that a cremation urn thought to be of Romano-British date was found during well-digging; this was first reported in 1712 but no further details are known.

A few Roman coins have also been found at this end of the village and it is possible that there is Romano-British activity in the area. There is the potential for remains of archaeological interest to survive on the application site, albeit truncated by more recent activity.

The NPPF, in paragraphs 189 & 190, stresses the importance of pre application discussions in order to assess the significance of potential heritage assets. Normally the assessment would take the form of an evaluation prior to determination; however, in this case, a condition for a programme of archaeological works is recommended.

The proposed application will have a detrimental impact upon any archaeological deposits present. This does not however represent an over-riding constraint on the development provided that adequate provision is made for the investigation and recording of any remains that are affected. In order to secure this please attach a condition for an archaeological programme of works as per NPPF paragraph 199 to any permission granted in respect of this application.

The suggested standard condition is worded as follows:

Condition: No development shall take place until the applicant 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 by the Planning Authority. This written scheme will include the following components, completion of each of which will trigger the phased discharging of the condition:

- (i) fieldwork in accordance with the agreed written scheme of investigation;

- (i) post-excavation assessment (to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority);
- (ii) completion of post-excavation analysis, preparation of site archive ready for deposition at a store (Northamptonshire ARC) approved by the Planning Authority, completion of an archive report, and submission of a publication report to be completed within two years of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority.

Reason: To ensure that features of archaeological and historic interest are properly examined and recorded and the results made available, in accordance with NPPF paragraph 199.

WNC Ecology Officer - Having reviewed the ecological survey report supplied I'm satisfied that biodiversity impacts should be minimal provided the precautionary working methods set out in section 6 of the report ('Ecological Survey of Land at West End, West Haddon, Northamptonshire' by Philip Irving and dated October 2020) are followed.

WNC Environmental Health Officer - Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts A to D have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition D has been complied with in relation to that contamination.

A. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,

- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11(or any model procedures revoking and replacing those model procedures with or without modification)'.

B. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

C. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

D. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition B, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition C.

REASON: Contaminated land investigation is required prior to the commencement of development to ensure that risks from land contamination to the future users of

the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy 11 of the NPPF and in the interest of safeguarding residential amenity and reducing pollution in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.

Construction Management Plan

Prior to the commencement of development a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction

REASON: In the interests of safeguarding highway safety, safeguarding residential amenity and reducing pollution in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.

Informative:

The Statement required to discharge the Construction Management Plan of this consent is expected to cover the following matters:

- the parking and turning of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- details of measures to prevent mud and other such material migrating onto the highway from construction vehicles;
- wheel washing facilities;
- measures to control the emission of dust and dirt during construction;
- a scheme for waste minimisation and recycling/disposing of waste resulting from the construction works.
- design of construction access
- hours of construction work
- measures to control overspill of light from security lighting

Informative:

Contractors and sub contractors must have regard to BS 5228-2:2009 "Code of Practice for Noise Control on Construction and Open Sites" and the Control of Pollution Act 1974.

Local residents that may be affected by the work shall also be notified in writing, after approval is received from the LPA or Environmental Health.

WNC Planning Policy – The new application shows some changes to the positioning of the proposed dwelling within the site. It is also set lower into the site, presumably to reduce visual impact. However, as stated in comments on application DA/2020/0627, this may impact on below ground archaeological interest. The change of positioning has not overcome previous concerns that the site forms part

of an open space identified as making a significant contribution to the West Haddon Conservation Area. There is therefore still conflict with the development plan, specifically Local Plan Part 2 policies RA2 Ciii and iv and ENV7 part Civ, plus policy WH13 a) of the West Haddon Neighbourhood Plan.

WNC Conservation Area Officer – I maintain my objection to the introduction of a new dwelling on this site as it would fundamentally change the character and appearance of an area of open land that is identified within the council's adopted West Haddon Conservation Area Appraisal and Management Plan (CAAMP) as important open space (OS10). This land makes a significant contribution to the conservation area. The CAAMP describes it as contributing to the peaceful, rural atmosphere of this area of the village, which has a less densely built character than nearer the centre, and enhances the setting of the historic buildings opposite. It enables open views along West End in a north-westerly direction towards two groups of important trees that are covered by Tree Preservation Orders. The stone wall along the frontage of the site is identified as an important boundary feature in the CAAMP.

It is disappointing that the applicant is yet to acknowledge the site as important open space, despite its status within the adopted CAAMP. The Design & Access Statement is also incorrect to say that the site is within the conservation area but there are no designated heritage assets on the site. The conservation area **IS** the designated heritage asset.

I note the proposed change in site levels, which has brought the house down nearly to road level. This is more consistent with traditional built form on West End and would, to some extent, reduce the impact of the new build on the surrounding houses and character of the area. Having recently reviewed the amended application drawings again I noted various inconsistencies in the site and building levels as shown on the proposed elevations and sections. I raised these with the architect. On 22 November 2021 amended drawings with some existing & proposed site levels were provided. They do provide some clarification but they also reinforce existing concerns about the extent of ground levels changes that would be required to accommodate the proposed development – especially in those areas within and adjacent to the root protection zones of TPO trees. I really don't think that this impact has been properly considered or demonstrated by the architects.

Based on the information we have to date, I would conclude that the proposal is likely to compromise the wellbeing of the trees. The marked changes in the existing site levels, including the effect of the garage building sitting on elevated land behind the house and the introduction of steps and retaining features across the site, would have a harmful impact upon the local street scene. Widening the existing access by removing more of the stone boundary wall at the frontage to create a 9m+ hard surfaced entrance would also be detrimental to the character and appearance of the conservation area.

The application drawings had shown a 1.2m high stone wall along the boundary with 30 West End. This would have been a visual improvement over the existing timber closeboard fence. However, I raised concerns about the impact on tree roots of constructing a new wall in this position directly beneath the beech trees. The plans have been revised and the closeboard fence is now shown to be retained. This is an unattractive suburban detail that detracts from the character and appearance of this piece of open space. Any opportunity to soften this boundary with native hedgerow planting would be welcomed.

I still feel that the proposed design approach would be unsuccessful in this context. It is perhaps trying too hard to achieve a traditional cottage vernacular for what would in reality be a medium sized family home with associated private drive and garaging on a sloping site. If traditional architecture is used in new design it must be authentic (including in size, scale and detailing) otherwise it will look out of place.

The application drawings originally showed the stone wall at the site frontage to be retained and repaired. I questioned whether a structural engineer had inspected the wall to establish its makeup and that of the retained land behind it. The removal of ground levels from behind the stone wall would leave it as a freestanding structure. It might well require complete rebuilding in order to allow for this. The drawings have been amended to acknowledge this, but no extra information has been provided so we don't know the extent of any loss of historic character and fabric from the wall.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

The character of the application site as open space, and the traditional stone boundary wall along the frontage, are key locally distinctive features which make a positive contribution to the West Haddon conservation area. For the reasons set out above I consider that the proposed development would cause harm to the significance of the conservation area. The harm would be 'less than substantial' in NPPF terms. Paragraph 200 of the NPPF requires that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. Paragraph 202 requires that any harm should be weighed against the public benefits of the proposal.

WNC Landscape Officer - The addition of levels has clarified my concerns over the potential impact of the proposed property on not only the adjacent TPO Beech but also the TPO Group on the northern edge of the site. It would appear that the new FFL of the house is at 100.51 while the area below the Beech trees to the immediate south ranges from 102.59 to 103.17 toward the southern boundary the majority of which is within the RPA. There is no indication of how that transition in level change is to be achieved from the southern edge of the property to the grass beyond beneath the Beech trees, There does not appear to be a retaining wall so

the assumption is that the aim would be to regrade the soil which would certainly have a significant impact upon the trees roots.

In addition the permeable resin bound aggregate drive access would appear to have been excavated with the new spot height next to the proposed garage at 101.51 while the nearest existing spot height is 102.46 which extends beneath the RPA of the TPO tree group, including two parking spaces which raises specific concerns over the impact on the trees roots. In practical terms there also appears to be an issue in the levels associated with the access into the double garage.

As with the comments made for the previous applications the proposed building will certainly alter the character of the site which since the vegetation along the front of the site was removed some time ago opened up views to the north east from the street scene have been made possible as well as views of the existing trees within the site and the mature Beech sitting adjacent.

Ultimately there remain a number of practical issues regarding potential impact upon TPO trees on and overhanging the site that are unresolved and cause concern that should not be ignored.

RESPONSE TO PUBLICITY

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

There have been 2 objections raising the following comments:

- The proposed development would conflict with the Conservation Area Management Plan and would cause harm to this part of the Conservation Area; great weight must be given as a matter of law, and national and local policy, to this harm;
- The moving of the proposed buildings northwards will now require excavation within the root protection area (RPA) of a TPO tree to the left of the access
- The identical design to that previously put forward remains out-of-keeping with the CA for the reasons stated previously by the Conservation Officer, notwithstanding a proposed lowering of land levels at the front of the site.
- This is the fourth application, and the fifth formal or informal proposal, made by these applicants or their associated family-owned company, since July 2017.
- The highway access has been widened without permission
- No change to the size of the house or garage or their design is proposed.
- proposal to reduce the existing ground level will result in significant excavation well within the root protection area of the TPO tree to the left of the access. This reduction within the root protection area may well lead therefore to the loss of the TPO tree.
- Conservation Officer's concerns about design have not been fully addressed.
- The site has been identified as an important open space which makes a significant contribution to the conservation area (OS10 in the adopted West

Haddon CAAMP). Any development upon this land would fundamentally change its character and appearance as an area of open land, which contributes to the peaceful, rural atmosphere of this part of the village and enhances the setting of the historic buildings opposite.

- The fact that the site lies within the “village confines” does not mean that development must be granted.
- The proposed build of any dwelling in this location would directly overlook our property, particularly to the bedrooms at the front of our property on both the ground floor and first floor, which would be a total loss of privacy together with light pollution.
- There has been no reduction in the size of the house and garage from the application decision refused full in February 2021, the bulk and massing of the proposed dwelling and garage will have a significant impact on the character and appearance of the locality by detracting from the visual amenity of the street scene.
- The footprint of the house and garage have been moved slightly northwards which now has an impact on the TPO tree in close proximity to the garage; this tree must be protected by avoiding any excavation near to it.

APPRAISAL

Principle of Development

Planning Law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for Daventry District consists of the policies within the WNJCS and Daventry District Council Settlement and Countryside (Part 2) Local Plan as well as the West Haddon Neighbourhood Plan and West Haddon Conservation Area Appraisal and Management Plan.

Annex 1 of the National Planning Policy Framework (NPPF) makes reference to due weight being given to relevant policies in existing plans according to their degree of consistency with the Framework and that the closer the policies in the plan are to the policies in the Framework, the greater the weight that may be given.

In respect of applications relating to residential development, footnote 3 to paragraph 2 of the NPPF sets out that relevant policies for the supply of housing should be considered out-of-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. As at 1st April 2020 Daventry District Council has a 6.9 year supply. As a consequence, it is considered that paragraph 11 (part d) is not engaged in respect of housing land supply.

Policy S1 sets out how development will be distributed, focusing on concentrating development in and adjoining the main urban areas of Northampton and Daventry. In the rural areas new development should be limited with an emphasis on four criteria

under part D; firstly enhancing and maintaining the distinctive character and vitality of rural communities; secondly, shortening journeys and facilitating access to jobs and services; thirdly, strengthening rural enterprise and linkages between settlements and their hinterlands; and finally respecting the quality of tranquillity. The proposed detached dwelling and the detached garage due to its size, scale, appearance and massing it is considered will harm the distinctive character and vitality of the rural village and further will harm the tranquillity of the area due to the proposed built form and adverse impact on the open rural character of this part of the village.

Policy S1 also gives priority to making the best use of previously developed land in sustainable locations. The application site is located within the confines of the village of West Haddon in what was historically the garden area of No.30 West End, however, since the 1970s' it appears to be open space within the confines and hence not considered to be previously developed land (PDL), whilst the area to the rear boundary is clearly within the open countryside. With this in mind it is considered that the proposal would conflict with part d (1) AND (4) as the openness of the land and the distinctive and tranquil character of this part of the village would be lost and as the site is PDL the proposal will conflict with policy S1.

Policy R1 relates to the spatial strategy for rural areas, therefore criteria i - v of this policy are engaged. Policy R1 'Spatial Strategy for Rural Area' identifies a need for 2,360 new dwellings within Daventry District. The policy sets out the requirements for residential development within the rural area (criteria A – G). The policy also sets out the additional criteria (i – v) to be applied when the housing requirement for the rural area has been met. The 2019 HLA report shows that as at 1st April 2020 there has been significant progress against the housing requirement in the rural areas of 2,360 dwellings and this has been exceeded by 630 dwellings.

With regards to this application, it is considered that proposed would conflict with criteria B and G of policy R1 as the proposal does affect open land which is of a particular significance to the form and character of the village as highlighted in the recently adopted West Haddon Conservation Area Appraisal and Management Plan (2020), Policy OS10, to which considerable weight can now be attributed as the document is adopted.

Policy R1 requires that proposals should demonstrate that either criterion i) or ii) are met before demonstrating compliance with criteria iii) to v). Starting with criterion i), the site since the 1970s' has been part of the open land of the area whilst it was predominantly enclosed with a wall to its frontage with tall dense hedging immediately behind the wall with numerous trees in it. However, recently the applicants' have removed the hedging and many of the trees, an access way and as a result opened up views into and across the site which enhances the importance of the openness of the site. It is considered that for this reason that proposal would not lead to any environmental improvements on the site but would cause considerable visual harm and as the site is not previously developed land (PDL) the proposal conflicts with criterion (i).

In terms of criterion ii) the proposal would help to support the existing local services

and facilities although this is likely to be limited by virtue of the scale of the proposal. The applicant has not submitted any evidence of local services or facilities being under threat and in any case, the proposal is small scale and unlikely to be critical for this purpose whilst it is considered that some contribution will be made from the additional proposed dwelling.

The applicant in the submitted Planning Statement detail various engagement activities undertaken by them and states that these and comments from statutory consultees on the previous withdrawn application have informed the current scheme. The proposal would however fail against criteria iv) and v) because it is neither a rural exceptions site nor has it been agreed through the neighbourhood plan. Overall, therefore based on the above it is considered that the proposal will conflict with policy R1.

Policy SP1 of the SCLP identifies several criteria (A-H) that need to be satisfied to ensure a sustainable pattern of development within the District.

Whilst no evidence has been provided by the applicant, it is considered that the construction of one dwelling could help protect and enhance the existing facilities within West Haddon. As there is no identified housing need within this village, the proposal could be considered not to accord with criterion E.

Whilst the site itself is considered to be within the confines of the village it is considered to be harmful to the conservation area as it forms part of an area of open space that makes a significant contribution hence will not accord with criterion G.

Additionally, the site is not previously developed land and hence the proposal would not accord with criterion H. Overall therefore the proposal is considered to conflict with policy SP1 of the SCLP.

West Haddon is identified in Policy RA2 as a Secondary Services Village. Criterion A is satisfied as the proposal is considered to be within the village confines. Criterion C iii and iv as the proposal does not protect the form, character and setting of this part of the village and harms an area of open space that makes an important contribution to the form, character and setting of the village as recognised by West Haddon CAAMP. Overall, for the above reasons the proposal will conflict with policy RA2 of the SCLP.

Policy ENV7 aims to conserve and enhance the District's historic environment. The concerns regarding the impact of the proposal on the historic environment and in particular the impact on the character of this part of the open land within West Haddon are set out in detail under policy S1 of the Core strategy above and for these reasons the proposal is considered to be contrary to policy ENV7.

Policy ENV10 requires the design to be of a high quality and the criteria set out how this can be achieved which include promoting or reinforcing local distinctiveness (i), taking account of local building traditions and materials (ii) and local context in terms of scale/height/density etc. (iii). The proposal appears to be a traditional style dwelling which takes its inspiration from nearby buildings, however, whilst the

design of the house incorporates many features of vernacular architecture, it is considered that it is not appropriate for this particular context.

The design is based on historic examples of cottages in the village which are usually of modest size and sitting at the pavement edge, often with other houses adjoining or arranged very closely to them. The proposed dwelling would sit in relative isolation, would be set slightly back from the street and whilst this amended proposal would sit at the street level in order to reduce its visual impact it is considered due to its size, scale, height and massing it would not be consistent with the historic buildings immediately opposite which generally are more modest in size and scale and hence for these reasons the proposal is considered to conflict with policy ENV10 of SCLP.

West Haddon Neighbourhood Development Plan (NDP) (2016)

The West Haddon NDP (2016) forms part of the development plan. Four policies are considered to be relevant to this proposal:

Policy WH1 supports development proposals subject to a series of landscape design principles, of which a), b) and f) are relevant. In terms of criteria a) and b), the proposal is small scale compared to the size of the settlement. Although it is within the confines, the site is greenfield open space and the proposal would change the character of the village along the north side of West End. With regards to criterion f), the proposal would be two storeys in height but due to the massing, scale and bulk of the proposed would be considered to be out of keeping with the character and appearance of dwellings within the immediate vicinity of the streetscene. Overall, therefore the proposal conflicts with policy WH1.

Policy WH10 supports small scale infill housing development within the confines that would not lead to loss of open green space or an existing community facility. Outside the confines policy WH11 restricts new housing to conversion, single dwellings to meet a proven local need or if it meets WNJCS policy R1. The site is within the confines and whilst it is a relatively small site, it is not strictly speaking an infill site and hence it does not fall within any of the three circumstances set out in policy WH11 and therefore the proposal conflicts with this policy.

Policy WH13 is a design policy, of which criteria a) and b) are most relevant to this application. Criterion a) is concerned with the built, historic and natural environment. Concerns regarding the impact of the proposal on the historic environment are set out under consideration of WNJCS policy S1 above. In terms of criterion b), the design and appearance due to its massing, scale and height will have a detrimental impact on the character and distinctiveness of this part of West Haddon and therefore does not accord with policy WH13.

West Haddon Conservation Area Appraisal and Management Plan (CAAMP) (Feb 2020)

OS10 – An area of open ground north of no.30 West End

The West Haddon Area Appraisal and Management Plan was adopted in February 2020 and Policy OS10 identifies the site as an area of open space north of no.30 West End.

OS10 states:

- A large area of open ground in West End, north of no. 30, that makes a significant contribution to the conservation area.
- This land contributes to the peaceful, rural atmosphere of this area of the village and enhances the setting of the historic buildings opposite.
- It enables open views along West End in a north-westerly direction towards two groups of important trees that are covered by Tree Preservation Orders.

It is considered any built form on this parcel of land will conflict with the CAAMP OS10 as it will have an adverse impact on this part of this part of the Conservation Area and will harm the peaceful, tranquil and rural atmosphere on this part of the village.

Impact on the Character and Appearance of the Locality:

The proposal is for a two storey thatched roofed dwelling with a detached garage that has been designed to be similar to historic dwellings found within the vicinity in terms of the design, appearance and the use of external facing materials being a mixture of stone and render to the walls and the roof being thatched. However, due to the size, bulk, massing and height of the proposed dwelling and garage it is considered that it will detract from the visual amenity of the streetscene. Furthermore, the site is considered to be an important piece of open space within this part of the village which affords views of the open countryside beyond the site and is considered that the open land forms part of an important break in the streetscene between 30 West End and Rush House to north of the village as it is considered that this green open land makes a significant contribution to the rustic nature of this part of the village.

Additionally, due to the siting of the proposal within this important piece of open space the proposed dwelling and garage would be highly visible and considered to be a prominent and incongruous feature within the streetscene that will have an adverse effect on the character and appearance of the immediate surrounding and the wider setting of the village of West Haddon.

Overall, it is considered that the proposal will conflict with policies S1 and R1 of the West Northamptonshire Joint Strategy, and policies SP1, RA2, ENV7 and ENV10 of the Settlements and Countryside Local Plan, as well as policies within the West Haddon Neighbourhood development Plan and the West Haddon Area Appraisal and Management Plan as well as having regard to the Framework.

Impact on residential amenity:

The proposed dwelling does include first floor side facing windows to a bedroom area and a wc area that will face the neighbouring property, no. 30 West End. However, it is considered that due to the two mature TPO trees that exist in the garden area of this property, the proposed will have little impact with regards to overlooking or loss of privacy and in terms of loss of sun/daylight that would warrant the application to be refused on these grounds.

Furthermore, with regards to the properties to the opposite side of the site, and in particular No.s 45 and 47 West End, it is considered that whilst these properties have windows to its ground floor and first floor front elevation facing the site and equally the proposed dwelling also incorporates windows to its front elevation to

bedroom areas, the potential impact on the occupants of these properties would not be out of keeping to any other properties that generally have this relationship and hence the proposal would not warrant a refusal on overlooking or loss of privacy grounds when assessed against these properties.

Landscaping:

The WNC Landscaping Officer raised concerns regarding the new levels being proposed for the dwelling as well as for the proposed detached garage and the two off road parking spaces and the potential impact on the TPO trees and on the tree roots. The officer feels that these issues have not been sufficiently addressed and are unresolved and cause concern that should not be ignored and therefore the proposal would conflict with policy ENV1 of SCLP.

Highway safety and parking:

The proposal utilises the existing access that has been recently widened by the applicants' and the proposed development incorporates a double garage within the site with sufficient space for parking a couple of cars and hence it is considered that the number of off-road parking spaces provided are sufficient for the proposed development and furthermore the WNC Highways Authority commented on the proposal and have raised no objections to the proposal on highway safety grounds.

Environmental Health

WNC Environmental Health Officer commented on this application, however, raised no objections subject to the inclusion of informatives relating to restriction on hours of work during construction amongst other informatives to be included should the application be approved.

Archaeology

WNC Archaeology Department were consulted on the application and have raised no objections subject to a condition relating to the submission of an archaeological programme of works being included in any approval of the application.

Biodiversity

The WNC Ecologist was consulted on the proposal in relation to any adverse impact on the biodiversity on the on the site raised no objection.

Financial Considerations

If approved, this property will be liable to pay the Community Infrastructure Levy (CIL) unless the applicant is able to demonstrate a self-build exemption. Provision of a new dwelling at this location would also contribute towards the New Homes Bonus for the Council.

Planning Balance and Conclusion

There have been several applications for residential development on this site and the wider site as listed above that have been refused by the Local Planning Authority. The application refused under DA/93/1157 for outline planning permission for the construction of two dwellings was subject to an appeal that was dismissed by the Planning Inspectorate on the grounds of visual impact on the character and

appearance of this part of the village of West Haddon. The previous application for the construction of a dwelling under DA/2020/0627 that was essentially a similar proposal to the current application albeit at a elevated level that was refused in February 2021 and has not been appealed.

The development as proposed for the detached dwelling and the detached garage at the would have an adverse visual impact on this open land that positively contributes as an important break in the house at no. 30 West End and Rush House to the north. The site is considered to make a significant contribution to the rustic nature of this part of the village of West Haddon and hence it is considered the proposed development fails to accord with the relevant policies of the development plan as listed and discussed above including the West Haddon Conservation Area Appraisal and Management Plan as well as the Framework. Furthermore, it is considered that due to the levels changes proposed there would adverse impact on the tree roots of the TPO trees within the site.

On balance, for the above reasons, it is considered that any benefits of the proposal in terms of providing a market house as well as the potential benefits that would be accrued from CIL and the limited social, economic and environmental benefits with regards to the provisions within the NPPF will not outweigh the visual harm to this open land and therefore it is recommended that the application should be refused.

RECOMMENDATION:

That the application be refused for the following reasons:

REASONS

- 1. It is considered that the proposed two storey thatched dwelling and the detached garage fronting on to the street will have a detrimental impact on the character and appearance of this piece of open space that would fundamentally change its character and appearance due to the loss of the openness of the land and the prominence of the two storey dwelling and the associated double garage. Furthermore, it is considered that due to the level changes proposed to accommodate the dwelling at the street level, the proposal would potentially harm the tree roots of the TPO Trees within and adjacent to the site. The proposal would therefore conflict with policies S1 and R1 of the West Northamptonshire Joint Strategy, and policies SP1, RA2, ENV1, ENV7 and ENV10 of the Settlements and Countryside Local Plan as well as policies within the West Haddon Neighbourhood Development Plan and policy OS10 of the West Haddon Conservaiton Area Appraisal and Management Plan as well as having regard to the Framework.**

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. At all times through the application process the Council has worked positively and proactively with the applicant in seeking a solution as required by paragraphs 186 and 187 of the National Planning Policy Framework. However, the adverse impact of the development would outweigh the benefits of the proposal.**

<u>Application Number</u>	WND/2021/0592
Location Description	30, SOUTH STREET, WEEDON, NORTHAMPTONSHIRE, NN7 4QP
Site Details	VARIATION OF CONDITION 2 OF PLANNING PERMISSION DA/2019/0756 TO INCREASE THE RIDGE AND EAVES HEIGHT OF THE APPROVED REAR PROJECTING FIRST FLOOR EXTENSION.
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Applicant	MR & MRS HAINES
Agent	MRS MEGAN LUCAS, LACEWING DESIGN & ARCHITECTURE
Case Officer	S HAMMONDS
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Ward	WOODFORD & WEEDON WARD
<hr/>	
Reason for Referral	CALLED IN BY COUNCILLOR DAVID SMITH
Committee Date	8 DECEMBER 2021
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EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

Proposal

The proposal seeks to secure consent for a compromise solution regarding the height of a previously approved two storey rear projecting extension and some changes to the fenestration around the rest of the extension. The application is a S73 minor material amendment to a previously approved scheme – the change from the previously approved plans to the current proposed plans is relatively minor.

If approved, the final version of built development at the site will be that shown on the plans for this application. This will mean that other unauthorised elements of development on site (built not in accordance with approved plans) must be demolished.

The application was deferred from the last committee agenda prior to the meeting on 3 November 2021.

Consultations

The following consultees have raised objections to the application:
Weedon Bec Parish Council

The following consultees have raised no objections to the application:
WNC Conservation

4 letters of objection have been received.

Conclusion

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

The key issues arising from the application details are:

- Design and visual amenity
- Impact on Conservation Area

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

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

MAIN REPORT

APPLICATION SITE AND LOCALITY

The site is situated in an elevated position on the northern side of South Street above and overlooking a small grassed triangle where the road forks, giving a sense of openness to this otherwise compact and enclosed streetscene. The property is a semi-detached dwelling raised above the street-level with a sloping driveway to the side separating it from the neighbouring dwellings that appear to be shorter / lower in the streetscene and hence appear more modest.

The carriageway of South Street is narrow and, as few plots benefit from off-road parking, the road is usually full of parked cars on both sides of the street and often on the pavement. This surviving early street pattern and the tight form of buildings massed along narrow streets are identified in the CAAMP as key parts of the significance of the Lower Weedon conservation area.

The site currently hosts a range of unfinished blockwork extensions that have been left unfinished and un-rendered for many months pending the agreement of a suitable compromise with which the applicants can proceed. The as-built situation that currently exists on site is not acceptable and has been refused planning permission and dismissed on appeal. The unauthorised elements, over and above what is shown on the proposed plans for the current application, will have to be demolished in order for the scheme to conform with the plans.

CONSTRAINTS

The application site is situated within the boundary of Weedon's designated conservation area.

DESCRIPTION OF PROPOSED DEVELOPMENT

Putting aside the current "as-built" situation, which is not approved and will have to be demolished or at least rectified, I will focus here on the end-result that would be achieved if the current application is approved.

The previous approved application (DA/2019/0756) authorised a series of two storey and single storey extensions that remodel the original cottage into a 5-bed, 2 bathroom property, comprised of: a two storey side and rear extension (to provide a ground floor hall and first floor bathroom and bedroom); a single storey pitched roof extension to side / rear (to provide a 5th bedroom); and a single storey flat roof extension across the rear (to provide extended dining area, new utility and shower room).

The changes that are now proposed to the previously approved plans mainly affect the rear elevation. The full list of changes are:

- eaves and ridge of the first floor rear projecting gable to be increased to 5.0m and 5.9m respectively
- re-work of the roofline on the side elevations to allow the higher extension to tie in
- fenestration style changes for new windows / doors on the rear and front elevation
- two side windows and one rooflight to be removed, remaining rooflights slightly re-positioned

The footprint of the current proposal, both ground floor and first floor, is to be exactly as previously approved.

RELEVANT PLANNING HISTORY

After an initial planning application was refused for being over-scaled, poorly designed and adversely impacting on the conservation area (DA/2019/0017), this site received planning approval later in 2019 for a revised scheme of side and rear extensions (DA/2019/0756). Unfortunately the builder constructed something different to what was approved, deviating substantially from the approved drawings in order to get more headroom to the upper floor. When the breach first came to the attention of the planning department, the first floor rear element had been constructed not only taller and wider but it also had an asymmetric roof form.

Officers made it clear that the asymmetric roof form would definitely not be acceptable, and the applicant was presented with the option to either amend the first floor element to accord with the planning approval, or to submit for the council's consideration an alternative proposal by way of a S73 application for a revised scheme.

The applicant took a risk in opting to alter their build first before submitting their S73 application. This risk did not pay off as the S73 application for the modified "as-built" situation was refused and later dismissed on appeal (DA/2020/0954).

The three relevant applications are listed here:

DA/2019/0017 – Two storey side extension and single storey rear and side extension. Refused.

DA/2019/0756 – Two storey side extension and single storey rear and side extension (revised scheme). Approved.

DA/2020/0954 – Variation of DA/2019/0756 to increase scale of first floor rear extension and change fenestration detailing throughout (retrospective). Refused. Appeal Dismissed.

RELEVANT PLANNING POLICY AND GUIDANCE

Statutory Duty

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

Section 72 of the Conservation Area & Listed Building Act.

Development Plan

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 District to 2029; and the adopted Settlements and Countryside Local Plan (Part 2) (2020). The relevant planning policies of the statutory Development Plan are set out below:

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

The relevant policies of the LPP1 are:

- SA – Presumption in Favour of Sustainable Development
- BN5 – Historic Environment

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

The relevant policies of the LPP2 are:

- RA1 – Primary Service Villages
- ENV7 – Historic Environment
- ENV10 - Design

Material Considerations

Below is a list of the relevant Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Weedon Bec Conservation Area Appraisal and Management Plan (CAAMP) 2018

RESPONSE TO CONSULTATION

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

Weedon Bec Parish Council – strongly object

- breaches the conditions of original planning permission
- support the concerns of neighbours

WNC Conservation Officer -

Looking at the previously approved works under DA/2019/0756, I am satisfied that the proposed works - to slightly increase the height of the approved rear extension - shall not cause harm to the character or appearance of the conservation area, as it is a minor change to the approved scheme. The extension's roof shall remain subservient to the main roof; this accords with the design guidance detailed in the Weedon CAAMP which advises that 'Additions to existing buildings or new development will generally not exceed two storeys, and the ridgeline should respect the ridgeline of adjacent buildings...' (page 71).

RESPONSE TO PUBLICITY

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

There have been 4 objections raising the following comments:

- Overdevelopment out of proportion to the original cottage
- Out of keeping with the original cottage
- Detracts from and does not respect the conservation area
- Over-imposing and too large in height – intrusive to neighbouring rear gardens
- Unbalances the appearance of the semi-detached building
- View from South Street to the fields will be obscured
- Fenestration changes need full consideration
- Wider opening at first floor level will affect privacy for neighbour
- Fear that the flat roof will be used as a balcony in future
- No gate should be attached to neighbouring no.32
- As-built situation is not acceptable and should be enforced against
- Confused by plans – not all breaches appear to be addressed

Anger that the planning system allows for retrospective applications and variations

APPRAISAL

Principle of Development

The principle of extending the property in the volume and nature proposed in this application has already been established by the granting of planning permission DA/2019/0756. The proposed footprint at both ground floor and first floor level would not change. The only things that would change from the previously approved scheme is the roof height for the first floor rear element and the fenestration detailing throughout.

Design and visual impact and impact on the conservation area

The application site is situated within the Weedon Bec Conservation Area. In accordance with the general duty imposed by section 72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 special attention must be given to the desirability of preserving or enhancing the appearance of the conservation area when assessing this proposal.

The as-built situation on site is plainly not acceptable as it was refused and dismissed on appeal under application DA/2020/0954. The current application proposes to modify and substantially reduce the as-built structure,

taking it back to the bulk and form of the previously approved scheme. The design and visual impact of the current proposal is considered in detail below.

Front elevation:

The two storey side extension would retain the significant set back from the front building line and this (together with the removal of the unauthorised additional side projection) would revert the proposal back to a front elevation that was previously found to be acceptable. To re-cap on this, the set back is significant enough to ensure that there would be no sense of terracing with no.32 and the overall sense of openness and visual separation between the buildings as viewed from the streetscene would still remain (following the demolition of the unauthorised elements). The single storey side extension is set well back within the rear garden and behind the neighbouring dwelling so will not be dominant in the streetscene. The dwelling's original front elevation, the balanced nature of the pair of semis and the established building line would be unaffected so original character will be maintained.

The use of a smaller window on the first floor front elevation of the extension helps to give subservience from the main house. I find the current proposal to be acceptable in terms of its front elevation and the impact on the streetscene and conservation area and I see no justifiable reason, either in policy or in the CAAMP, to oppose these changes.

Rear elevation:

The main change proposed, and the reason for this application, is the need for an increased height for the first floor rear projecting gable to allow workable head-height internally for the proposed bedroom and en-suite. When viewed in the context of the site and the proposal as a whole, the requested increase in height is relatively modest. The resultant roof would be symmetrical, it would have angles that respect the main house and it would still be set substantially down from the main ridge of the existing dwelling. This accords with the design guidance detailed in the Weedon CAAMP which advises that 'Additions to existing buildings or new development will generally not exceed two storeys, and the ridgeline should respect the ridgeline of adjacent buildings...'. The width of the gable is as previously approved and so the overall proportions of the first floor element would not be excessive in design terms. The minor changes to the styling of fenestration on the rear elevation do not tip the balance to make it visually unacceptable.

As viewed from the countryside to the rear, none of the identified important views in the CAAMP would be affected and the change to the overall built edge of this part of the village would not be significantly noticeable from the adjacent countryside. The changes to the rear elevation of the proposal are therefore acceptable in terms of its impact on the character of the conservation area.

As initially observed in the assessment of the 2019 application, the extensions taken together do amount to a substantial extension of the existing property, but they are broken up to reduce the bulk and are not out of proportion or over-dominant to the overall plot or its surroundings. Following demolition of the unauthorised elements, the remaining, modified extension would not amount to overdevelopment. Overall the revised design of the proposal is acceptable in terms of its impact on the character and quality of the site and would sustain the character of the conservation area in line with JCS policy BN5 and SCLP policies ENV7(D)(iv) and ENV10(iii).

Neighbour amenity

The revised plans presented for this application do not add any new windows. The French doors for the first floor rear extension are to change in style but the principle of these doors / windows is already established in the approved scheme. The new style does not increase the potential for overlooking over and above what is already approved.

If the flat roof area was to be used as a walk-on balcony I would share the concern of neighbours in terms of the adverse impact this could have on residential amenity. However the applicant has clarified that this is not the intention and that Juliette railings will be installed in front of the French doors as the scheme progresses to completion – as per the previously approved plans. This can be secured by condition.

The slight increase in the eaves height increases the height of the blank wall that will be presented to neighbours at both sides, but the relative position of this – set well away from the neighbouring boundaries – means that it will not have a noticeable impact on these properties over and above the approved version. The 45 degree lines from the nearest neighbouring windows would not be breached.

Overall the impact on neighbour amenity is considered acceptable and in line with RA1(C)(vii) and ENV10(A)(viii).

Access and highways

The revised plans presented for this application do not change the situation in regard to parking or highways. This remains acceptable as per **the** approved scheme.

FINANCIAL CONSIDERATIONS

The floorspace created by the extensions is below the threshold that would trigger liability for payment of CIL.

PLANNING BALANCE AND CONCLUSION

The proposal seeks to secure consent for a compromise solution regarding the height of a previously approved two storey rear projecting extension and some changes to the fenestration.

The overall scale, design and general appearance of the proposal has previously been found to be acceptable when consent was granted for DA/2019/0756. The increase in the eaves and ridge height that is now proposed for the first floor rear bedroom is relatively modest and does not detract from the approved scheme so significantly to warrant refusal. Equally the minor changes in fenestration detailing do not render the proposal unacceptable.

The impact on the streetscene and conservation area has been considered in detail and found to be acceptable, and there is no significant increase in the impact on neighbour amenity in respect of overlooking or overbearing impact.

Approval of the current proposed scheme will facilitate an acceptable compromise that will resolve a difficult situation that has been at an impasse for many months. To enable the build to finally be completed and finished with render, as originally proposed, will be a benefit to all concerned as inevitably a half-build development appears as a bit of an eyesore. The planning system is designed to enable appropriate development and in accordance with advice in NPPF officers have worked on the various applications on this site to balance the policies of the development plan, protect the conservation area and to work with the applicant to find acceptable solutions to issues that have arisen.

RECOMMENDATION / CONDITIONS AND REASONS

The proposed development is recommended for approval subject to conditions.

As a S73 amendment results in a new planning consent in its own right, it is necessary to consider the previously imposed conditions and to carry forward any that remain relevant to the revised scheme, as well as adding any new conditions that may be necessary.

Regarding condition 1, the time period for implementation cannot be extended by a S73 application, so the original commencement deadline remains - in this case the development has already commenced in time so the permission remains extant.

Condition 2 will be updated to list the new plan references.

Condition 3 will be updated to enable the use of render as proposed. The proposed painted render will match the appearance of the main cottage which is currently painted brickwork.

Condition 5 of the previous consent related to a first floor side facing window needing to be obscure glazed to protect the privacy of neighbouring 32 and 34. However on the current plans the relevant window has been deleted from the scheme so this condition for obscure glazing is not necessary. Condition 4, which states that any additional windows over and above what is shown on the approved plans, will be re-imposed.

A new condition to prevent the use of the flat roof for a walk on balcony is proposed, this will be condition 5.

CONDITIONS

- 1. The development shall be carried out strictly in accordance with drawing nos. 10290 -100, -101B, -102B, -103B, -104B, -105C, -106, -156B and -200, registered valid 15/9/2021.**
- 2. The external surfacing materials to be used in the extension hereby permitted shall be painted render and roof tiles to match those used in the existing building.**
- 3. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no windows/dormer windows, other than those expressly authorised by this permission, shall be constructed.**
- 4. The flat roof of the single storey rear extension hereby permitted shall not be used as a walk-on balcony for leisure or amenity purposes. Any access to the flat roof shall be for practical maintenance purposes only. The Juliette railing shown on the approved plans shall be erected before the first occupation of the bedroom that it serves and thereafter retained.**

REASONS

- 1. To ensure development is in accordance with the submitted drawings and to enable the Local Planning Authority to consider the impact of any changes to the approved plans on the Conservation Area and amenity of neighbouring residential properties.**
- 2. In the interests of visual amenity and to ensure that the materials are appropriate to the appearance of the dwelling.**
- 3. To safeguard the amenities of nearby residents.**
- 4. To clarify the terms of the permission and to protect the amenity of neighboring properties.**

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. It is expected that this modified permission will be implemented in a timely manner.**

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<u>Application Number</u>	DA/2020/1051
Location Description	WINDMILL INN, MAIN STREET, BADBY, NORTHAMPTONSHIRE, NN11 3AN
Site Details	CHANGE OF USE OF PUBLIC HOUSE (SUI GENERIS) TO SINGLE DWELLING (CLASS C3) AND OTHER ALTERATION TO THE GROUNDS TO FORM ASSOCIATED PARKING AND GARDEN AREAS.
Applicant	WARR INVESTMENTS LTD
Agent	BARRY WAINE PLANNING
Case Officer	ANNA LEE
Ward	WOODFORD & WEEDON WARD
Reason for Referral	CALLED IN BY ASSISTANT DIRECTOR GROWTH CLIMATE CHANGE AND REGENERATION
Committee Date	8 DECEMBER 2021

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

Proposal

The application seeks permission for the change of use of a public house (sui generis use) to a single, six bedroomed dwelling (Class C3 use). In addition, other alterations are proposed within the grounds to form new parking and outdoor amenity areas to serve the future occupiers of the proposed dwelling.

Since receiving the application in February 2021, additional marketing had been carried out and additional marketing and market assessment reports were accepted during the course of the application. Interested parties were re-consulted on the additional information.

Consultations

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

- Parish Council, Local Councillor

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

- Archaeological Advisor, Highways, Environmental Health

The following consultees **support** the application:

- Planning Policy/ Local Strategy Team

7 Letters of objection have been received.

Conclusion

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

The key issues arising from the application details are:

- Principle of Development
- Character and Appearance
- Impact on Heritage Assets
- Residential and Local Amenity
- Highway Safety

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

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

MAIN REPORT

APPLICATION SITE AND LOCALITY

The application site lies inside Badby village and is surrounded primarily by residential development. The site accommodates a public house. The building is a stone and thatched inn dating back to the 16th Century. The public house benefits from outdoor areas and a car park to the rear which are positioned away from the main street.

CONSTRAINTS

The application building is identified as a 'Building of Local Interest'. The proposal site lies inside a designated conservation area and there are listed buildings within the vicinity of the site, including The Wayside (to the east) and Ronkswood (on the west side). The Lilacs positioned to the immediate north of the site is also a Building of Local Interest. The site lies on Flood Zone 1.

DESCRIPTION OF PROPOSED DEVELOPMENT

The development is for the change of use of the existing public house (sui generis) to a single residential dwelling (Class C3) and other alterations to the grounds to form associated parking and garden/ outdoor amenity areas.

RELEVANT PLANNING HISTORY

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

Application Ref.	Proposal	Decision
DA/2017/0665	Installation of three new chimney pots on existing chimneys and associated works	Approved
DA/1987/1174	Alterations and extensions to public house	Approved
DA/1987/0889	Alterations and extensions to public house	Approved

RELEVANT PLANNING POLICY AND GUIDANCE

Statutory Duty

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

Development Plan

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 District to 2029, the Settlements and Countryside Local Plan (Part 2) for Daventry District adopted in March 2020 and adopted Neighbourhood Plans. The relevant planning policies of the statutory Development Plan are set out below:

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

The relevant policies of the LPP1 are:

- SA – Presumption in Favour of Sustainable Development
- S1 – Distribution of Development
- S3 – Scale and Distribution of Housing Development
- S10 – Sustainable Development Principles
- R1 – Spatial Strategy for Rural Areas
- R2 – Rural Economy
- BN5 – Historic Environment and Landscape
- BN9 – Planning for Pollution Control

- RC2 – Community Needs

Settlements & Countryside Part 2 Local Plan for Daventry District (Part 2) (LPP2)

The relevant policies of the LPP2 are:

- SP1 – Daventry District Spatial Strategy
- RA2 – Secondary Service Villages
- RA5 – Renovation and Conversion of Existing Buildings within Settlements
- CW3 – Protecting Local Retail Services and Public Houses
- ENV7 – Historic Environment
- ENV10 – Design

Badby Parish Neighbourhood Plan 2018-2029 Made Version 2019 (NHP)

The relevant policies of the (NHP) are:

- B3 – Heritage
- B4 – Protection and Enhancement of Community Facilities
- B9 – Traffic Management and Transport

Material Considerations

Below is a list of the relevant Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Supplementary Planning Guidance (Including Badby Conservation Area Appraisal and Management Plan 2020)
- Northamptonshire Parking Standards 2016
- Local Highway Authority Standing Advice 2016

RESPONSE TO CONSULTATION

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

Consultee Name	Position	Comment
Badby Parish Council		<p>Object to the application and the Parish Council's latest comments are set out below:</p> <p><i>"At its meeting on 8 November 2021, Badby Parish Council considered the amended planning application ref. DA/2020/1051 for change of use of the Windmill Inn, Badby. The Council</i></p>

		<p><i>resolved to respond that it maintains its objection to the amended application, on the same grounds i.e.:</i></p> <p><i>The Windmill Inn is identified in the Badby Neighbourhood Plan as a Local Community Facility to be protected, as supported by the West Northamptonshire Joint Core Strategy (WNJCS) section R1 (Retention of existing facilities) and Daventry District Settlements and Countryside Local Plan (Part 2) section CW3 (Protecting local retail services and public houses).</i></p> <p><i>The Daventry Local Plan furthermore designates Badby as a Secondary Service Village, on the basis that it provides scope to meet some local needs for housing, employment and service provision. The permanent closure of the Windmill as a public house would mean the loss of the principal source of employment opportunities and overnight accommodation in Badby; in his "Independent Assessment" Richard Greener argues that the Maltsters Public House offers comparable facilities, however it should be noted that the Maltsters has not offered overnight accommodation for several years now, and the Council is at a loss to understand how Mr Greener is not aware of that.</i></p> <p><i>The Council believes that the character and commercial offerings of the two public houses have typically been well differentiated, and both may be viable if managed and marketed effectively. Furthermore, over its many years in existence the Windmill has developed a reputation as a destination public house and restaurant which reaches far beyond the village of Badby.</i></p> <p><i>The Parish Council continues to believe that the business environment during the majority of time that the Windmill Inn</i></p>
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		<p><i>has been on the open market in search of a new tenant has been uniquely unfavourable on account of Covid, and that it is therefore not reasonable at this time to conclude that the site is no longer attractive to the market.</i></p> <p><i>As stated previously, the Parish Council feels strongly that all options to maintain the Windmill Inn as a public house should be fully explored before any change of use is considered; in particular, the Council would like to see the site marketed as a public house on a freehold (as opposed to leasehold) basis, in the interests of finding a third party who would be prepared to make the necessary investment to create a viable business."</i></p> <p>The Parish Council made the following objections in their initial response in February 2021:</p> <p><i>"At its meeting earlier this week Badby Parish Council discussed the subject application by Warr Investments for the change of use of the Windmill Inn to a single dwelling, and I have been asked to inform you that the Parish Council objects to the application, for the following reasons:</i></p> <p><i>The Windmill Inn is identified specifically in the Made Version of the Badby Parish Neighbourhood Plan as a Local Community Facility to be protected - as supported by the West Northamptonshire Joint Core Strategy (WNJCS) section R1 (Retention of existing facilities) and Daventry Settlements and Countryside Local Plan Part 2 section CW3 (Protecting local retail services and public houses).</i></p>
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		<p><i>Although technically the premises have been advertised to let since September 2019, the Parish Council does not believe it will have been possible to market the business actively for a minimum of 12 months because of unfavourable conditions resulting from COVID. The Parish Council is furthermore not convinced that the present owners have explored all possible options to maintain the premises as a public house, including selling it to someone who would be prepared to make the necessary investment to create a viable business.</i></p> <p><i>Over the years, the Windmill Inn has provided employment opportunities for local residents, in particular the younger generation who have been able to gain valuable and rewarding experience there as waiting, catering and cleaning staff – as supported by the WNJCS section R1 paragraph 8 (Sustaining the rural economy by retaining existing employment sites where possible).</i></p> <p><i>Furthermore, the Windmill Inn has been a public house serving the residents of Badby for over 200 years. Its closure would represent the loss not only of a community facility, but also a local heritage asset which contributes significantly to the character of the village and is deserving of conservation under WNJCS section BN5 (Historic Environment and Landscape) and Daventry Settlements and Countryside Local Plan Part 2 section ENV7 (Historic Environment).</i></p> <p><i>Although, as stated above, the Parish Council feels strongly that all options to maintain the Windmill Inn as a public house should be fully explored before any change of use is considered, it should also be noted that the Badby Parish Neighbourhood Plan specifies that any new housing should respond to the</i></p>
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		<i>identified local need for affordable, smaller properties, and a six-bedroomed property would not meet these criteria."</i>
Local Councillor		Email received from a local councillor, who is also a local business person, to say that he has been trying to buy the public house since January 2017. The Councillor has concerns about the claims made that there are no options other than to apply for residential planning permission.
WNC Local Highway Authority		Does not have any comments or requests to make.
WNC Archaeological Advisor		Recommends that building recording works be carried out, given the special historic interest of the building (see recommendations in main report). The relevant building recording works were carried out and the findings have been documented in a Heritage Impact Statement dated May 2021. The Archaeological Advisor is satisfied with the work carried out and recommends that a copy of the report be sent to the Historic Environmental Records (HER).
WNC Conservation Officer		Has been consulted on this proposal. Comments from Conservation will be reported in the late representations.
WNC Environmental Health Officer		Recommends that conditions and informative notes be imposed to advise the applicant/ developer of unexpected contamination, the potential for radon and of construction working times.
WNC Local Strategy Team/ Planning Policy		Supports the application, as the proposal is in conformity with the development plan. " <i>Policy CW3 protects existing local retail services and public houses. Proposals that would involve a loss are required to meet one of two requirements under part A to be permitted. In terms of Ai), the applicant should provide evidence that marketing has have been active and continuous for a minimum of 12 months. The applicant has submitted various details of the</i>

		<p><i>marketing campaign which has been undertaken since late 2019, throughout the pandemic and also the level of interest in terms of number of physical viewings. There was initially concern that the pandemic would have impacted marketing and the attractiveness of hospitality premises, however, an independent opinion that has been submitted that states that this is not the case. Aii) requires that there are alternative equivalent services available in the village. There is a second pub in the form of the Maltsters which can be considered an equivalent facility and as noted under policy RA2, the loss of one of the two pubs is not considered to impact on the sustainability of Badby as a SSV. The applicant is therefore able to satisfy both criteria, although there is only a need to satisfy one of them."</i></p>
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RESPONSE TO PUBLICITY

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

There have been 7 letters of objection and the contents have been summarised/ set out below:

- The proposal would lead to the loss of a community facility as defined in the Badby NDP,
- *Loss of local history, "the WPH, which has served Badby for in excess of 200 years has a distinct character which goes beyond a mere facility and leaves a large gap in the community life, as like many village pubs it provides a meeting point for both informal and formal socialising."*,
- Policy B4 of the Badby NDP requires evidence of active marketing of the premises for 12 months. *"While this application for change of use has technically been marketed since 30th September 2019, it has to be noted that within less than 6 months of 30th September we were in a Covid-19 lockdown which was clearly going to be huge problem for the hospitality industry making it virtually impossible to lease a pub in such an environment. These are exceptional times and clearly it requires that further active marketing of these premises should be carried out in normal times before any Change of Use should be considered"*,

- There is the contention that the WPH is no longer a viable business for both the lessor and lessee; however, no evidence has been provided and the applicant has not provided a business plan,
- *"The current Owners have not made any logical attempt to demonstrate why this property could not be a sound and profitable business. Instead what they appear to concede is that they have made a substantial loss on their own business I.e. that of Property Management which could easily be attributable to their own lack of management skills which is not the fault of the Pub",*
- *"Also the contention that Airbnb has reduced the potential hospitality market for the WHP is simply not supported by any evidence. Indeed one could equally argue that Airbnb tenants in the village (if they are a reality), could provide a ready market for evening meals. However without real evidence it's impossible to quantify the impact of Airbnb type letting."*
- *"There are also a number of possible routes for the business not discussed. For example, if the market for room letting is diminished why not use the rooms as tenant accommodation which could in some circumstances make the business more viable. Secondly, if the lessor is not prepared to invest the sum to make the business viable why to not offer the building for sale as a public house to someone (or an organisation) who is prepared to make the investment",*
- Effect on vitality of the village, *"the Windmill has been the hub of our village and it has been for over 200 years",*
- The pub provides accommodation for local events, including the Silverstone Racing Circuit,
- Loss of employment for the village,
- The pub also brings in employment for the local village shop and other local services,
- The village needs more affordable homes and does not need another six bedroom house.
- The Windmill Inn has historically provided a significantly different ambience from the Malsters and that both have contributed to the village in their own way. *"the letting of rooms is not critical to the business case for the Windmill and indeed the immediate previous landlord did not do so. Also, the Hotels mentioned as competition have been there for many years and make a completely different accommodation offer; so, if the Windmill were to make an accommodation offer it would be the relaxed country pub environment which many business-people seek after a hard day's work. Incidentally, the Malsters Public House does not provide accommodation and has certainly not done so since the current landlord*

took over 4 years ago. So, the Assessment Report is simply totally inaccurate in this respect. Yes, there is a small amount of AirB&B in the village, but it could not be argued they merely generate potential restaurant and bar business for the Windmill and add to the business case for its continued operation."

- *"The re-opening and success of the Red Lion at Hellidon merely demonstrates what can be achieved with a good product and sound marketing. No village pub can now expect more than a fraction of its business from the immediate village and the Red Lion achieves success by recognising that."*
- *"The report concludes with a point not in doubt, that is, that the Malsters can provide a good service to the village. However, that is an irrelevance in determining the financial viability of the Windmill".*

APPRAISAL

Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004, replacing Section 54A of the Town and Country Planning Act 1990, requires that decisions be made in accordance with the development plan unless material considerations indicate otherwise.

Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty upon Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character and appearance of listed buildings and conservation areas.

The Windmill Inn Public House is identified as a 'Community Facility' in the Badby Neighbourhood Plan (NDP) and Policy B4 (1) states that:

"There is a presumption in favour of the protection of existing facilities and that change of use will only be supported where:

- *Satisfactory evidence is produced that the site has been actively marketed for a prolonged period of 12 months or more without securing a viable community use for the facility or*
- *The proposal includes alternative provision on a site within the locality, of equivalent or enhanced facilities".*

In order to ensure economic and social sustainability of existing communities Policy CW3 of the Part 2 Local Plan seeks to protect local retail services and public houses, consistent with Paragraph 93 a) d) of the NPPF. Specifically, Criteria A of Policy CW3 states that *"development that results in their loss will only be permitted where:*

- i. The site is no longer attractive to the market for its existing permitted*

use as demonstrated by evidence that it has been actively marketed for a period of 12 months; or

- i. *There are sufficient alternative equivalent services accessible in the village or immediate locality having regard to its contribution to the settlement's role in the settlement hierarchy'.*

Therefore, prior to considering whether the change of use to residential would be acceptable, it would firstly need to be demonstrated that at least one of the criteria set out in Policy CW3 and B4 (1) could be satisfied. The supporting text notes 10.2.02 in the Part 2 Local Plan is of relevance to Policy CW3 as this states:

"Proposals that result in a loss of a local service or public house would need to demonstrate why the use is no longer considered to be viable to be retained in its current form. This should include evidence that it has been actively marketed for a period of at least 12 months for its existing use, supported by an independent assessment of the viability of the business, a market view of the site, and details of the marketing and evidence that the site was fit for purpose at the time of marketing. In considering such proposals regard will also be had to the availability of other businesses performing a similar function in close proximity'.

The application is accompanied by a Planning Statement and this advises that the public house was last occupied on 13 September 2019 *"when the lease was forfeited by O'Mahoney Hospitality Ltd. O'Mahoney Hospitality had a lease from November 22nd 2017 until 13 September 2019. Prior to that my clients had appointed a bar management company in 2017 after the premises was repossessed in December 2016"* (Addendum to Planning Statement dated December 2020). *"Attached at Appendix 1 is an email from Fleurets, the client's agents setting out the date that they were instructed and a list of mail shots, downloads, and individual viewing parties. The site has been marketed by Fleurets as nationally recognised experts in the field of marketing public houses since 2019"* (Addendum to Planning Statement dated December 2020).

The following marketing strategies have been set out within the latest Marketing Report accompanying the application (dated 20 September 2021):

"Background

Warr Investments Ltd approached Fleurets in September 2019 with a view to marketing a new lease at the Windmill in Badby following a forfeiture procedure with the previous tenant due to non-payment of rent. Fleurets accepted instructions on 17th September 2019.

Fleurets have had involvement with this property on several occasions dating back to the early 1990's.

Whilst there has been some disruption due to recent effects of Covid-19 the property has been continuously marketed throughout and access has been available to all who have enquired and requested.

The property has been maintained to a high standard throughout the marketing period and has been consistently well presented.

The rental figure quoted was arrived at via the use of comparable lettings in the area, it has been regularly reviewed and incentives have been offered in line with market conditions.

Marketing Summary

Fleurets is a firm of Chartered Surveyors which is dedicated to the specialist leisure property sector and as such we are ideally placed to market this trade related property.

- Erection of a to let board on a prominent position at the front of the building;*
- Production of particulars (copy attached);*
- Emailing to registered enquiries through our in-house database;*
- Initial Mail shot sent to –9,155 applicants*
- Total update emails sent to –52,850 applicants*
- Direct emails to applicants who recently enquired on similar properties –178*
- Parties who have downloaded details –1,538*
- Targeted mailing, hard copy sales particulars were sent to nearby similar properties;*
- The property and business has been featured since 30.09.19 on our website, www.fleurets.com, visited by in excess of 34,000 individuals per month.*
- The property has also been advertised on third party websites including Right Move, Businesses For Sale and the Morning Advertiser.*
- We advertised and conducted two 'Open Viewing' sessions along with several single appointments with parties who could not attend."*

There has been some 11 viewings since the property has been on the market and the Agent/ Applicant was requested to provide information on the feedback received via their marketing agent. The Agent provided the following response to this in an email dated 20.04.2021:

"- Those who have viewed the property to trade as a public house are concerned about a similar business in the village as it is seen as a contested business.

- Concerns have been made about the business rates and insurance*
- Concerns over maintaining the thatch and the grounds*
- Those interested in converting to bed and breakfast with no public bar or restaurant are concerned about the low cost hotels and Airbnb within the area due to economies of scale and Airbnb not having to conform to the same regulations, pay business rates or VAT and can/have substantially undercut The Windmill.*
- There is also the cost of fitting out the ground floor to letting rooms and acquiring planning consent."*

In addition, the Agent/ Applicant has provided an assessment report from Richard Greener Estate Agents dated 7th October 2021 advising the following:

"...Windmill Inn in Badby has ceased trading and has been available on the open market for a period of 2 years with agents specialising in finding a new tenant but none have been forthcoming. The sustainability of the business became precarious with the advent of Air B&B where local accommodation is available in the village in competition with the letting rooms available in the Windmill Inn. In primary income in the running of an establishment of this type is not from the sale of food and drink and whilst there used to be a strong market from local businesses including Cummings Engineering and Ford UK the occupants who would formerly have used the facilities at the Windmill Inn are now known to be finding alternative facilities particularly at the Daventry Hotel where there is an indoor pool and spa facilities and at Staverton Park Golf Club.

The business was at one time supported by overspill bookings from Fawsley Hall however Fawsley have extended their accommodation facilities within The Granary at Fawsley and the refurbishment and provision of letting rooms at the Red Lion public house in nearby Hellidon have both served to increase local competition. The running of the Windmill Inn is no longer a sustainable business activity and it is clear that The Malsters Public House close by provides an equivalent facility to that of The Windmill Inn.

Turning to Section 2 of Policy CW3 I have looked at The Malsters Public House also located in the village and have read many positive reviews posted on social media from customers who have used the facilities which include lettable rooms. The Malsters Public House not only provides overnight accommodation but also provides bar and restaurant facilities and has an attractive pub garden and facilities for local functions.

I have consulted the Badby Parish neighbourhood plan 2018-2029 made version January 2019, Section B4 under Local Community Facilities notes in paragraph 5.4.6 there are two village pubs, both of which are Freehouses. Both offer accommodation and meals and have significant onsite parking which is of benefit to a village where parking space is at a premium. A number of village facilities use the pubs for their regular meetings.

Conclusions

Badby is a parish of some 600 parishioners and has been without the facilities of The Windmill Inn now for some 2 years. The facilities of the Malsters Public House have been maintained and other local hostelrys including Fawsley Hall and The Red Lion at Hellidon nearby have been redeveloped, extended, and increased their capacity to provide the services formerly provided by The Windmill Inn. It is in my opinion that the Malsters is more than capable of servicing the needs of a village of this size in all respects and it should be noted that the Malsters used to host the location of a small village shop which was a community facility recognised as missing in Section 5.4.9 of the Badby Parish Neighbourhood Plan. The pub does however sell a range of products previously on sale in the shop. The Malsters provides a public house service and lists on its website dining and takeaway services as well together with the availability of overnight accommodation. The village of Badby is also well served by the availability of Air B&B accommodation as evidenced by the advertisements taken from the internet...

It is worth noting that Badby neighbourhood plan confirms that the Parish Council have said that both establishments offer a mirror service to each other and it is also worth noting that the Windmill Inn and The Malsters Public House stand on the same side of the Main Street in Badby less than 270 yards apart.

Under the circumstances the evidence suggests that the Malsters provides a sustainable community facility to the village of Badby with ample capacity to continue to do so for many years to come and the variety of the facilities available is more wide-ranging and multi-functional than facilities that are available at Windmill Inn."

Officers consider that there is sufficient information to demonstrate that the proposal satisfies Policy B4 (1) of the Badby NDP and criterion i) of Policy CW3 in terms of the site no longer being attractive to the market for its existing permitted use as a public house and sufficient evidence has been provided to demonstrate that the property has been actively marketed by a suitable

commercial estate agent for its current use for a period in excess of 12 months. Officers initially had concerns that the Corona-virus pandemic would have had an impact on the hospitality industry and the marketing success of the public house, however, the Agent has supplied a letter from an estate agent which provides an overview of the business's experience of the property market in the hospitality sector where exchanges were still taking place. With respect to the Windmill Inn, it should be noted that the public house has been vacant from September 2019 to date - for a period in excess of 26 months. The property has been actively marketed 6 months prior to and throughout the pandemic, and the property is still currently on the market following the up-lift of the national lock-down back in April 2021. As the protracted marketing would adequately demonstrate that the site is no longer attractive to the market for its existing permitted use, it would be extremely difficult for the Council to resist considering an alternative use for the building. Furthermore, as the application premises is not the only public house serving the village of Badby, where there is a second pub known as 'The Maltsters' which offers a similar public house facility, Officers are satisfied that the proposal would also meet criterion ii) of Policy CW3. The loss of the existing public house facility would normally be permitted/ supported by the aforementioned development plan policy as the proposal would satisfy at least one of the exceptions set out by Policy CW3 of the Part 2 Local Plan. As pointed out by the Council's Local Strategy Team, the Applicant is only required to satisfy one out of the two criteria in Policy CW3 and both criteria have been met in this case. Moreover, owing to the proximity of Badby village to the main urban area of Daventry Town (being situated only 1 mile away) and the availability of other venues i.e. Fawsley Hall and Hellidon Red Lion Pub offering accommodation, restaurant and public house facilities, Officers do not feel that the loss of one out of the two pubs would have an adverse impact on the role and sustainability of Badby village itself. Therefore, Officers are reasonably satisfied that there *are "sufficient alternative equivalent services accessible in the village or immediate locality having regard to its contribution to the settlement's role in the settlement hierarchy"*, and the proposal also satisfies criterion ii) of Policy CW3.

As the submission demonstrates that Policy CW3 and the accompanying text notes have been met, then the principle of changing the use of the building would be supported in this location, providing Policies RC2 and R1 of the Joint Core Strategy together with the other relevant policies in development plan, and other material planning considerations are satisfied.

Policy RC2 of the Joint Core Strategy seeks to resist the loss of existing community facilities unless it can be demonstrated that "*there is evidence that improvements can be made through the provision of a replacement facility of*

equal or better quality taking into account accessibility or *“the proposal would bring about community benefits that outweigh the loss of the facility”*. As the proposed change of use to residential would lead to the loss of the existing public house facility and would not lead to improvements or the provision of a replacement facility, the proposal would not comply with the first part of Policy RC2. Nevertheless, as the existing public house has been vacant for more than 2 years, the view could be taken that the proposal would bring a vacant building/ Building of Local Interest located towards the centre of the village back into use and by doing so would bring about some benefits for the local community/ area. Therefore, the proposal complies with the second part of Policy RC2.

In respect of Policy R1, once the housing requirement for rural areas has been met for rural areas (the 2,360 dwellings set out by Policy S3 of the JCS), Policy R1 states that further housing development will only be permitted provided certain criteria be met. This includes where it can be demonstrated that the proposal i) *“would result in environmental improvements on a site including for example the re-use of previously developed land and best practice design”* and iii) if the proposal *“has been informed by an effective community involvement exercise”* or v) *“has been agreed through an adopted neighbourhood plan”*.

The proposal would satisfy criterion i) of Policy R1 as the proposal seeks to re-use previously developed land and the proposed creation of a new parking area with outdoor gardens within the existing tarmac car park area would lead to environmental improvements for the site. The proposal could also be considered to comply with criterion v) as the principle of residential development within the village confines is supported by the Badby Neighbourhood Plan. The application site and buildings lie inside the village confines, as defined by the Made Badby NDP and Part 2 Local Plan. Policy B2 of the Badby NDP states that proposals for housing will be supported provided that (1) they are within the built confines. Criteria (3) of Policy B2 requires proposals for new housing to *“demonstrate how they would maintain a mix of tenure, type and size of dwelling in the Parish in general and how they respond to the identified local need for affordable properties, smaller properties, bungalows and those suitable for retired residents, in particular; (4) They are of a scale that retains and enhances the rural form and character of the Parish”*. Policy B3 (1) states that development will be supported provided that: *“It preserves or enhances the character or appearance of the conservation area and is in keeping with adjacent buildings and spaces”*. Policy B9 supports developments providing that they have *“a satisfactory means of access and adequate parking provision using the NCC Parking Standards and Standing Advice as a guide”*.

In respect of the other relevant development plan policies, Criterion H of Policy SP1 of the Part 2 Local Plan encourages *“the efficient use of previously developed land, including ensuring that unused and vacant buildings are brought back into use appropriate to their location”*. Policy RA5 supports the renovation and conversion of existing buildings within settlements where

regards has been given to i) the character and appearance of the original buildings and ii) this be retained and enhanced through sensitive design and the use of appropriate materials; and where appropriate, adequate parking provision be provided.

Furthermore, Badby is identified as a 'Secondary Service Village' in the Part 2 Local Plan by which development proposals will be located within the confines of the village (A) and to ensure that the role of the villages be maintained, development should be of an appropriate scale (C i); protect the form, character and setting of the village and areas of historic or environmental importance including those identified in conservation area appraisals and village design statements (C iii); protect the integrity of garden or open land that makes an important contribution to the form, character and setting of the settlement (C iv) and protect the amenity of existing residents (C vi).

Each of the material planning considerations relevant to the consideration of this proposal are set out and discussed in turn below:

Character and Appearance/ Impact on Heritage Assets (Including Conservation Area & Listed Buildings)

The existing building is recognised as a Building of Local Interest. Policy SP1 G) of the Part 2 Local Plan seeks to ensure that development protects and enhances the built and natural environment and the District's heritage assets. Policy BN5 seeks to ensure that "*Designated and non-designated heritage assets and their settings and landscapes will be conserved and enhanced in recognition of their individual and cumulative significance and contribution to West Northamptonshire's local distinctiveness and sense of place*" and "*Demonstrate an appreciation and understanding of the impact of development on surrounding heritage assets and their setting in order to minimise harm to these assets*". Policy S10 i) seeks to "*protect, conserve and enhance the natural and built environment and heritage assets and their settings*".

Policy ENV7 requires A) "*Proposals affecting the historic environment must demonstrate a clear understanding of any potential impact on the significance of heritage assets and their setting; any description of significance and the contribution of setting should be proportionate to the asset's importance*"; B) "*In decision making, great weight should be given to the conservation of heritage assets irrespective of the level harm. The more important the asset, the greater the weight will be*"; D The Council will seek to sustain and enhance the historic environment by supporting vii) "*Proposals that are sympathetic to non-designated heritage assets (identified through a conservation area appraisal or other method) and their setting including their retention and re-use. In doing so, the impact of the scale of any harm or loss on the significance of the assets will be taken into consideration*".

Paragraphs 196, 197, 199, 200, 202, 205 of the NPPF requires consideration to be given to the impact of a proposed development on the significance of a

heritage asset and their setting, where any harm to the significance of the asset(s) should require clear and convincing justification and the harm should be weighed against the public benefits of the proposal.

The proposed dwelling would re-use the existing layout and rooms within the building and on the basis that no external alterations are being proposed to the building itself, the proposals are unlikely to impact on the external appearance of the building and its immediate surroundings. The change of use and other works proposed to the grounds of the existing car park would not harm the character, layout and appearance of the building and the contribution that the building makes to the conservation area and the relationship with the adjacent listed buildings and other heritage assets. Any harm arising from this proposal on the character and appearance of the conservation area is likely to fall under the category of 'less than substantial harm' according to the terminology used in the NPPF and would be outweighed by the benefits of bringing a vacant building back into use.

The Council's Archaeological Advisor has made the following comments:

"The proposals involve the change of use of a stone-built, part thatched public house and hotel. The building is not listed but is located within the Badby Conservation Area. The Windmill Inn was shown on the Ordnance Survey of 1883 indicating a substantial history as an inn under the same name, probably derived from the windmill shown in 1883 a short distance to the west of the inn. The windmill was disused by 1900 according to the historic map evidence. The significance of the inn lies in its role in village life as well as its historic fabric. It may also be possible to establish if it was purpose built or converted from an earlier structure. The NPPF, paragraph 199 says that the local planning authority should require the developer to record and advance understanding of the significance of heritage assets to be lost due to development. In this case a condition for building recording to Level 2 as defined in Historic England: Understanding Historic Buildings (2016) would be recommended. Evidence for the development and use of the building will be altered, concealed or lost due to conversion. This does not however represent an overriding constraint on development provided that adequate provision is made for the investigation and recording of any remains that are affected. In order to secure this please attach a condition for an archaeological programme of works as per NPPF paragraph 199 to any permission granted in respect of this application." The Advisor has advised that it would be necessary for building recording works be carried out of the existing building owing to the history of the building and in an email dated 02.02.2021 the Advisor has provided the following additional comments: *"The condition I have requested is to allow for a record of the*

building itself – a photographic survey and written description in its present condition and a certain amount of historical research to place it in its context in the life of the village. I am happy that there is no need for work on below ground archaeology, and am only interested in recording the building.”

The relevant building recording works have since been carried out and the findings have been documented in a Heritage Impact Statement dated May 2021. The Archaeological Advisor is satisfied with the work carried out and recommends that a copy of the report be sent to the Historic Environmental Records (HER).

Impact on Residential and Local Amenity

All other neighbouring properties would be sufficiently positioned away to not be adversely affected by the proposal. The proposed re-use of the premises as a single residential dwelling and car park alterations would have no more impact on the residential amenities of the surrounding occupiers than the current use of the building and would lead to no more overlooking issues than when the site was used as a public house with associated commercial car park.

As a single residence, the existing building would provide ample internal living accommodation areas and outdoor amenity areas for the future occupiers.

Effect on the Highway

The proposal seeks to re-use the vehicular entrance and car parking areas which formerly served the public house to serve the proposed new dwelling. The proposal would lead to a significant reduction in traffic movements in comparison with the previous/ last commercial use of the building. Adequate off-road car parking would be provided within the grounds of the car park and the proposed parking facilities would be positioned back from the public highway.

Other Matters

“The village does not need another six bedroom property” – Criteria (3) of Policy B2 requires proposals for new housing to *“demonstrate how they would maintain a mix of tenure, type and size of dwelling in the Parish in general and how they respond to the identified local need for affordable properties, smaller properties, bungalows and those suitable for retired residents”*. The proposal for a six bedroom property would be extremely difficult to refuse on grounds of the size of the property/ number of bedrooms or type of property, as the proposal seeks to re-use an existing building and is for a single residential unit only. Furthermore, the proposal would help to secure a viable use for the non-designated heritage asset, which would also be in-line with the conservation of the building.

Loss of Employment Land Use for the Village – Development plan policies do not safeguard against the loss of small-scale employment uses such as local pubs or employment land uses located beyond defined Strategic Employment Areas.

"The applicant has not provided a business plan" – National and local development plan policies do not require proposals for change of use of public houses to be supported by a business plan.

"Why not use the rooms as tenant accommodation which could in some circumstances make the business more viable" – The Local Planning Authority is required to consider the proposal as submitted.

"The point surely is a consistent approach by your Council taking into account an independent Inspectors view on a recent application at appeal (Red Lion Brixworth) and your Council's decision on a second application which was accepted without a survey on availability and/or equivalent services" – The Council and Planning Inspector did not object to the loss of the Red Lion pub or request for further information on the viability and alternative facilities which would remain available at the other pubs in Brixworth village, as the Red Lion pub had already ceased to operate for some time and there were two other pubs immediately nearby which appeared to be viable, healthy and clearly provided better services at the time than the Red Lion (back in 2019 and pre-Covid).

The situation is different for Badby, due to there being fewer pubs (two) and we have also had the Covid Pandemic, so it would be necessary to at least set out the facilities/ services which the other pub would have on offer. This is to help the Council decide whether The Malsters would offer a 'sufficient alternative equivalent' facility in-line with the relevant development plan policies.

Therefore, the Red Lion decision would not set a precedent for the current planning application in terms of the level of information which should be provided and each planning application will need to be considered on its individual planning merits.

Agent/ Applicant – Has made the following comments in response to the local objections (Email from Agent dated 16.02.2021):

"In conclusion we would submit that:

- 1. All reasonable efforts have been made to preserve the facility including exploring diversification options but tat it would not be economically viable to retain the existing use of the building*

1. *The use of the building has been proactively marketed at a reasonable price for a period of 17 months and there has been no definite interest in it.*

My clients have always intended to retain the freehold to enable the building to return to its current use should that be economically viable. Nothing proposed in this application would cause any difficulties in such a reversion”.

In response to the points made by the Councillor, the Agent/ Applicant contends that the property was not being marketed for sale but as a rental property. Furthermore, the Marketing Agent has confirmed in a letter dated 26.07.2021 that *“Fleurets commenced advertising for a tenant at The Windmill Inn and were further instructed, if we received any enquiries for the freehold interest, to tell the enquirer you may consider an offer for the freehold although your (the Owner’s) priority remains to retain and let the pub”.*

Response to Badby Parish Council Objections:

1. Exploring Alternative Uses for The Windmill

The feedback we have received suggests that people are very interested in the property but not as a public house. The pub trade has been slowly dying for a number of years, since 1980 around 21,000 pubs have disappeared, largely due to inflation busting tax rises on the sector, the smoking ban and cultural changes leading to more people either not drinking or drinking significantly cheaper products at home.

The Parish Council fail to appreciate is that if they insist on two pubs in the village, fighting over a diminishing market which cannot support them, they will end up with none, a pragmatic approach is to close one, thus allowing the other stand a chance of remaining open.

Since September 2019 our agent has received the following offers for The Windmill Inn to be used as alternatives to a public house:

- *A property of multiple occupation, up to 20 units (1.)*^*
- *eight bedrooms on the first floor*
- *conversion of the ground floor to similar units*
- *Shared work space suites (2.)*^*
- *Unspecified number of workstations on the ground floor*
- *meeting rooms and private workspaces on the first floor*
- *A wedding venue, no public bar or restaurant (3.)***

- *To increase viability additional accommodation and/or entertainment (disco and/or marquee bar) in the woodland via Tepees, Yurts and fire pits****

Prior to the single dwelling application, we considered:

- *Four letting apartments (4.).*
- *Approved accommodation for (5.):*
- *emergency short term housing for homeless families or single adults*

Throughout the change of use application it has been our intention to minimise any disruption to The Windmill Inn's neighbours or the wider community.

Our chief concern with each of the proposed alternative uses is that there would be a significant increase in vehicle traffic, noise and other nuisances caused by users of the property to our neighbours.

The proposed works as set out in our application are basically removing two non-load bearing walls in the modern extension to reduce the number of bedrooms by two. If, at a later date, it would be straight forward and inexpensive to replace these and restore the building back to a pub; likewise the works to the car park can also be easily reverted.

** These proposal would require changes of use and substantial alterations internally making reversion very expensive.*

*** This proposal would require consent to extend accommodation to the woodland, change in licence to allow late night entertainment in the Windmill Inn and the site to the rear and impact neighbouring properties.*

**** The woodland would be leased separately and would provide an additional income stream.*

***** It should be noted that our forecasts suggest that the level of rental income for options 4 and 5 would be significantly greater than converting the property to a single residential dwelling.*

2. Loss of Local Employment Opportunities

With due respect to the commenter, we believe this is a rather simplistic point. Our intention is to convert and lease the property, and in order to ensure that it and the grounds are maintained to a high standard, we would employ local gardening and maintenance services as we do with other properties in our portfolio.

Our experience over the years has shown, that when the woodland is leased as part of The Windmill Inn, it is not maintained; therefore we would expect the same if it was a residential property, it is a large area and requires a lot of work to keep it tidy.

It is also likely that the tenant of such a property would be likely to hire a local cleaner and other such services

3. Marketing Period:

It is commented 'Policy B4 of the Badby NDP requires evidence of active marketing of the premises for 12 months'.

We have been actively marketing the property for more than sixteen months, from September 2019.

I will provide a copy of Fleurets marketing report for your information and a summary of offers received to date, I will need to remove the names of the parties to comply with GDPR but I am happy to share the originals with Ms. Lee is data protection regulations can be satisfied (please advise).

COVID-19

NB: Please note that we have been unable to secure any assistance from HMRC or the Local Authority (Daventry District Council) during the COVID-19 lockdown, and that we are still considered liable for business rates which is making the current situation less sustainable.

The commenter makes reference to disregarding the periods of lockdown as a result of COVID-19.

We have continued to actively market the property during this period, we have shown potential tenants around the property and the property was used for an open evening for the parish council and local community to view our plans, during which time details of the lease and our agents were provided, and a discussion regarding the sale of the Freehold was undertaken with two attendees.

Policy B4 of the Badby NDP

We have reviewed Policy B4 of the Badby Neighbourhood Development Plan, nowhere within the document does it refer to exceptional circumstances being applied, there are no details of what constitutes an exceptional circumstance or provides guidance as to how long an exception can be applied for.

Regarding comment "While this application for change of use has technically been marketed since 30th September 2019", I would point out that the property has not "technically been marketed", it has been actively marketed for sixteen months, and we believe the commenter is shamefully attempting to use the current unfortunate circumstances to their advantage.

An email has been supplied from the estate agent to confirm that there have been 11 property viewings in total, carried out on the following dates:

- – 02/02/2021
- – 08/01/2021
- – 03/10/2020
- – 24/09/2020
- – 22/09/2020
- – 20/08/2020
- – 22/02/2020
- – 14/01/2020
- – 14/01/2020
- – 14/01/2020
- – 14/01/2020

4. On Site Accommodation:

It was proposed that the property is converted to provide accommodation for tenants.

In order for part of property to be converted planning consent and alterations would be required.

The business model around which The Windmill Inn was designed in the 1980s was if the rooms were let, this would cover the rates and rent, effectively subsidising the bar and restaurant which due to the small local market made a loss.

The loss of bedrooms if converted would greatly impact the viability of the business as a whole this will reduce the property's letting income.

In the late 1980s, Warr Investments Ltd. applied to build a manager's bungalow in the woodland at the rear of the property, this was rejected by Daventry District Council.

Our previous tenants have always had (as set out in their lease) the option of staying on site if they needed to for the security of guests, or wished to do so. Our stipulation was that they could not use the property as their principal address as this could make evicting them from the property more time consuming and expensive, also it would put the property at risk, and our insurance coverage status regarding a tenant in breach of their lease and refusing to leave the site was also very nebulous.

It should be noted that previous tenants have always been able to find property in or around Badby to rent or buy, as such there is no need for residential accommodation to be supplied by the landlord.

Furthermore this matter has not been raised by our letting agents as a reason why the Windmill Inn is no longer viable as a public house.

5. Too Many Bedrooms:

Firstly I think it should be noted that we are not proposing to build a new property, the building already exists and we are reducing the number of bedrooms from eight to six, we can reduce the number of bedrooms to five or even four easily by the removal of additional non-load bearing walls or re-designation of rooms.

We would certainly be prepared to consider changing the application to convert the property into four letting apartments, either leased directly by ourselves to tenants or to a housing association via the Public Sector Leasing Scheme.

The reason why we did not pursue this option was that we believe a single dwelling would have a smaller impact on the neighbouring properties and community.

If you recall this was part of the original pre application consultation with the District Council, to which they expressed no preference so we chose the path of least impact on the community.

We appreciate the community's wish for affordable local homes for local people, this would be an excellent opportunity for four such apartments in The Windmill Inn, however the cost of reverting back to a public house if that was ever viable would be prohibitive.

To assist with the provision of affordable housing, at the rear of the property (and outside the village's current conservation area) is a patch of commercial woodland.

This land has sewerage pipes already laid and is adjacent to an electricity supply; this site would be ideal for development of complimentary properties to the apartments, the number and design would need to be driven by a landscape lead scheme.

There is access to the land, a large parking area already in place, we are more than happy to utilise this land for such a purpose if the parish council would support it.

6. Viability as a Business:

Warr Investments Ltd. purchased The Windmill Inn in 1986 for £400,000; the property was in a very poor state and needed extensive repairs and was extended to the west by roughly 200%.

The lease is a full repair and insure lease and from memory the rent was set at £40,000.00 p/a at this time, I can locate a copy of the original lease if so required as evidence, but I recall the return was based at 10%.

Prior to 2007 the pub traded well, it was looked after and rent was paid.

In 2009 our tenant went into liquidation owing considerable rental arrears and other debts and causing a lot of damage as they stripped the property out. I can locate the winding up petition if required, but I think it will be available via Companies House.

A lease to The Windmill at Badby Ltd. (08115905) was granted in October 2010, this company was dissolved in 2015 after running up considerable debts and re-emerged as The Windmill Inn Badby Ltd. (09839613).

We worked with our tenant (writing off some debts and paying for emergency repairs); however in December 2016, after a period of no rent being received and the property being considered at risk as the electric meter had been removed, we obtained a Court Order to repossess the property (Case No. C01NN278).

The Windmill Inn Badby Ltd. was dissolved in March 2017 with considerable monies owed to us which we are still pursuing via the High Court.

A breakdown of the rental arrears and our costs incurred in repairing the property can be provided, but I would insist that they are treated as commercially confidential (please advise if required).

In November 2018 the property was let to O'Mahoney Hospitality Ltd., with a rent free period and low starting rent.

In September 2019 O'Mahoney Hospitality Ltd. stopped paying rent and the lease was forfeited.

In addition to the loss of rental income, several thousands of pounds were spent cleaning the property and making good damage, again a breakdown of these costs can be provided but I would insist that they are treated as commercially confidential (please advise if required).

Each time the property is leased there are agent's fees (currently (£8,000.00), solicitor's fees (approximately £4,000.00 – £6,000.00 (this varies depending on the amount of work involved in preparing the new lease)).

The last interested party cost us £4,687.20 in legal costs before withdrawing their interest.

We ran The Windmill Inn ourselves via a pub management company between the tenancies of The Windmill Inn Badby Ltd. and O'Mahoney Hospitality Ltd.,

in order to provide a facility for the community, the level of local support was practically non-existent and each month we were covering thousands of pounds in trading losses.

I have most of the profit and loss accounts for this period and a record of the management company's invoices, these can be provided but again I would insist that they are treated as commercially confidential (please advise if required).

I would respectfully ask you to note the following points:

- All three previous tenants, and the pub management company, were experience in either running public houses or small hotels.*
- The £50,000.00 start-up cost is not needed on the building, the building itself is in excellent condition, the last major refurbishment only being done in 2017 at the cost of £70,000.00 to us as the landlord, the sum suggested is decorate and stock the premises to the tastes of an incoming tenant.*

Our agents have advised that we should not decorate the property ourselves as it is likely that if any new tenant was found they would have different tastes. Comments have been made regarding the current rent being too high and that it is our greed which is making the property unmarketable:

- Warr Investments Ltd. has not increased the rent since The Windmill Inn was purchased in twenty years.*
- The full rent (end of year 5 on a stepped rent lease) has been achieved, this level is set by our agents and is the correct market rent for such a property*
- We have always advertised stepped rents and rent free periods to help tenants get established, we are not unrealistic in our marketing*
- Our agent advised if we were to reduce the rent further we are likely to attract the wrong sort of tenant for the location*
- We have requested no premium for the lease*
- We have offered the current fixtures and fittings at a token cost of £1.00 to incoming tenants, their assessed value is £7,000.00*

Last July we sought to appoint a pub manager to keep the place open for the locals, the most reasonable fee was £300.00 per week and that we would be underwriting all costs, this would be unaffordable and as the village has another pub unnecessary."

FINANCIAL CONSIDERATIONS

The relevant CIL forms have been received. CIL is not chargeable on this development, as there is no net increase in floor area.

PLANNING BALANCE AND CONCLUSION

It is considered that the proposal accords with the aforementioned policies in the Joint Core Strategy, Part 2 Local Plan and Badby Neighbourhood Plan, which are supported by the relevant chapters of the NPPF. The proposal would not be in conflict with the CAAMP. The principle of changing the use of the existing premises and site from a public house to a single residential dwelling has been demonstrated to be acceptable in this instance. The application site is located within the village confines and would enable the re-use of an existing non-designated heritage asset. The design and appearance of the proposed car park alterations and outdoor amenity areas are regarded to be acceptable in relation to the site, immediate locality and would conserve and enhance the conservation area and setting of nearby listed buildings. There will be no loss of amenity to immediate neighbours or the locality and no significant highway issues or other issues have been identified from this residential proposal that would justify refusal of the application.

RECOMMENDATION / CONDITIONS AND REASONS

That the application be **APPROVED** 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. Except where expressly stated by other conditions on this planning permission, the development shall be carried out strictly in accordance with the details shown on drawing numbers: W54-2C 'Site Plans As Proposed' and W54-1A 'Floor Plans As Existing & As Proposed' deposited with the Local Planning Authority and registered valid on 11 December 2020.**
- 3. The vehicular access, parking, turning and outdoor garden areas identified on drawing number: WS4-2C shall be provided for the dwelling hereby permitted before the dwelling is first brought into occupation and these facilities shall thereafter be retained in perpetuity for such purposes for the dwelling hereby permitted.**
- 4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as Amended (or any Order amending or re-enacting that Order with or without modification), there shall be no development within Classes A, AA, B, C, D, E, F, of Part 1 of Schedule 2 to that Order (relating to development within the curtilage of a dwellinghouse), Class A Part 2 of Schedule 2 (relating to gates, walls and fences) and Classes A & B of Part 14 of Schedule 2 (relating to installation of solar equipment).**
- 5. If during development, contamination not previously considered is identified, then the Local Planning Authority**

shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspected contamination has been submitted to and agreed in writing by the Local Planning Authority, and the implementation of any necessary remediation works has taken place and a verification report has been approved by the Local Planning Authority.

- 6. Notwithstanding the submitted details, full details of the proposed new frontage stone wall and side gates shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the details so approved.**
- 7. The existing Windmill Inn public house signs at the front of the site shall be thereafter retained in perpetuity of the site and building**

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 as permitted and would not detract from the character and appearance of the application building, conservation area, setting of nearby listed buildings and to allow the Local Planning Authority to consider the effect of any changes.**
- 3. To ensure a suitable means of access and satisfactory off-road parking be provided for the development, in the interest of highway safety and residential amenity and to ensure the proposal complies with Policy R1 of the Joint Core Strategy by delivering environmental improvements for the site.**
- 4. In the interest of safeguarding the character and appearance of the premises, conservation area, visual and residential amenity and highway safety.**
- 5. To ensure any contamination present on site is mitigated and to secure a safe development in respect of contamination in accordance with the NPPF and Policy BN9 of the West Northamptonshire Joint Core Strategy.**
- 6. In the interest of preserving and enhancing the character and appearance of the Conservation Area.**
- 7. In recognition and to allow commemoration of the history of the non-designated heritage asset/ locally listed building.**