



# 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 Monday 10 January 2022 at 6.00 pm**

## Agenda

<b>1.</b>	<b>Apologies for Absence and Appointment of Substitute Members</b>
<b>2.</b>	<b>Declarations of Interest</b> 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.
<b>3.</b>	<b>Minutes</b> (Pages 5 - 16) To confirm the Minutes of the Meeting of the Committee held on 8 <sup>th</sup> December 2021.
<b>4.</b>	<b>Chair's Announcements</b> To receive communications from the Chair.
<b>Planning Applications</b>	
<b>5.</b>	<b>Application WND/2021/0635 WOODFORD HALSE</b> (Pages 21 - 32)
<b>6.</b>	<b>Urgent Business</b> The Chairman to advise whether they have agreed to any items of urgent business being admitted to the agenda.
<b>7.</b>	<b>Exclusion of Press and Public</b> 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"
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Catherine Whitehead  
Proper Officer  
30 December 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](mailto: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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### **Mobile Phones**

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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](mailto:democraticservices@westnorthants.gov.uk)

Or by writing to:

West Northamptonshire Council  
One Angel Square  
Angel Street  
Northampton  
NN1 1ED

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### 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 8 December 2021 at 6.00 pm.

- Present            Councillor Kevin Parker (Chair)  
                       Councillor Alan Chantler (Vice-Chair)  
                       Councillor Rupert Frost  
                       Councillor Rosie Humphreys  
                       Councillor Daniel Lister  
                       Councillor Peter Matten  
                       Councillor Wendy Randall  
                       Councillor Cecile Irving-Swift
- Substitute        Councillor Cecile Irving-Swift (for Councillor Lauryn Harrington-Carter).  
 Members:
- Also  
 Present:           Councillors: Phil Bignell, Charles Morton, David Smith and Jo Gilford
- Apologies        Councillor Daniel Cribbin  
 for                Councillor Lauryn Harrington-Carter  
 Absence:

#### 22. **Declarations of Interest**

Councillors Cecile Irving-Swift and Rupert Frost declared an interest in application WND/2021/0391 West Haddon as friends of the applicant and Councillor Rosie Humphreys declared an interest as a neighbour to the site. They advised that they would leave the room during the discussion and voting thereon. Councillor Rupert Frost also declared an interest in application DA/2020/1051 Badby and advised that he would leave the room during the discussion and voting on the item.

#### 23. **Minutes**

Councillor Cecile Irving-Swift advised that she had submitted her apologies for the meeting on 3<sup>rd</sup> November 2021.

#### **RESOLVED:**

That, subject to the above amendment, the Minutes of the Daventry Local Area Planning Committee of 3<sup>rd</sup> November 2021 be approved and signed as a correct record.

24. **Chair's Announcements**

The Chair advised that the protocol for speaking arrangements for the planning committee had changed on 2<sup>nd</sup> December when the new Constitution had been approved at Council; however, for the purposes of this meeting the rules remained as they were when the agenda had been published the new universal Protocol on Speaking at Planning Committees will apply to meetings thereafter.

Councillors were reminded that the next meeting of the Daventry Local Area Planning Committee was taking place on Monday 10<sup>th</sup> January.

25. **Planning application DA 2020 0469 Barby**

**DA/2020/0469 BARBY – 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 - The Cavans, Barby Lane**

The Area Planning Officer outlined the application for 5 pitches to accommodate a total of 7 caravans on a site to the west of Barby Lane. The site had previously been granted planning permission for change of use for one traveller family in 2017. It was considered that the application complied with policy. Members' attention was drawn to the list of late representations. Since the production of the late representations another representation had been received but this had raised no new issues.

Councillor Rosie Humphreys considered that the application would result in an over doubling of the existing site and highlighted that normally development in open countryside would not be allowed unless it contributed to the local economy or provided an environmental improvement. The Area Planning Officer advised that traveller sites had their own topic specific policies. The Neighbourhood Development Plan pre-dated the Part 2 Local Plan which considered the provision of traveller sites, and a balancing exercise had to be undertaken that had regard to all policies.

Councillor Alan Chantler submitted apologies on behalf of the Parish Council who had not been able to attend. The Parish Council had raised concerns that the application was contrary to the Neighbourhood Development Plan. Councillor Chantler noted that the Part 2 Local Plan had been adopted 18 months ago and a matter of balance was required. The Parish Council had requested additional screening for the site. Although it was not a planning matter, Councillor Chantler noted that he had received complaints about obstructions in the roadway.

Councillor Cecile Irving-Swift highlighted that the police and fire service had produced guidance for gypsy and traveller sites and that the guidance stated that caravans should be more than 6 metres away from each other to prevent fires from spreading. Councillor Irving-Swift raised concerns regarding the lighting from the site as it was in open countryside and could create light pollution. She agreed that it was an overdevelopment of the site.

Further to discussion regarding the screening of the site, the Area Planning Officer advised that this was covered by condition 5 but could be expanded upon if Members felt this was necessary.

Councillor Wendy Randall spoke in favour of the application and noted that it was well screened as she had not realised it was there; Councillor Randall proposed that the application be approved. This proposition failed for lack of a seconder.

The Area Planning Officer advised that with regard to stipulating a 6 metre distance between each van, although this was not a planning reason to refuse the application, an informative note could be added. The drawings showed an indicative distance between the vans only; however, it was a large site and therefore it was expected that this provision could be accommodated.

Councillor Matten proposed that the application be approved, with the condition that each van must be 6 metres apart and that additional screening be added. This was seconded by Councillor Randall and on being put to the meeting was declared lost with 3 voting in favour and 4 against.

The Area Planning Officer pointed out that the site was 80 metres in length and 65 metres wide.

Councillor Irving-Swift considered that one wash-room was not enough and there was a lack of facilities on site. The Area Planning Officer advised that Environmental Health had raised no objections to the application and the provision of washing facilities was outside the remit planning regulations. In addition to this the drawing was indicative only. A condition could be added regarding the siting of the caravans if members felt this was necessary.

Councillor Irving-Swift proposed that the application be refused as it was against the police and fire service's guidance for good design of gypsy and traveller sites, the proposition failed for lack of a seconder.

Councillor Rupert Frost considered that the design as not in keeping with the Local Plan and the site would have an adverse impact on the character and setting of the village. The Area Planning Officer advised that the site lay some considerable distance from the village and therefore this reason would be difficult to defend at an appeal.

Councillor Peter Matten proposed that the application be approved with the condition that there be 6 metres between each caravan and additional screening all the way around the site. This was seconded by Councillor Wendy Randall and being put to the meeting was declared carried with 6 voting in favour and 2 against.

**RESOLVED:**

That the application be approved as set out in the report, subject to the amendment of condition 5 to increase the vegetative screening and that there be 6 metres between each caravan in the interests of fire safety:

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, including additional planting to all the boundaries of the site, 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.
10. The static caravans hereby approved shall sited so as to have a minimum of distance of separation of 6 metres between each static caravan.
- Reason: In order to reduce the potential of spreading fire and in the interests of health and safety.

*Having declared an interest in the following item, Councillors Cecile Irving-Swift, Rosie Humphreys and Rupert Frost left the room during consideration of the following item and took no part in the discussion or voting thereon.*

26. **Planning application WND 2021 0391 West Haddon**

**WND/2021/0391 WEST HADDON - Construction of new cottage dwelling with associated landscaping (resubmission of previously refused scheme under DA/2020/0627) - Land adj 30, West End**

The Area Planning Officer outlined the proposal for the construction of a stone built, thatched dwelling in a conservation area. The site was an open area of land, and the conservation area and Tree Preservation Orders protected the trees. The character of the conservation area derived from the open area and added to the form and character of the village. A single dwelling would cause harm to the conservation area on this previously undeveloped site. The Area Planning Officer acknowledged that development could take place in conservation areas but highlighted that the harm of the application had to be considered and whether the proposal would preserve or enhance the conservation area. It was considered that the harm caused by the application would not be outweighed by any public benefits. A similar application had been refused by the Daventry District Council Planning Committee in February 2021. This application had greater implications for the health of the trees, than the previous application, as the excavations would be more significant to drop the building down to street level.

Mr Shun spoke against the application, Mr Robertson spoke on behalf of the Parish Council and Mr Coy, the agent, addressed the Committee.

Councillor Phil Bignell, one of the local ward Members, considered that the design was sympathetic and in keeping with the current street scene. The wall was in a poor

state of repair and needed to be fixed. No objections had been raised by the Highway Authority and the Parish Council were also supportive of the application. In bringing the proposed house down to street level Councillor Bignell considered that this would improve the street scene. The views into the open space would still be retained. The site had been overgrown and had not been included in the Neighbourhood Development Plan; if the application was not approved the site would decline. Councillor Bignell considered that the proposal for an attractive thatched cottage would not cause any harm and that the trees would be protected.

The Area Planning Officer advised that all policies needed to be weighed in the balance; although the Neighbourhood Development Plan formed part of the consideration, the conservation area had been adopted more recently and this carried greater weight. The NDP had not allocated the site for housing. This proposal would not preserve or enhance the conservation area. The similar application that was refused on the site had not been tested on appeal. In defining that conservation area, a detailed assessment had been undertaken.

Councillor Wendy Randall considered that in this time of climate emergency, it was saddening to remove trees and hedgerows, and this was a major concern. The trees were substantial in size and therefore their roots would cover a large area. The open space also provided a natural habitat. Councillor Randall proposed that the application be refused, as per Officer's advice, the proposition failed for lack of a second.

Councillor Peter Matten considered that rebuilding the wall would protect the character of the area and that the trees would be protected as part of the scheme. The Area Planning Officer advised that the wall would have to be maintained by the owner to ensure that it was safe. The Landscape Officer and the Conservation Officer had raised concerns about the impact of the development on the trees, as set out on pages 44-45 of the agenda. The house, driveway and garage would all impact on the root protection area of the trees. There did not appear to be a retaining wall proposed as part of the scheme and if the soil was regraded this would impact on the tree roots also. The Area Planning Officer advised that he was not aware that the view from the Landscape Officer had altered as referred to by the Agent.

Councillor Peter Matten suggested that the application be deferred until the information regarding the tree roots issue was resolved. The Council's Solicitor advised that the Committee should make a decision based on the evidence before it, as the document referred to may not exist and as advised by the Officer no new evidence had been submitted and that the advice of the landscape officer remained as set out in the report.

Councillor Alan Chantler proposed that the application be approved as the suggested impact on the conservation area would not be significant and the benefits of tidying up the site outweighed any harm, and the wall would also be protected. This was seconded by Councillor Daniel Lister who considered that the site did not add greatly to the conservation area and agreed that the wall needed to be repaired.

On being put to the meeting, the proposition to approve the application was put to the meeting and declared carried with 3 voting in favour, 1 against and 1 abstention.

Councillor Alan Chantler proposed that the standard conditions be imposed regarding materials and that the trees be protected during construction. The Area Planning Officer added that conditions had been suggested by consultees also: archaeological conditions, a condition regarding the need to carry out contaminated land investigation and a construction management plan. The Area Planning Officer suggested that as the building would be in a conservation area, permitted development rights also be removed on any buildings within the site and that long straw be specified for the thatched roof, as this was particular for Northamptonshire. Details of joinery, doors and windows to be submitted; that changes in ground level be agreed and that the wall be rebuilt using existing stone. Members agreed to these conditions.

**RESOLVED:**

That the application be approved, subject to the following conditions:

1. **TA3** – 3 Year permission.
2. All works shall be carried out in strict accordance with the following plans and documents:-  
  
Plan numbers: 4917/MAP, 4917/01, 4917/25D, 4917/22F, 4917/21F and 4917/20F as received by the Local Planning Authority on 22<sup>nd</sup> November 2021.
3. Prior to construction above slab level, full details (to include manufacturer's specifications and mixes where applicable), including representative samples, of all new and replacement materials and finishes to be used in the construction of the dwelling and detached garage, to include facing bricks and stone to be used on the walls and the roof covering on the dwelling and materials to be used on the driveway shall be submitted to and approved in writing by the Local Planning Authority. All works shall then be carried out strictly in accordance with approved details.
4. 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 development shall be carried out which falls within Classes A, AA, B, C, D, E, F, G and H of Part 1 of Schedule 2 to the Order without the prior express consent of the Local Planning Authority.
5. 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 development shall be carried out which falls within Class A (gates fences walls etc) of Part 2 of Schedule 2 to the Order without the prior express consent of the Local Planning Authority.

6. 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;
  - ii. post-excavation assessment (to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority);
  - iii. 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.
7. The development hereby permitted shall not be commenced until details of an investigation and risk assessment scheme to assess the nature and extent of any contamination on the site have been submitted to and approved in writing by the Local Planning Authority (LPA), the approved scheme has been carried out by competent persons and a written report of the findings has been submitted for the approval of the LPA. The assessment shall include, unless the LPA dispenses with any such requirements in writing, a site investigation to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle and takes into account the proposed new house. The investigation must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR11' and a written copy of the site investigation and findings shall be forwarded to the LPA.
8. Where the contamination risk assessment identifies any unacceptable risk or risks, an appraisal of remedial options and proposal of the preferred option to deal with land contamination and/or pollution of controlled waters affecting the site shall be submitted for the approval of the LPA. No works, other than investigative works, shall be carried out on the site prior to the confirmation in writing of approval of the preferred remedial option by the LPA. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR11'.
9. The approved remediation scheme shall be carried out in accordance with its terms prior to the commencement of development other than that required to carry out the remediation. No deviation shall be made from the approved scheme without the express written agreement of the LPA. The LPA must be

given two weeks written notification of the date of commencement of the remediation scheme works.

10. No development works other than that required to carry out the remediation shall be carried out until after the completion of the works required by the remediation scheme, the submission of a written closure report to the LPA and the LPA have confirmed the closure report is satisfactory. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved remediation scheme, and confirmation of the effectiveness of the scheme in ensuring the site does not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the use of the land as a dwelling and garden. Post remediation sampling and monitoring results shall be included in the closure report.
11. 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.
12. 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.
13. The Stone boundary wall shall be repaired on a like for like basis using matching facing materials or, if it has to come down and be rebuilt, to re-use as much of the existing stone as possible in the external face with any shortfall made up with matching stone, and for all coursing on the external face to match the existing.
14. No equipment, machinery or materials shall be brought onto the site for the purposes of the development until details of the proposed type and a plan of the proposed position of fencing for the protection of trees or hedges that are to be retained on the site, have been submitted to and approved in writing by the Local Planning Authority. The fencing shall be implemented in accordance with these details and shall remain in place until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored, disposed of, or placed, nor fires lit, in any area fenced in accordance with this condition and the ground levels within these areas shall not be driven across by vehicles, altered, nor any excavation made (including addition/removal of topsoil/subsoil) without the written consent of the Local Planning Authority.

*Councillors Cecile Irving-Swift, Rosie Humphreys and Rupert Frost returned to the meeting.*

27. **Planning application WND 2021 0592 Weedon**

**WND/2021/0592 WEEDON - 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 - 30, South Street**

The Area Planning Officer outlined the application for a variation to increase the height and eaves height of an extension. The developers had already built a substantial part of the extension and had deviated from the plan that had been approved. Such works were at their own risk. Members were reminded that planning was a permissive not a punitive system. The owners of the house had sought to regularise their position and had submitted amended plans which had been refused and dismissed on appeal. The new application proposed to dramatically alter what had been built on site in order to bring it back to more closely resemble the approved scheme. The Committee were shown photographs of the current as built unauthorised development and how it would be altered so that it was very similar to that which had been approved originally.

Mrs Ramshaw spoke on behalf of the Parish Council and Ms Lucas, the Agent, addressed the Committee.

Councillor David Smith, the local ward Member, referring to the appeal that was dismissed considered that the first-floor extension could be viewed from a number of properties, and it was discordant with the area. Councillor Smith considered that the application was against policy and that the first-floor window on the front elevation was out of proportion.

The Area Planning Officer advised that the application had been made as a Section 73 minor material amendment. Complications arose as works to the property had already been carried out and now alterations were being made to the original proposals. With regard to the fact that a smaller window had been installed; this was not considered to be detrimental. The alterations were not considered to be significant and if Members refused the application, the applicants had a right of appeal. The Conservation Officer considered the application to be acceptable.

Councillor Rupert Frost considered that the alterations were substantial and proposed that the application be refused. The proposition was seconded by Councillor Daniel Lister.

The Area Planning Officer advised that the works that had been undertaken on site were unacceptable, however the changes that were now proposed were considered an acceptable solution and would not adversely impact the conservation area. If the application was refused, then the applicant could appeal and enforcement action would need to be considered. This application provided an opportunity to address the current issues. The eaves height on the first floor would be increasing from 6.1 to 6.2 metres and on the rear projection from 5.8 to 5.9 metres which was not deemed to be significant.

Councillor Frost proposed that the application be refused as it contravened RA1 of Part 3 of the Local Plan, as it did not protect the form and character of the setting of

the village and was contrary to policy ENV7 b,c and d. On being put to the meeting, the proposition was declared failed with 3 voting in favour and 5 against.

Councillor Cecile Irving-Swift proposed that the application be approved with a condition that the window on the front elevation of the extension be replaced with that originally proposed. This was seconded by Councillor Alan Chantler and being put to the meeting was declared carried with 5 voting in favour and 3 against.

**RESOLVED:**

That the application be approved as set out in the report, subject to a condition that the window on the front elevation of the extension be replaced with that originally proposed, as follows:

With the exception of the first floor front window which shall be altered in line with condition 5, 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.

*Having declared an interest in the following item, Councillor Rupert Frost left the room during consideration of the following item and took no part in the discussion or voting thereon*

28. **Planning application DA 2020 1051 Badby**

**DA/2020/1051 BADBY - 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 - Windmill Inn, Main Street**

The Area Planning Officer outlined the application for the change of use of a public house to a single dwelling. Members' attention was drawn to the list of late representations and advised that another late representation of objection had been submitted following its publication which had not raised any new issues. The Officer noted that this representation had been copied to Cllr Smith who would no doubt make reference to it in his address to committee.

The public house had been on the market for 2 years. A market assessment had been carried out during the course of the application and it was considered that sufficient efforts had been made to market the property. The Windmill Inn Public House was identified as a 'Community Facility' in the Badby Neighbourhood Plan and policy CW3 of the Part 2 Local Plan sought to protect local retail services and public houses. Policy B4 of the NDP stated that satisfactory evidence had to be demonstrated that the site had been marketed for 12 months or more or that the proposal included alternative provision on a site with the locality with similar facilities. There was another public house in the village which was deemed capable of servicing the needs of the village and there were other local hostleries in neighbouring villages

Mr Morris, spoke against the application, Mr Snell spoke on behalf of the Parish Council and Mr Warr, the Agent, addressed the Committee.

Councillor David Smith, one of the local ward Members, reported that he had received a letter from Whittaker Bros to advise that they were putting an offer on the property as they considered the pub to be a viable business. It was a valued pub in the locality with 250 years of history. Councillor Smith did not consider that all avenues with regard to marketing the property had been investigated.

Councillor Jo Gilford, one of the local ward Members, referred to the survey carried out by the parish council and the considerable support for the pub to remain open. Councillor Gilford considered that if it was managed well, the pub would be a viable business, as it had been in the past.

Councillor Cecile Irving-Swift enquired as to whether the offer letter referred to by Councillor Smith could be taken into account in the decision. The Council's Solicitor advised that no prices had been discussed and the offer could be derisory, therefore not much weight should be attached to it. The applicant had submitted a professional marketing report with their application and Officers had considered this when making their recommendation.

Councillor Cecile Irving-Swift suggested that the application be deferred as the industry had suffered and the parish wanted to retain the facility.

Councillor Wendy Randall considered that both pubs in the village were very different and agreed that if The Windmill was run correctly, it could be a thriving business again.

Councillor Peter Matten queried whether the pub had been for sale as it seemed to be to lease. The Area Planning Officer advised that the policy stipulated that it had to have been actively marketed and this part of the policy had been satisfied. Members needed to consider if the marketing exercise was sufficient and what other similar facilities were nearby. If permission was granted for the pub to be turned into a house it did not mean that it would become a house.

Councillor Daniel Lister queried whether Officers had received a copy of the offer letter and highlighted that there would have been difficulty in marketing the property due to the pandemic. The Area Planning Officer advised that the letter had been received too late to be considered for the meeting.

The Council's Solicitor considered that if the application were refused it could provide evidence for an appeal. Members needed to think several steps ahead in this instance. The pub could still re-open even if planning permission were granted for the property to become a house; however if the application were refused it did not mean that the property would become a pub again.

Councillor Daniel Lister proposed that the application be refused as it had not been marketed adequately and because it would result in the loss of a community asset to the village. The proposition was seconded by Councillor Wendy Randall and on being put to the meeting was declared carried with 6 voting in favour and 1 against.

**RESOLVED:**

That the application be refused for the following reasons:

The Council considers that the proposed development would conflict with the provisions of Policy B4 (1) of the Badby Parish Neighbourhood Plan 2018-2029 Made 2019, Policy CW3 A) of the Settlements and Countryside Local Plan (Part 2) for Daventry District 2011-2029 Adopted 2020, and Paragraph 84 d) of the National Planning Policy Framework 2021, which seek to retain local services and community facilities such as public houses, where the loss will only be permitted in certain circumstances. The Council considers that insufficient evidence has been produced to demonstrate that the premises have been actively marketed for a prolonged period of 12 months or more without securing a viable community use for the facility and to demonstrate it is no longer attractive to the market for its existing permitted use. Furthermore the Council considers that the loss of this facility would adversely impact on the village as there are insufficient alternatives within the village that would compensate for its loss.

29. **Urgent Business**

None advised.

The meeting closed at 8.50 pm

Chair: \_\_\_\_\_

Date: \_\_\_\_\_

**PLANNING APPLICATIONS**

**PLANNING AGENDA**

**10-Jan-2022**

**BACKGROUND PAPERS**

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

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

## **List of Planning Applications on this Agenda**

### **Application Number**

### **Location**

WND/2021/0635

Woodford Halse

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 20<sup>th</sup> 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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<b><u>Application Number</u></b>	<b>WND/2021/0635</b>
<b>Location Description</b>	<b>34-36, STATION ROAD, WOODFORD HALSE, NORTHAMPTONSHIRE, NN11 3RB</b>
<b>Site Details</b>	<b>SINGLE STOREY REAR EXTENSION TO GROUND FLOOR TO INCREASE RETAIL FLOOR AREA, NEW SHOP FRONT AND REMOVAL OF RENDER</b>
<b>Applicant</b>	<b>MR PANCHAL</b>
<b>Agent</b>	<b>MR D SURTI, PLAN MY PROPERTY</b>
<b>Case Officer</b>	<b>S HAMMONDS</b>
<b>Ward</b>	<b>WOODFORD &amp; WEEDON WARD</b>
<b>Reason for Referral</b>	<b>CALLED IN BY COUNCILLOR RUPERT FROST</b>
<b>Committee Date</b>	<b>10 JANUARY 2022</b>

## **EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION**

**RECOMMENDATION:** GRANT PERMISSION SUBJECT TO CONDITIONS

### **Proposal**

The two retail units 34 and 36 Station Road are to be knocked together to form a large single unit (which doesn't itself require planning permission as there is no change of use). Planning permission is sought for replacement shop fronts and a ground floor rear extension which would add 15 sqm additional retail floorspace and 15 sqm for a back-office, store and w/c. All existing render would be removed to reveal the original red brickwork. The intended occupier of the retail unit is a well-known high street convenience store / off licence.

### **Consultations**

The following consultees have raised **concerns** with the application:

- Woodford cum Membris Parish Council
- WNC Conservation Officer

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

- WNC Highways

0 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 Local Plan and other relevant guidance as listed in detail in the body of the report.

The key issues arising from the application details are:

- Design and visual amenity
- Impact on Conservation Area
- Impact of traffic and parking

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**

This application relates to two terraced properties on Station Road in Woodford Halse which form part of an unlisted terrace of brick buildings within the designated Conservation Area. This section of Station Road forms the main retail core of the village. The two units in question are presently vacant but most recently accommodated a corner-shop/newsagents and an off-license, with residential uses on the upper floors and in the basement. The adjoining property trades as a butchers shop at ground floor with associated retail storage at first floor and basement level.

The application site is situated on the corner of Station Road and Cherwell Terrace. Cherwell Terrace slopes down steeply to the side of the former newsagents which means that the basement level (that is not at all visible from Station Road) becomes apparent as an additional lower ground storey at the rear. Effectively the ground floor appears like the first floor when viewed from the rear due to the steeply sloping nature of the site.

To the rear (north) of the site is an open green triangle offering a rare sense of openness from the densely developed streets of small Victorian terraced dwellings towards the valley floor. The opposite side of Station Road is slightly more open and accommodates more modern detached buildings in community and residential uses.

## **CONSTRAINTS**

The application site is situated within the designated conservation area.

## **DESCRIPTION OF PROPOSED DEVELOPMENT**

It is proposed to combine the two existing retail units by knocking through the internal walls at ground floor level to form one larger format retail unit (this does not require planning permission). Planning permission is sought for the replacement of the existing shop fronts and the addition of a single storey pitched roof rear extension at ground floor level above the existing flat-roofed rear basement extension. All existing render would be removed to reveal the original red brickwork. The new windows at the rear are described as being white upvc to match existing.

In response to the Parish Council's requests for further information about the intended occupier of the "new" unit, the agent has advised that the company taking an interest is a well-known high street brand whose business is a convenience store and off-license.

## **RELEVANT PLANNING HISTORY**

There is no planning history for the end terrace newsagents (no.36). The following applications relate to no.34 (the mid-terrace unit):

DA/83/260 – Extension to shop to form store. Approved.

DA/84/0724 – Extension of shop sales area and c/u to extend storage into kitchen and dining area. Approved.

DA/85/0990 – Extension to shop over storage area. Refused.

DA/2004/1195 – C/u of rear part of premises to hot food takeaway. Refused.

DA/2005/0204 – C/u of lower ground floor to provide pizza takeaway and restaurant (main entrance off Station Road). Approved but not implemented.

## **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 adopted Settlements and Countryside Local Plan (Part 2) (2020); and the Woodford cum Membris Neighbourhood Development Plan. 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
- R2 – Rural Economy

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

The relevant policies of the LPP2 are:

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

#### Woodford Cum Membris Neighbourhood Development Plan (NDP)

The relevant policies of the NDP are:

- WH3 (Character Areas)
- WH8 (Good Design)
- WH14 (Local Shops)
- WH18 (Rural Economy)

### **Material Considerations**

Below is a list of the relevant Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Woodford Halse and Hinton Conservation Area Appraisal and Management Plan (CAAMP) 2020

### **RESPONSE TO CONSULTATION**

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

### **Woodford Cum Membris Parish Council –**

Our Council seeks to encourage the presence and viability of businesses in the Parish and supports the renovation of both these premises for residential and retail purposes but we have grave concerns about parking. Existing on-street (none otherwise available) parking accommodation is extremely limited and the situation is aggravated by the relocation of the Post Office from Church Street to within the Pharmacy (nextdoor to the proposal site). It is further complicated by the increase in traffic from this expanding village and the Council and "Highways" remain unable to solve the problem surrounding Station Road and the adjacent Victorian terraces.

The store would demand significant on-street parking which is not available. We therefore remain very concerned at the potential impact on the residents and businesses in Station Road from customers' vehicles to and from the proposed "new" store.

### **WNC Conservation Officer –**

The site is part of the "railway terraces" that are described in the adopted CAAMP as having uniformity and a strong linear character. They were designed as a distinct grouping, and their industrial character is pronounced further by their placement on the steep slope leading down to the river valley. Red brick is the exclusive traditional building material for these terraces, reflecting their industrial history, and original roofing is Welsh slate.

Removing render to restore brickwork:

The previous introduction of render on the application building is a detracting feature. I welcome the proposal to remove it and restore the original brick face. Depending on the composition of the render, its bond to the face of the brick and the condition of the brick underneath, there may be a requirement for substantial brick replacement as well as repointing. I would suggest that a method statement for the removal of the render and the repair of the brick would be required to ensure that a clean and consistent finish could be achieved. (This could be dealt with as a condition of any consent that is granted).

Rear extension:

*"Historically, many properties have been extended to the rear as pitched roof extensions. These are often highly visible due to the steeply pitched gradient of Castle Road and Cherwell Terrace, and any development proposals would need to have careful consideration for the impact on views experienced walking both up and down these streets" (CAAMP).*

I have concerns about the proposed rear extension, which would introduce a prominent projection beyond the historic rear building line in this elevated position. This would not be consistent with the character and form of the existing terrace. The existing flat-roofed lower ground floor extension is of no merit, but it has limited impact upon the uniformity of the terraces because it is largely screened by the existing boundary wall/fence and the gradient of

Cherwell Terrace. There is potential for the proposed extension to have a harmful impact upon the character and appearance of the conservation area.

Shop fronts:

- The existing corner entry door and the shop windows on the Cherwell Terrace and Station Road elevations of no. 36 are shown to be retained but the windows would be blocked up internally to allow for the siting of a new internal staircase to provide access to the flats above. I have concerns about this. It would certainly be desirable to retain an active shop frontage on this prominent corner plot.

- It is proposed to replace the existing timber shopfront surrounds with new in a traditional style to match the existing. Existing modern signage would be replaced with traditional signage. It is important that the appearance of the buildings as two separate units is retained in the design of the shopfronts and signage.

- The existing metal roller shutter door on no. 34 is unsightly. I would welcome its removal. Are there any photos to show the shopfront behind it? If it is of traditional design then I would not support a proposal to replace it with new commercial sliding doors and windows in aluminium. If the existing design and materials are modern then, ideally, any proposed changes should seek to restore the traditional character of the shopfront. However, in such a circumstance, a well designed modern shopfront is unlikely to cause further harm to character or appearance.

### **WNC Highways –**

The fact that the 2 units are being combined to make a single retail unit is largely irrelevant from our perspective. The only consideration may be that a national retailer may utilise slightly larger delivery vehicles than the smaller shops may have in the past, but that is not certain. There would have been nothing preventing the smaller shops receiving deliveries by larger vehicles and it could be argued that 2 separate shops have the potential to receive more frequent deliveries than a single combined shop.

On the 15sqm extra retail space, in accordance with our parking standards for retail (food), it falls short of the requirement for a single parking space (1 space per 20sqm). At a push it could be argued that a single parking space could be required to account for the additional 15sqm, but it is not something that we could demonstrate was significant or would have a severe impact on the highway or highway safety. We can only consider the additional retail space and not the existing. This does not mean to say that we do not agree that there may be parking issues along Station Road, but it is not possible for us to secure parking improvements or to object to an application based on already permitted use in the hope of rectifying any pre-existing parking problems. Had this been a complete change of use for the whole site, then the approach and our response may have been different.

## **RESPONSE TO PUBLICITY**

No third party or neighbour responses had been received at the time of writing this report.

## **APPRAISAL**

### Principle of Development

This is an application for a small extension to retail premises in the main established retail area of the Primary Service Village of Woodford Halse. The proposal is within the village confines.

LPP2 policy RA1 seeks to ensure that the role of Primary Service Villages is maintained and therefore requires all development to meet criteria i-vii as follows:

- i) of appropriate scale relative to its role a service centre;
- ii) not result in the loss of existing services or facilities;
- iii) protect the form and character of the village and areas of historic environmental importance (including conservation areas);
- iv) protect integrity of garden land;
- v) accessible by walking and cycling; and
- vii) protect residential amenity.

All of these criteria are considered to be met by the proposal, as outlined further below, and so the proposal complies with RA1. The principle of development is therefore acceptable subject to other detailed matters.

### Design, appearance and impact on the conservation area

Rear extension:

The extension proposed is single storey and seeks to extend the ground floor retail area by 30sq.m – this would provide a small staff office, store and w/c together with 15sq.m additional retail space. The rear projection of the extension from the original elevation would be 5.0m. This is a modest extension in terms of its scale and is commensurate to the scale of the plot, particularly as it builds over part of the existing lower ground floor footprint.

The pitched roof design and architectural detailing of the extension is positive and, being single storey only, is visually subservient to all parts of the original building including the original subservient 2-storey outrigger. The design incorporates correctly-proportioned openings that match the existing style and the characteristic red-brick finish will be reinstated which will be a big benefit as the existing render is unsightly and non-traditional.

The conservation officer has expressed concern that the rear extension would introduce a "prominent projection beyond the historic rear building line in this

elevated position. This would not be consistent with the character and form of the existing terrace”.

It is the case that, in views from the side/rear, the ground floor extension would appear in an elevated position, due to the slope of the land. However it can also be said that the extension is sympathetic to and works with the slope of the land, creating a gradual stepped arrangement down the hill. The extension and associated re-facing would blend well with the character of the immediate area and bring an overall visual improvement for the application site itself. The character of the rear of the terrace would be changed but this would not necessarily be for the worse when considering the other advantages of the proposal, including restoring the characteristic red-brick finish for the entire building (and of course getting the unit back into positive use for the community).

Despite introducing change, I feel that the proposals for the rear of the building would, on balance, have a neutral to positive impact on the overall character and appearance of the conservation area. They would be an appropriate scale and would constitute sympathetic design that respects the character of the site and the wider village in line with LPP2 policies RA1(C.(i) and (iii)) and ENV10(A.(iii)) and NDP policy WH8.

Shop fronts:

The design of the shop front for no.36 would remain largely unaltered, and the internal fixing of graphics on the inside of the panes would be very similar to the existing situation and the situation in many stores throughout the country. The existing shop-front for no.34 is already a modern replacement so no original / traditional features would not be lost by this proposal.

The proposed design does follow some of the conservation advice by re-instating a visual delineation between the original units in the form of two traditional style decorative pillars/cornices. The original proposal for full height glazing for no.34 has been amended so that a plinth is retained beneath the shop window and the agent has indicated that he is willing to consider further changes to the detailing of the shop fronts – these discussions are ongoing. There is no mention of external roller shutters on the plans and the agent has confirmed that these are not intended to be a feature of the new unit. The removal of these unsightly features will be a vast improvement to the streetscene and the character of the conservation area.

In the interests of securing an improved best scheme for the conservation area, discussions will continue with the agent about improving the final detailing of the shop fronts. The final version of the plans will be presented in time for committee.

Neighbour amenity

Any impact on neighbour amenity would be felt by the immediately adjacent property, no.32. Although the council's address records suggest there is a flat at this address, the case officer confirmed with the butchers that no-one resides at no.32 and that the upper and lower storeys are all used for storage in association with the butchers shop. The proposed extension will therefore have no impact on residential amenity in respect of no.32. The next nearest neighbours are far enough removed from the site to not feel any direct impact from the extension.

The revised plans remove reference to air conditioning units so this is not part of the current application.

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

#### Impact on Traffic and Parking

This is the Parish Council's main concern about the proposal, as outlined above in the summary of representations. Relevant considerations are set out below.

The two existing ground floor commercial units are proposed to be knocked through to become one larger retail unit. This in itself falls outside planning control and could happen at any point in time without reference to planning.

Also without reference to planning, any such combined larger unit could be occupied at any time by any sort of retail use, including the convenience store /off licence that is currently hoping to occupy this site. The units are already authorised for retail use and no change of use is proposed.

The proposed extension will create an additional 15sqm retail floorspace, with the remaining 15sqm being given to back office facilities. It is not anticipated that this slight increase (15sqm) in commercial floorspace would directly result in any significant adverse highway impact.

The flats are to be reconfigured internally, but again this does not require planning permission and in any case the number of bedrooms would remain the same.

Parking is a challenge in the area but it is relevant to note the fallback position. The properties already have a legitimate use for 3 flats and 2 retail units which could be merged into one without planning consent. Given this baseline position I think it would be unreasonable to conclude that the additional 15 sqm retail floorspace would tip the balance on parking and highway safety sufficiently to warrant a refusal of planning permission.

Highways have raised no objections to the proposal, commenting as follows:

- The increased floorspace is below the threshold for requiring additional parking provision (and in any case there is no scope in the area for any such provision).
- The new floorspace would not be regarded as a significant increase nor as having a significant impact on highway safety.
- It is not possible to secure improvements or raise objections to an application based on an already permitted use in the hope of rectifying any pre-existing parking problems.
- Regarding deliveries, 2 separate shops would have the potential to receive more frequent deliveries than a single combined shop.

## **FINANCIAL CONSIDERATIONS**

The net gain in GIA is less than 100sq.m so the proposal is not CIL liable, despite it being for retail.

## **PLANNING BALANCE AND CONCLUSION**

With some further tweaks to the detailing of the shop fronts, it is considered that the design of the proposals can be in keeping with the character of the original building and the surrounding area and acceptable in terms of its visual impact on the conservation area. The proposal will not have an adverse impact on the amenity of neighbouring properties nor will it have a direct impact on highway safety (any highways or parking issues are pre-existing rather than an outcome of the proposed works).

Weighing in favour of the development is the local economic benefits that would be brought to the main retail area of Woodford by having a national retailer presence, and the positive impact that this will have on the vitality and viability of the settlement. This is in line with national guidance in NPPF and LPP1 policy R2.

The proposal therefore accords with the relevant policies of the development plan and so, following the advice in paragraph 11(c) of NPPF, planning permission should be granted without delay.

## **RECOMMENDATION / CONDITIONS AND REASONS**

The proposed development is recommended for approval subject to conditions.

### **CONDITIONS**

- 1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.**
- 2. The development shall be carried out strictly in accordance with the amended drawing no. PA01revA/02 received 15/11/2021.**

- 3. Prior to the removal of any render, a method statement for the removal of the render and the repair of the revealed brick shall be submitted to an approved in writing by the Local Planning Authority. The render shall then be removed and brickwork repaired in accordance with the agreed methodology before the extension hereby permitted is first brought into use.**
- 4. No externally mounted shutters shall be installed over the shopfronts hereby permitted.**

#### **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 development is in accordance with the agreed amendments 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 the surrounding area.**
- 3. In the interests of visual amenity and the character of the conservation area.**
- 4. In the interests of visual amenity and the character of the conservation area.**

#### **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. Shop signage for the unit(s) may require further advertisement consent under the Advertisement Regulations. This permission does not authorise any shop signage.**

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