



# 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 9 February 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 - 8) To confirm the Minutes of the Meeting of the Committee held on 10 <sup>th</sup> January 2022.
<b>4.</b>	<b>Chair's Announcements</b> To receive communications from the Chair.
<b>Planning Applications</b>	
<b>5.</b>	<b>Application DA/2017/0826 Byfield</b> (Pages 13 - 50)
<b>6.</b>	<b>Application WND/2021/0174 Guilsborough</b> (Pages 51 - 68)
<b>7.</b>	<b>Urgent Business</b> The Chairman to advise whether they have agreed to any items of urgent business being admitted to the agenda.

8.	<p><b>Exclusion of Press and Public</b></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>
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Catherine Whitehead  
Proper Officer  
1 February 2022

#### **Daventry Local Area Planning Committee Members:**

Councillor Kevin Parker (Chair)

Councillor Alan Chantler (Vice-Chair)

Councillor Daniel Cribbin

Councillor Rupert Frost

Councillor Rosie Humphreys

Councillor Daniel Lister

Councillor Peter Matten

Councillor Wendy Randall

Councillor Cecile Irving-Swift

### **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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### **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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**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 Monday 10 January 2022 at 6.00 pm.

Present	Councillor Kevin Parker (Chair) Councillor Alan Chantler (Vice-Chair) Councillor Daniel Cribbin Councillor Rupert Frost Councillor Rosie Humphreys Councillor Daniel Lister Councillor Peter Matten Councillor Wendy Randall Councillor Cecile Irving-Swift
Substitute Members:	Councillor Cecile Irving-Swift (for Councilor Harrington-Carter)
Apologies for Absence:	Councillor Lauryn Harrington-Carter
Officers	Marina Watkins, Committee Officer Justin Price-Jones, Planning Solicitor Chuong Phillips, Principal Planning Officer

#### **30. Declarations of Interest**

Councillor Cribbin advised that he was unaware of the company taking over the premises for application WND/2021/0635 at Woodford Halse, but declared that he was a member of the Co-op. Councillor Matten pointed out that he worked for Tesco. The Council's Legal Adviser advised that this was acceptable.

#### **31. Minutes**

##### **RESOLVED:**

That the Minutes of the Daventry Local Area Planning Committee of 8<sup>th</sup> December 2021 be approved and signed as a correct record.

#### **32. Chair's Announcements**

None advised.

33. **Application WND/2021/0635 WOODFORD HALSE**

**WND/2021/0635 WOODFORD HALSE– Single storey rear extension to ground floor to increase retails area, new shop front and removal of render – 34-36 STATION ROAD, WOODFORD HALSE**

The Area Planning Officer outlined the application and drew member's attention to the list of late representation. The Conservation Officer considered that the alterations now proposed would enhance and positively contribute to the Conservation Area. Concerns remained regarding the proposed rear extension and the harm needed to be weighed against the benefits of the scheme. The proposal was to create one unit from two currently vacant terraced units. Planning Permission was not required for the removal of the internal walls but consent was needed for the changes to the shop front and the rear extension. There were different ground levels around the site, but it was considered that the extension would remain subservient to the main building.

The Parish Council had expressed strong concerns regarding traffic and parking in the area, although officers were of the opinion that the parking issues were an existing matter, and the site was already an off licence and newsagents/greengrocer. Approval was recommended.

Geri Rowe spoke on behalf of the Parish Council. Councillor Rupert Frost, the ward member who had called the application in, addressed the Committee.

Councillor Frost supported a prosperous and vibrant High Street but there were parking concerns and options should be explored. It was questioned whether a condition could be imposed requiring the applicant to provide extra parking on land nearby. The Principal planning Officer advised that conditions could not be imposed on applications for problems that already existed.

Councillor Frost noted that the current shops had not traded for some years and traffic problems would be more severe now. Councillor Frost proposed an amendment requiring a condition to be imposed on delivery times, with deliveries only before 8am or after 6pm. The Principal Planning Officer considered the suggestion to be unreasonable as the current units could be put back into use with no such restrictions. It could be argued that the frequency of deliveries for one unit would be less than for two.

Councillor Wendy Randall was aware of the area and noted that parking had always been an issue as was often the case in villages. Most residents welcomed the proposal. Councillor Randall proposed that officer's advice to approve the application be accepted. The proposition was seconded by Councillor Daniel Cribbin, who added that all villages had problems with traffic and parking. It was suggested that perhaps the Parish Council could investigate alternative ways of alleviating the parking issues in the area, outside of this application.

Councillor Frost put forward his amendment that a condition be added requiring delivery times to be before 8.30am or after 5.30pm. The proposition failed for lack of a seconder.

The Principal Planning Officer noted that Highways had raised no objections. Councillor Cecile Irving-Swift understood Councillor Frost's concerns but noted that the properties were already shops and the footfall should not change dramatically. The Conservation Officer considered that the development would improve the frontage of the buildings.

The proposition to accept officers advice was put to the meeting and declared carried with 8 voting in favour and one abstention.

**RESOLVED:**

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

**34. Urgent Business**

None advised.

The meeting closed at 6.20 pm

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

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

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**PLANNING APPLICATIONS**

**PLANNING AGENDA**

**09-Feb-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**

DA/2017/0826

Byfield

WND/2021/0174

Guilsborough

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>DA/2017/0826</b>
<b>Location Description</b>	<b>LAND AT WOODFORD ROAD, BYFIELD, NORTHAMPTONSHIRE</b>
<b>Site Details</b>	<b>OUTLINE APPLICATION FOR NEW MEDICAL CENTRE AND RESIDENTIAL DEVELOPMENT</b>
<b>Applicant</b>	<b>BYFIELD MEDICAL CENTRE</b>
<b>Agent</b>	<b>P CLARKE, BROWN &amp; CO</b>
<b>Case Officer</b>	<b>MRS C PHILLIPS</b>
<b>Ward</b>	<b>WOODFORD &amp; WEEDON WARD</b>
<b>Reason for Referral</b>	<b>Requested by Councillor Jo Gilford</b>
<b>Committee Date</b>	<b>9 FEBRUARY 2022</b>

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

### **RECOMMENDATION:** REFUSE PERMISSION

#### **Proposal**

Outline planning consent for the construction of 78 dwellings and a new medical centre with means of access for approval from Woodford Road alone. A new pedestrian is indicated from Knightly Close to the proposed site of the new medical centre.

For the purposes of the Town and Country Planning (Development Management Procedure) (England) Order 2015 ('the DMPO)

"access" means:

"accessibility to and within the site for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes..."

Although an indicative drawing has been submitted to illustrate how the developments may be accommodated on the site, the remaining matters of layout, appearance, landscaping and scale are reserved.

#### **Consultations**

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

- Byfield Parish Council
- WNC Local Highways Authority
- WNC Listed Buildings & Conservation Officer

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

- Lead Local Flood Authority
- WNC Archaeological Advisor
- WNC Key Services
- Natural England

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

- Woodford Parish Council
- Eydon Parish Council

The following consultees have indicated a need for **additional information** for the application:

- WNC Local Highways Authority
- WNC Listed Building & Conservation Officer
- WNC Landscape Officer
- WNC Local Strategy Service

19 letters of objection were received on the original submission raising concerns regarding traffic, loss of amenity, lack of contribution to local schools and projects, impacts landscape, contrary to policies, poor application submission with inadequate information.

527 letters of support were received on the original submission and a petition of 1910 signatures have been received advising that the existing surgery is at full capacity and that a new surgery is much needed. It is felt that the new housing will help to support the school and existing businesses in the village and if not approved would mean closure of the surgery will necessitate elderly and those with limited transport having to find the means of travelling further for medical services.

30 letters of objection have been received following recent re-consultation of information submitted on 30th November 2021.

293 letters of support have been received following recent re-consultation of information submitted on 30th November 2021.

## **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 within the main body of the report.

The key issues arising from the application details are:

- Principle of Development
- Harm to Heritage Assets, Landscape, Form, Character & Appearance
- Highway Impacts & Mitigation
- Enabling Development
- Balance of harm against benefits

The report looks into the key planning issues in detail, and Officers conclude that the proposal is unacceptable for the following reasons.

- 1) The housing requirement for Daventry Rural Areas, as set out in Policy S3 of the West Northants Joint Core Strategy has been met through planning permissions and the circumstances in which further housing will be permitted as set out in Policy R1 of the WNJCS, RA2 and RA6 of the Settlements & Countryside Local Plan (Part 2) for Daventry District have not been demonstrated. The proposed development is therefore contrary to these Development Plan policies and the spatial strategy, as set out in Policy S1 of the WNJCS for the distribution of development, which proposes that development will be concentrated primarily in and adjoining the principal urban area of Northampton with development of a lesser scale being located in and Daventry town and the development of rural areas being provided for, but with new development in rural areas being limited.
- 1) Notwithstanding the absence of information relating to costing details and the impact on designated and undesignated heritage assets, the proposal as a whole would result in significant harm to the character, form and appearance of the locality and unmitigated impacts which would have unacceptable impacts on highway safety and severe cumulative impacts on the road network at the Fiveways junction. It is considered that the harm and impacts would not be outweighed by the public benefit in delivering a site and financial contribution towards the construction of a new medical centre. Thus public advantage would not be achieved by approving the current application. The proposal is therefore contrary to Development Plan policies S1(4), C2, H1 and R1 of the WNJCS and SP1 (G), RA2, RA6, ENV1, ENV7 and ENV10 of the S&CLP (Part 2) having regard to paragraphs 111 and 208 of the NPPF.
- 2) West Northants Joint Core Strategy (WNJCS) R1 (F) promotes sustainable development that equally addresses economic, social and environmental issues. This requirement is endorsed by WNJCS policy SA Presumption in favour of sustainable development and echoes NPPF

paragraphs 7 and 8. The proposal is unable to achieve economic, social and environmental gains in mutually supportive and interdependent ways and would therefore not secure sustainable development as defined by these policies.

**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 forms an agricultural field south of Woodford Road and east of Church Street. The land rises from west to east as well as south to north and the highway level of Church Street is approximately 4m lower than the proposed development area of the application site. Long open views are available from west of Church Street towards Woodford Halse and vice versa. A historic stone retaining wall separates the site from the highway and forms an important feature of the street scene. From the Woodford Road well established tree and hedgerow planting partially screens the site. However, it is acknowledged that this screening would be substantially reduced during the winter season and more so by the development. Dwellings on Knightly Close and the existing Byfield Surgery are located north west of the site.

### **CONSTRAINTS**

The application site is within the open countryside.  
Designated and undesignated heritage assets impacts.  
TPO tree on part of site.

### **DESCRIPTION OF PROPOSED DEVELOPMENT**

An application initially sought outline consent for the construction of 90 dwellings and a new medical centre. A viability assessment was submitted in support of the application. The assessment indicated that to enable the provision of land and financial contribution of £1.25 million for construction of the surgery, 90 dwellings was required. The viability assessment was subject to consideration by an independent consultant on behalf of the Local Planning Authority and it was advised that 78 dwellings was required (having regard to an industry accepted profit margin of 17.5% in respect of open market units and 6% for the affordable dwellings).



The independent consultant concluded that with total of 78 dwellings, it would be possible to provide 10% affordable housing (8 dwellings), be CIL and Sect 106 compliant in respect of contributions for education, libraries, fire hydrants, broadband, provision of children play areas, young people play areas, allotments and indoor youth facilities, management of local amenities and monitoring in accordance with NCC Keys Services advice and DDC Infrastructure and Developer Contributions SPD.

The original application sought two means of access to be approved with access proposed from both Woodford Road and Church Street. Strong concerns were raised by officers with regards to the proposed part demolition of the stone wall within Church Street to accommodate the proposed access and the significant degree of engineering works which would be required to ensure that the access would meet the County Highway Authority standards.

Having regard to these conclusions and concerns, the application was revised and now seeks outline planning consent for the construction of 78 dwellings and a new medical surgery with means of access for approval from Woodford Road alone. A new pedestrian is indicated from Knightly Close to the proposed site of the new medical centre.

For the purposes of the Town and Country Planning (Development Management Procedure) (England) Order 2015 ('the DMPO)

"access" means:

"accessibility to and within the site for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes..."

Although an indicative drawing has been submitted to illustrate how the developments may be accommodated on the site, the remaining matters of layout, appearance, landscaping and scale are reserved.

## RELEVANT PLANNING HISTORY

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

Application Ref.	Proposal	Decision
DA/87/0694	Erection of 14 dwellings (Church Street)	refused - dismissed on appeal
DA/87/0695	Erection of 24 dwellings (Woodford Road)	refused
DA/2010/0057	Construction of 35 dwellings, 10 affordable housing units, means of access, open space, landscaping, retention pond, sewers and associated works	refused

DA/2011/0407	Outline application for residential development	refused – dismissed on appeal
DA/2011/0408	Change of use of land to pocket park and construction of footpath	allowed on appeal
DA/2012/0926	Outline application for residential development (Sect 106)	refused – dismissed on appeal

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

- Policy SA - Presumption in favour of Sustainable Development
- Policy S1 – The Distribution of Development
- Policy S3 – Scale and Distribution of Housing Development
- Policy S10 – Sustainable Development Principles
- Policy C2 – New Developments
- Policy RC2 – Community Needs
- Policy H1 – Housing Density and Mix and Type of Dwelling
- Policy H2 – Affordable Housing
- Policy BN5 – The Historic Environment and Landscape
- Policy INF1 – Approach to Infrastructure Delivery
- Policy INF2 – Contributions to Infrastructure Delivery

- Policy R1 – Spatial Strategy for Rural Areas
- Policy R3 – A Transport Strategy for Rural Areas

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

The relevant policies of the LPP2 are:

- Policy SP1- Daventry District Spatial Strategy
- RA2 – Secondary Service Villages
- RA6 – Open Countryside
- HO8 – Housing mix and type
- ENV1 – Landscape
- ENV7 – Historic Environment
- ENV10 – Design
- CW1 – Health & Wellbeing
- CW2 – Open Space Requirements

### **Material Considerations**

Below is a list of the relevant Material Planning Considerations

- National Planning Policy Framework (NPPF)
  - Achieving sustainable development
  - The presumption in favour of sustainable development
  - Determining applications
  - Planning conditions and obligations
  - Rural housing
  - Promote health and safe communities
  - Promoting sustainable transport
  - Achieving well designed places
  - Conserving and enhancing the natural environment
  - Conserving and enhancing the historic environment
- Planning Practice Guidance (PPG)
- Byfield Village Design Statement (Feb 2016)
  - Policy 2 Design of new development have fullest respect for vernacular style
  - Policy 3 New development should be integrated into the village landscape
  - Policy 7a New development should have a continuity of visual style to existing
  - Policy 7b New development should make use of local materials and building form.

## RESPONSE TO CONSULTATION

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

Consultee Name	Position	Comment
Byfield Parish Council		Objections raising concerns relating to inaccurate and absence of information and data, impact of proposal and mitigation measures on rural character of area, highway safety, revised design of proposed medical centre and ability to secure improved service having regard to details submitted. Proposed community room now introduced would compete with village hall income. No additional benefits to the Parish secured.
Woodford Parish Council		Support the proposal for a new medical centre, all requests of the previous planning meeting have been met.
Eydon Parish Council		Support in principle.
WNC Environmental Health Officer		Advises the imposition of conditions relating to contamination and construction management
WNC Highways		Maintain their longstanding objection. The proposed mitigation measures would have an unacceptable impact on highway safety and would result in severe cumulative impact on the road network at this junction which is already over capacity.
WNC Key Services		Requires developer contributions towards education, libraries, broadband, fire & rescue services.
NHS England NCCG		Financial contribution is requested from the developer to support the local infrastructure required to meet the health needs of the increasing population brought about by this development.
Care Quality Commission		CQC does have the powers to require a practice to close a premises but this would be last resort and not something

		we undertake lightly. We would need to be satisfied that the premises presented a significant risk to patient safety in line with our published risk assessment process before we would consider this type of action. Any such action would be carried out with full co-operation of local partners such as the Clinical Commissioning Group and NHS England Improvement to minimise the impact on the local health system.
WNC Archaeological Advisor		Requests imposition of conditions to ensure that features of archaeological interest are properly examined and recorded.
Lead Local Flood Authority		Requests the imposition of conditions to reduce the risk of flooding both on and off site.
Natural England		Please refer to standing advice
WNC Local Strategy Service		The site is outside the confines of the village. The impact of the proposal on the character and tranquillity of the village will need to be balanced against the contribution towards the vitality of the rural community. Sufficient evidence will be required to demonstrate that the development is needed to support an essential service that is under threat.
WNC Landscape Officer		Outline application and submission has limited information with particular relating to landscape and levels. To avoid conflict careful consideration needs to give to siting of dwellings and provision of additional landscaping.
WNC Listed Buildings & Conservation Officer		It is not clear whether the applicants have reviewed the potential for harmful impacts upon views of the church within its village and landscape setting from the surrounding area in response to my previous comments. There is no reference to this in the heritage addendum. In its absence it is difficult to accept the applicant's conclusion that there would be less than substantial harm to significance as a result of

		<p>development within the setting of a designated heritage asset.</p> <p>The greatest potential for harm I think would be to the character, form and appearance of the ,</p> <p>I remain of the opinion that an outline application, where all matters except access are reserved, is not appropriate for this site.</p>
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### **Byfield Parish Council**

Byfield Parish Council has considered the additional information and amended plans and concluded to maintain our objection, further details are given below. As a statutory consultee, Byfield Parish Council (BPC or PC) considered this application at a meeting on Thursday 9th December 2021.

In our February 2021 submission the PC reaffirmed our aim to focus on getting the best possible result for the entire village from what would be, a major expansion of Byfield. The parish council has concerns for the quality of life for those who live alongside the Woodford Road, increased noise, fumes and congestion making access to their properties more difficult and subject to disruption. This together with similar problems for anyone living, working or walking along any of the other roads affected by these proposals.

We are disheartened by the prospect of five sets of traffic lights which will, at a stroke, urbanise our village, create queuing traffic with increased noise, light and fume pollution

This remains a contentious application with no clear path to resolving a number of issues. The ongoing gaps in information, the assumptions made and the view that Byfield should accept something below legal standards is unacceptable. In October CREATE made a number of basic errors making us wonder if the scheme is actually deliverable in its current format and whether the time has come to try and find an alternative site / development opportunity for the medical centre business. OR consider building short new sections of road to enable some traffic to avoid the Fiveways junction all together.

The previous concerns raised by Byfield Parish Council on the proposed signalisation of the Fiveways junction have not been addressed. We supplied a detailed response in October and can provide a copy of required.

As BPC has said we question the viability of this scheme and so would encourage the exploration of ideas to construct a mini relief road from near the entrance of the proposed Farols site going diagonally and joining the Woodford road to the north of the Village boundary

In October we referenced 'basic errors', these include referring to Dollis Hill (which is approximately 78 miles away in north London). And the claim that the Woodford Road does not have any gradient when in fact there is a steep climb east immediately from Five ways. There is a similar claim of zero gradient for the Boddington Road which also has a gradient albeit less pronounced than the Woodford Road. We question if anyone has ever actually visited the location or simply relied on Google Maps. The gradient would affect the speed and manoeuvrability of traffic but almost more importantly this basic error calls into question the validity of the whole report.

Turning to the 1st December submissions in particular, our comments are these: Letter from Mr Green, Director, Byfield Manor Property Company Ltd.

This letter is addressed to 'Tracey BMC and Councillor Jo Gilford' and not to WNC. It begins by referring to 'much needed new housing' but fails to provide evidence of this need, i.e. any reference to a housing needs survey or indication of the number and type of housing that is 'much needed.' The application is for OPP so this makes it a doubly meaningless statement since no one knows what sort of housing any developer might aim to build.

Section 106 Agreement The letter refers to the S.106 agreement but it makes no mention of the existing Heads of Terms Agreement, is the intention to replace the HoT with this new proposal? We make observation on each of the 6 points as follows.

1. 8 affordable dwellings – this is not part of the S.106 it was a requirement imposed by DDC after the initial offer of 30% affordable was reduced to zero.
2. CIL, this is not part of a S.106, The Community Infrastructure Levy is a charge placed on development, such as new homes and extensions to homes according to their floor area. The money generated through the levy goes to contribute to the funding of infrastructure to support development growth in West Northants.
3. This simply provides the detail of the CIL and is not an additional condition of any S.106
4. The land will be transferred to 'the council' which council? Presumably WNC but if not then is it proposed to be the Parish Council? If that is the case we would strongly object to being subject to legal and related costs without any offer of reimbursement.
5. 'It is acknowledged' that payments will be made to the Medical Centre but this is a private arrangement between the parties, it does not guarantee that a medical centre will be built.
6. This is not part of a S.106 and we feel it inappropriate to list any contribution to affordable housing made by the local authority.

Once again there is absolutely nothing offered Byfield either to improve existing facilities such as the Brightwell Recreation Ground or to provide so much as a set of swings for the new public open space.

Highways Issues

The letter refers to Highway conditions to be secured by planning condition: Mr Green refers to 'my company or their successor in title' which we take to mean successor in title. He makes reference to a specific set of drawings to be implemented but to date nothing has been approved by Highways and we are concerned that any further iteration of the plans might be used as an excuse to not pay these costs. It would therefore be advisable, in our view, to ensure that any offer to cover the cost of Highway changes are unambiguous and complete.

The offer to pay for this work is of little meaning since there is no proof that Byfield Manor Property Company has the assets or wherewithal to meet the costs involved. Any acceptance of such an offer should be constructed to ensure that liquidation/bankruptcy of the business did not prevent the monies being paid. Byfield Parish Council has always felt that any Highways changes should be in place before the development goes ahead and not be reliant on property occupation rates.

The proposed new Medical Centre

The Parish Council is very disappointed to see the radical reduction in the size and scope of the new building. The original application offered a two storey building with, amongst other things, on the ground floor, provision for dentistry and X ray / Ultrasound. Both of these services have been deleted.

The second floor offered facilities and office space for staff along with a solution to what has always been cited as significant problem in the current building, lack of file and archive storage. All these have been deleted.

There is an unexplained reference to 'phasing'. The planning officer should, we believe, ask for a full, detailed definition of this term and its implication on the development of the new Medical Centre.

We note the addition of a 'community hall'. This new space is of real concern to the Parish Council since it will be in direct competition with our existing Village Hall which is a registered charity and has long functioned as the principal meeting place for our parish.

The joint Core Strategy states at paragraph 4.49 '

Within the rural areas sustainable communities must be maintained, enhanced and protected as vital places providing homes and jobs balanced against the need to protect the built and natural environments that are so highly valued.'

The proposed new hall does not accord with this principle.

One of the arguments for this development has been that we should approve the housing to enable an essential local service (the medical centre) to be maintained within the village. A new community hall would have the effect of endangering an existing essential local service the longstanding Village Hall. Even if the current Village Hall was to survive the competition of a new



community hall (which is doubtful since even in pre pandemic times they operated on very tight margins) we see an additional risk of splitting the village, with those in the new housing gravitating towards the community hall and not into the wider village.

We wonder if this is seen as an further income stream for the practice?

When this application was first submitted in the summer of 2017 there was much talk of closing the doors to new patients and the imminent closure of the practice. This created considerable and understandable anxiety across Byfield and surrounding villages particularly amongst the elderly and helped justify the noisy demonstrations outside the council offices in January 2020. Since then the surgery has continued in its good work serving the community, continued to accept new patients been rated good by the QCC and has definitely not closed.

What has happened since 2017 is the reduction in facilities on offer, an increase in the density of the housing development with Mr Greens company retaining a piece of land which has no practical or community purpose beyond being available for further housing in the future.

We see the introduction of a proposed community hall and kitchen that will directly compete with our existing village hall and put this at risk. The Highways problems seem almost impossible to resolve and even the proposed solutions will urbanise a rural community. The scheme constantly ignores other planning decisions which will affect the road network and Fiveways junction.

West Northants Joint Core Strategy Local Plan (part 1 adopted) states at paragraph 16.19: 'Community led plans should not promote less development than in a higher tier plan. However they can allow for additional growth, for example where this would support the retention of or improvement to essential local services that may be under threat (in particular the local primary school or primary health services). Planning applications for additional growth within villages will need to be informed by a community involvement exercise, undertaken in accordance with the up to date Statement of Community Involvement in each District, prior to the submission of the planning application.'

The view of Byfield Parish Council is that the original scheme is now of such an age and so radically different from the one originally proposed that a further period of local community involvement is now justified

BPC remain committed to getting the best possible result and to working with all parties, but we increasingly concerned that this scheme is undeliverable and will bring changes that will negatively alter the look, character and atmosphere of our community forever. These amendments, which substantially reduce the facilities initially proposed, create a risk of damaging an existing essential village

service (our village hall) and seem to confirm our questions about the viability of the entire project.

### **Woodford Parish Council**

My Council continues to support this application.

Please take into account the following observations which a representative of my Council also wishes to make directly to the members at the relevant WNC [Daventry Area] Planning Committee meeting.

We would ask that members of the planning committee listen to the overwhelming support for this application from both the residents of Woodford Halse and other surrounding areas where the need for effective and local medical facilities could not have been more urgent and obvious than during the past 24 months of the pandemic. This application will not only greatly enhance the local provision but also secure the facility in perpetuity.

We note and whole heartedly approve of the detailed plans for the new medical centre and consider that:

- The landscaping, particularly the sedum roof will mitigate the harm to the local area.
- The addition of a covenant which will prevent the building ever being used for anything else.
- The plan for the traffic control should demand create the need for it.

It appears that the plans have now met all that was requested by the previous [DDC] Committee.

In addition, we consider that:

The Daventry Part 2 Local Plan Policy RA1 (ii) (iii) (iv):

- States the need for local housing.
- This application will ensure that 8,000 people will have access to excellent medical facilities and so is supported by RA1 (iii).
- The new larger facility will also secure and generate economic development. (iv).

WN JS Core Strategy Plan SA, S10 E, H3, R1(D) also apply to support this development.

So, we hope the Planning Committee will feel able to listen to the local people and pass this application.

- Take a positive approach since it can be shown to be supported by both local policies and local need.
- Provide local services which can be easily accessed by walking, cycling and public transport.
- The site adjoins existing houses.

- This development will protect the medical amenity in perpetuity.

### **Eydon Parish Council**

Eydon Parish Council recognises and supports the need for the current Byfield Medical Practice to expand to allow for the required increase to its patient list due to the influx of new residents in its catchment area and is concerned that otherwise possible new residents would not be able to join the list.

Eydon Parish Council chooses to only support this application in principle as it considers it appropriate that the Byfield residents and Byfield Parish Council, who are directly affected by the building proposals, should consider and comment on the details of the application in the usual manner.

### **WNC (Key Services)**

I am responding on behalf of Northamptonshire County Council key services (Education, Libraries, Broadband), and on behalf of Northamptonshire Fire & Rescue Service, on which this development would have an impact. Other service areas may respond separately.

This response follows the principal guidance in our adopted Planning Obligations Framework and Guidance Document (2015), which follows the tests of paragraph 56 of the National Planning Policy Framework (2018), and is therefore relevant to this planning application.

This response supersedes the previous comments submitted in relation to this application (dated 17 October 2017), following submission of amended plans by the applicant.

From the amended information received relating to this application, it is understood that the proposed development will comprise 78 new residential properties with the proposed dwelling mix unknown at this stage.

An average of 3 bed dwellings delivered across the site has therefore been used to guide this response.

### Education

A development of this size is expected to generate approximately 25 Early Years, 25 Primary School pupils and 13 Secondary and Sixth-form pupils based on the proposed dwelling mix and our pupil generation multipliers.

#### **Early Years Education**

The County Council has a statutory responsibility to provide Early Years services (e.g. pre-school, play-group, and/or nursery provision) for children aged two, three or four. The County Council's evidence base setting out capacity for future Early Years provision is currently being updated, however in the event of a contribution being required to ensure sufficiency of provision, the current Department for Education cost multipliers for Early Years Education are as follows:

Size of Dwelling	1 bed	2 bed	3 bed	4+ bed
Cost per Unit	£0	£3,724	£3,972	£4,220

In the event insufficient capacity is identified in the local area, this development may be required to contribute £309,816 towards provision of Early Years infrastructure. This position will be reviewed by the county council once the proposed dwelling mix is known and upon review of local capacity.

#### Primary Education

In terms of Primary Education provision, this development would be served by Byfield Primary School. As at October 2019, the school was operating at close to 80% capacity across the majority of classes. However when considering the forecast level of pupils generated from this development alongside expected continued growth of demand based on birth rate and trend data, the school would be taken over its full capacity and there would be insufficient capacity for the number of pupils residing in the development. It is therefore necessary to request a Primary School contribution in relation to this application, which will ensure that the children generated from this development can be accommodated in the local school.

The current Department for Education cost multipliers for Primary Education are

Size of Dwelling	1 bed	2 bed	3 bed	4+ bed
Cost per Unit	£0	£1,614	£3,972	£4,592

A Primary Education contribution of £309,816 will be required. This figure will be reviewed once the dwelling mix for the site is confirmed.

#### Secondary Education

Secondary Education contributions for the Daventry District area have previously been secured through developer contributions under the Community Infrastructure Levy (CIL). This was demonstrated by the inclusion of Secondary Education on Daventry District Council's Regulation 123 list. However, legislative changes effective from 1st September 2019 have seen the removal of Regulation 123 in full.

This means that from 1st September 2019, where necessary, Section 106 contributions will be sought from new planning applications for major housing development, towards additional Secondary Education infrastructure where there is insufficient capacity in the local area to accommodate the number of pupils generated by the proposals.

With regards to this application, a number of secondary schools would serve the proposed development. As at April 2019, the majority of these were operating with sufficient capacity to accommodate the likely pupil yield from this development, therefore a s106 contribution will not be required at this time. This position will be reviewed by the County Council in the event of the

scale and/or mix of units proposed to be delivered on the development changing during the planning process.

The current Department for Education multipliers for Secondary School places are therefore included below for reference

Size of Dwelling	1 bed	2 bed	3 bed	4+ bed
Cost per Unit	£0	£1,170	£4,600	£5,941

The County Council recognises that any s106 obligation secured must be spent on mitigating the impact of the development locally; however we reserve the right to specify the projects on which it is spent on at a later date when further clarity is known, for example the ability of local schools to expand on their sites. The County Council will always aim to detail a specific school and/or project in the completed Section 106.

The County Council requests that it be consulted by the LPA in advance of any s106 Agreement being signed in order to ensure that the most accurate and up-to-date information is included with the Agreement

#### Fire Hydrants

New developments generate a requirement for additional fire hydrants in order for fires, should they occur, to be managed. An assessment of the site will need to be undertaken by the Water Officer of Northants Fire and Rescue Service in order to establish how many are required; however it is assumed this development will need 2x fire hydrants being installed.

A contribution of £892 per hydrant will be required (totalling £1,784) to support the cost of installing the infrastructure. The hydrants should be installed at the same time as the rest of the water infrastructure and prior to any dwellings/commercial buildings being occupied. This is to ensure adequate water infrastructure provision is made on site for the fire service to tackle any property fire.

The final location of the fire hydrants for this development must be agreed in consultation with the Northamptonshire Fire and Rescue Service Water Officer prior to installation.

Whilst the Fire Hydrant capital contribution can be secured through a planning obligation, it is also the preference of the county council that fire hydrants should be designed into the development at the masterplan stage and enforced through a planning condition. Below is a suggested standard condition for securing fire hydrants

*'No development shall take place until a scheme and timetable detailing the provision of fire hydrants and their associated infrastructure has been submitted to and approved in writing by the Local Planning Authority. The fire*

*hydrants and associated infrastructure shall thereafter be provided in accordance with the approved scheme and timetable.*

*Reason: To ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire.'*

### Libraries

Where a new development will generate additional need and library space requirement, the County Council requires contributions towards the costs of providing new, extended and/or improved library facilities to support the delivery of growth.

The cumulative impact of planned for development in the vicinity of the proposed site is expected to impact significantly on the current level of library provision as the new residents moving into the developments utilise existing facilities. Further development proposed in this application will therefore add to the pressures placed on existing provision.

The County Council has adopted the National Library Tariff formula produced by the Museums Libraries and Archives Council (MLA). This includes:

- A minimum standard of 30 sq. metres of new library space per 1,000 Population.
- A construction and initial equipment cost on a per sq. metre basis (adjusted to reflect Northamptonshire building costs), based on BCIS building costs for public libraries.

In order to adequately serve the growing community, improvements to the Library service are planned which will enable more flexible spaces to be available to the public, with improved facilities and an increased range of services. A schedule of works will be determined subject to available budget. These improvements are intended to support the provision of Library services to meet the needs of current and planned for population growth, and would make a key contribution to the Libraries Strategy and the county's prevention and other strategies.

In order to establish a proportionate cost towards the new works, the County utilises cost multipliers as per our adopted guidance.

Local planning and library authorities are recommended to adopt a minimum tariff of £90 per person in new housing. This is adjusted for Northamptonshire to £88 per person, based on BCIS building costs. Further information on these calculations can be found in the County Council's Planning Obligations Framework and Guidance Document 2015.

The following outlines the cost per dwelling type based on the expected numbers of residents for each type of unit:

Size of Dwelling	1 bed	2 bed	3 bed	4+ bed
Cost per market dwelling	£109	£176	£239	£270

A Libraries Contribution of £18,642 will be required. This figure will be reviewed once the dwelling mix for the development is confirmed and a specific project identified by the county council for inclusion in a s106 agreement.

### Broadband

The Northamptonshire vision is for the county to be at the leading edge of the global digital economy. This requires new developments (both housing and commercial) to be directly served by high quality fibre networks. Access to a next generation network (speeds of >30mbs) will bring a multitude of opportunities, savings and benefits to the county. It also adds value to the development and attract occupiers.

In order for the commercial communications market to be able to deploy to these new build areas, measures must be introduced at the earliest opportunity. This will provide the required specification to enable fibre connectivity for all new developments in respect to receiving superfast broadband services. To help developers, some fibre based broadband network providers such as BT Openreach and Virgin Media have dedicated online portals which provide assessment tools and technical help.

There are also other providers may also be able to connect your development:

<http://www.superfastnorthamptonshire.net/how-we-are-delivering/Pages/telecoms-providers.aspx>.

Early registration of development sites is key to making sure the people moving into your developments get a fibre based broadband service when they move in. More information can be found in the links below:

BT Openreach: <https://www.ournetwork.openreach.co.uk/property-development.aspx>

Virgin Media: <http://www.virginmedia.com/lightning/network-expansion/property-developers>

It is advised that ducting works are carried out in co-operation with the installations of standard utility works. Any works carried out should be compliant with the Manual of Contract Documents for Highway Works- specifically Volume 1 Specification Series 500 Drainage and Ducts, and Volume 3 Highway Construction Details Section 1 – I Series Underground Cable Ducts (found at <http://www.dft.gov.uk/ha/standards/mchw/index.htm>).

For further information on the project please visit [www.superfastnorthamptonshire.net](http://www.superfastnorthamptonshire.net) or contact: [bigidea@northamptonshire.gov.uk](mailto:bigidea@northamptonshire.gov.uk)

I trust that the above response provides sufficient detail at this stage; please note however that the guidance contained herein may be subject to change

as a result of changes to planning policy, legislation and guidance at national and / or local level as appropriate, and therefore continued consultation with the County Council is recommended to ensure that the latest available information is taken into consideration.

**WNC Archaeology:** Advises the imposition of conditions.

**Lead Local Flood Authority:** Advises the imposition of conditions

**Crime Prevention Design Advisor** – None received to date

**Natural England:** The application is unlikely to result in significant impacts on statutory designated nature conservation sites or landscapes.

**NHS Nene CCG:** Supports the application and requests financial contributions be secured to meet the necessary expansion to primary health car capacity to meet demand from the proposed development.

**Care Quality Commission:** CQC does have the powers to require a practice to close a premises but this would be last resort and not something we undertake lightly. We would need to be satisfied that the premises presented a significant risk to patient safety in line with our published risk assessment process before we would consider this type of action. Any such action would be carried out with full co-operation of local partners such as the Clinical Commissioning Group and NHS England Improvement to minimise the impact on the local health system.

**DDC Local Strategy:** Summary: The proposal is for a new medical centre and 78 residential dwellings outside of the village confines. Consideration will have to be taken as to whether the proposal sufficiently balances the requirements of Policy S1, between the impact of the proposal on the distinct character and tranquillity against the contribution the proposal will make to the vitality of the rural community.

Although the applicant provides affordable housing below the requirement set out in Policy H1 and H2, the applicant has provided supporting information relating to viability which has been independently assessed and 'sensitivity' tested. The conclusion is that a reduced number of affordable housing units would be justified due to the costs involved in providing funding for the medical centre.

The assessment of the proposal identifies some conformity and also some conflict with Policy R1.

The scheme would not be in accordance with saved local plan policies GN1, HS22 or HS24.

It is considered that the proposal would meet the exceptional circumstance test as set out in Policy RA2 Biii), provided that sufficient evidence has been provided that this development is needed to support an essential service that is under threat. Consideration will need to be given as to whether there is



sufficient evidence that supports the application being in accordance with criteria C i) and iii) of policy RA2.

**WNC Landscape Officer** – I appreciate this is an outline application so the level of detail associated with the submission is limited in particular landscape and levels, but from the Site Areas Plan one significant point immediately apparent is that the access originally proposed from Church Street has now been omitted. The main issue was impact on character with the need to breach an existing visually significant retaining wall. In addition the substantial difference in levels between the site and Church Street would have had to be accommodated into the site with highways requiring a certain gradient to be acceptable which would have substantially impacted both the wall and the land within. As a result there is now one access off the Woodford Road. With regard to the limited diagrammatic landscape information provided on the Site Areas Plan an area running from the south eastern boundary of the existing Medical Centre to a point just south east of the access to Becketts Close immediately to the rear of the Church Street has been identified for landscaping including a Balancing Pond. This has the potential to help to mitigate the proposed houses within the site to the north, but obviously this will depend on the quality of landscaping in terms of species and size as well as aftercare. I note the area narrows towards its southern edge, I would strongly suggest that the buffer is widened in order to address the slope towards Church Street and allow sufficient landscaping to be provided to help mitigate houses to the north. The final 40m of the site from Church Street to the eastern boundary has been identified as Undeveloped Area which has the potential to prevent development along the final section of Church Street while creating a buffer for the property immediately south east of the site. There does not appear to be any indication of the treatment of this Undeveloped Land as there is landscaping associated with this area so whilst it is currently unaffected by development further details would be needed.

There is currently a band of trees along the site's northern boundary with the Woodford Road, possibly trees that have developed from an original lashed hedge but forming an important visual buffer for the land to its south. The new access will require the removal of a section of the trees but it would appear that there is an opportunity for the retention of the section of trees to the east of the new access while the section to the west falls within the area identified for the Medical Centre, but it would be hoped that these trees could be incorporated into the design. If this strong visual feature of the trees can be retained along the site's northern boundary the layout of the houses needs to be properly considered in order that sufficient space is provided in order to avoid possible conflict (shade, roots, overhanging branches etc..).

Limited information along the site's eastern boundary, with the exception of the retained TPO tree and landscape space around it that ties into the eastern boundary. The remaining landscape planting allocation along the length of the eastern boundary narrows to nothing next to Dolls House Cottage the only

property on the sites eastern boundary. There appears to be a well-established hedge along the eastern boundary including trees. This existing feature should be retained and incorporated into the layout, with gapping up of any holes in the hedge and the provision for sufficient landscape strip along the boundary. In addition where development is proposed avoid the hedge being the garden boundary to properties, it should to be separated by a footpath, road or linear open space to avoid a variety of treatments by various households given the visual importance of this boundary for the site when viewed from Woodford Road to the east.

The site generally falls from north to south, while the ground along the Church Street boundary is retained with a stone wall approximately 2m high with the ground then rising to the east. This highlights the importance of keeping the rising ground behind the retaining wall clear of development and in fact landscaped to provide mitigation. I am unable to find any levels existing or proposed which given the way the land falls north to south and east to west would need very careful consideration in terms of finished floor levels as well as the relationship to the retained landscape features, in particular boundary vegetation.

The omission of the new entrance from Church Street with all the previously identified level and visual issues has combined with the apparent provision for landscaping and lack of development on the southern end of the site has addressed the major landscape issues. There is still a need for careful consideration and provision of the landscape details as well as levels, but in light of the amendments I do not object to the principal of development in the areas identified away from the south eastern and south western boundaries.

**WNC Listed Buildings & Conservation Officer** – I have had chance to review the latest site area plan and additional/amended information for this application.

The omission of the access off Church Street – allowing for the retention of the line of the historic stone boundary wall along Church Street - is an obvious improvement. If the proposed green landscape edge along this frontage allowed for the retention of the existing trees, together with additional landscape planting, this would be helpful. I find it hard to envisage a large balancing pond on this elevated land behind the wall. There seems to be the potential for some conflict with land levels, views, etc.

The reduction in the maximum number of proposed dwellings is also welcomed. The retention of an undeveloped area at the southern end of the site would provide some buffer for the historic properties on Church Street. However, the developed area would still cover most of the existing open space, and the creation of an arbitrary boundary between the “developed” and “undeveloped” areas within the field has its own landscape and visual issues. Given the sloping nature of the site, its elevated position above Church

Street and the views towards it from the surrounding area, any development on this site has the potential to be highly visually intrusive.

The heritage statement addendum acknowledges the value of the spire of Holy Cross Church as a feature in the landscape and an important visual reference within the surrounding area. Although the opportunity to create vistas within the new development is recognised, in the absence of any indicative drawings it is difficult to envisage how this would be achieved. It is not clear whether the applicants have reviewed the potential for harmful impacts upon views of the church within its village and landscape setting from the surrounding area in response to my previous comments. There is no reference to this in the heritage addendum. In its absence it is difficult to accept the applicant's conclusion that there would be less than substantial harm to significance as a result of development within the setting of a designated heritage asset.

The greatest potential for harm I think would be to the character, form and appearance of the village. I refer back to my original comments in respect of this application, and to the points raised by the previous planning appeals against residential development on the site. The land clearly constitutes part of the open countryside as distinct from land within the confines of the existing village of Byfield. Residential development over a major part of the site would represent wholesale change to this character and appearance. The application site is significantly higher than Church Street and slopes up away from it. Without details of the existing and proposed ground levels, building density, heights and orientations, and boundary treatments, etc. it is simply not possible to say what level of visual impact is likely to arise. There are no indicative designs for housing and therefore it is not possible to comment on whether development would be of high quality or how it would relate to existing village properties. In the absence of this information it is not possible to demonstrate that the site is suitable for development of the scale and extent proposed, or whether any adverse landscape and visual impacts could be satisfactorily mitigated. As such, I remain of the opinion that an outline application, where all matters except access are reserved, is not appropriate for this site.

Has the option of retaining the existing medical centre and extending the buildings and car parking into the field immediately behind been properly considered and ruled out? The cost involved in this would surely be far less than building an entirely new medical centre. It seems unlikely that two medical centres would operate in the same village, so why wouldn't the owners of the current centre consider this? It would cause the least upheaval for existing residents in Byfield. It would free up the proposed site of the new medical centre for residential development, which could then be concentrated towards the northern end along Woodford Road instead of across the majority of the site. This would allow for the maintenance of a much greater belt of undeveloped land between Woodford Road and the southern end of Church Street, which would help to retain the open character, which is an important

feature of the settlement and its relationship to the open countryside. The retention of the Church Street access for the medical centre might also relieve some of the extra pressure that would otherwise be put on the roundabout system at the bottom of Woodford Road.

**WNC Environmental Health** – Advises the imposition of conditions

**MPs & Local Councillors:** Letters of support are received advising the following:

- There is a real need for a larger building for the medical practice
- The current building is now too small and it does not have capacity to deal with the number of people that use it
- If the practice is unable to relocate to new larger premises, they will have to close the list to new patients
- NHS England have twice been previously approached for funding but the bids have been rejected as Byfield is seen as low priority.
- The application is the only realistic solution to ensuring that local healthcare continues to be available the constituents registered at this practice.
- The bus services to the nearest towns are infrequent and prohibit local residents from reaching their nearest GP providers
- Support is offered for the proposal and the Local Planning Authority is urged to grant this application consent.

## **RESPONSE TO PUBLICITY**

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

19 letters of objection were received on the original submission raising concerns regarding traffic, loss of amenity, lack of contribution to local schools and projects, impacts landscape, contrary to policies, poor application submission with inadequate information.

527 letters of support were received on the original submission and a petition of 1910 signatures have been received advising that the existing surgery is at full capacity and that a new surgery is much needed. It is felt that the new housing will help to support the school and existing businesses in the village and if not approved would mean closure of the surgery will necessitate elderly and those with limited transport having to find the means of travelling further for medical services.

30 letters of objection have been received following recent re-consultation of information submitted on 30th November 2021.

293 letters of support have been received following recent re-consultation of information submitted on 30th November 2021.

## **APPRAISAL**

The application was presented before Planning Committee on 15th January 2020 where it was resolved not to refuse the application but to defer determination of the application to allow officers to negotiate further on outstanding concerns in respect of securing delivery of the proposed medical centre and necessary highway mitigation measures as advised by the Local Highway Authority. During the debate Planning Committee members specifically requested information and action on the following matters.

1. Details of the scale, appearance, layout and landscaping relating to the proposed medical centre in effect providing full details of the medical centre building to be considered at this stage rather than being reserved for future consideration.
1. More definitive details of the financial cost of delivering such a medical centre having regard to these details.
2. Whether the proposed contribution of £1.25million would be sufficient to enable the delivery of the proposed medical centre in its entirety and in perpetuity.
3. If additional funding is required, the proposed source of additional funding and the certainty of its provision.
4. To determine the level of occupation of the proposed dwellings which would allow the financial contribution to be delivered in full or part (to deliver the surgery in a timely manner)
5. Consideration by the landowner as to whether the land may be gifted to the community to ensure that the site provides a community use in perpetuity including details of how this is to be gifted.
6. To ascertain the impacts of the development on the highway and to agree and secure measures to satisfactorily mitigate the impacts to be agreed with the County Highway Authority.
7. To agree the timing for implementation and build out of the highway mitigation measures.

If the above can be negotiated to a satisfactory level with officers, and detailed conditions, and a Sect 106 Agreement to secure the above and other contributions as set out within the report will be required to be included within any subsequent report that is re- presented to Planning Committee.

Since the resolution of members to defer the application the Settlement and Countryside Local Plan Part 2 for Daventry District has been adopted and the NPPF as material consideration has been revised.

The following report therefore has regard to the changes within the Development Plan and material considerations whilst seeking to address the requests of Planning Committee following 15th January 2020 meeting.

Principle of Housing Development and Medical Centre

Policy R1 sets out the spatial strategy for rural areas stating that development will be guided by a rural settlement hierarchy which would be set out in Part 2 Local Plans. In this case, Byfield is identified as a Secondary Service Village within The Settlements and Countryside Local Plan (Part 2). These policies recognise that Byfield performs an important role in helping to provide some services and facilities for the local community it serves and sets out criteria where development would be acceptable.

The policies cite that development will be located within the confines of the village. SCLP (Part 2) RA2 refers to an inset map which illustrates the confines of Byfield village. This requirement is also set out within policy R1 of the West Northants Joint Core Strategy.

It is undisputed by the applicants and officers that the application site is located outside the confines of the village. As such both elements of the proposal being the proposed dwellings and the medical centre would be contrary to this criterion. The central part of WNJCS policy R1 refers to development outside the confines of the village and advises that "Development outside the confines of the village will be permitted where it involves the re-use of buildings or, in exceptional circumstances, where it will enhance or maintain the vitality of rural communities or would contribute towards and improve the local economy

This is in part supported by SCLP (Part 2) Policy RA2 which advises that Development outside the defined confines will be acceptable only in the following circumstances;

- Where the housing land supply is less than 5 years (3 years where a neighbourhood development plan is in place that allocates sites for housing) or;
- Where the development provided would clearly meet an identified local need, for housing this would be need identified through an up to date Housing Needs Survey or Housing Needs Assessment where it can be demonstrated that this could not otherwise be met within the defined village confines; or
- Where a scheme is required to support an essential local service that has been demonstrated to be under threat especially a primary school or primary health service; or
- Economic development that will enhance or maintain the vitality or sustainability of the Secondary service Village or would contribute to towards and improve the local economy

NPPF paragraph 93 advises that planning decisions should plan positively for the provision of local services to enhance the sustainability of communities and guard against the loss of such services. This paragraph also seeks to ensure that these services are able to develop, modernise and be retained for the benefit of the community.

SCLP (Part 2) Policy RA6 sets out the only forms of development that will be supported in the open countryside and this includes community uses which would be of an appropriate scale for its location and has no significant impacts on its character, beauty and tranquillity. In this case the proposed new medical centre would not necessarily form a community use but provides an important local service.

The Planning Statement submitted in support of the application advises that the existing medical facility is currently 60% undersize having regard to a patient list in excess of 8000. The document states that without the provision of improved facilities the surgery will necessarily close its patient list requiring all new residents to travel elsewhere for local health services with possible closure in the future. It is officer's view that the proposed surgery would not be a community facility which is controlled by a public body. The land and proposed building would remain to be within private ownership and future retention of the site for the purpose currently sought would be dictated by the owners. Equally, based on the information submitted to date, officers are not wholly convinced that the local service it would support is under threat of closure. The evidence submitted indicates that the current facility is in fact well used and seeks improvements to the services available for a growing patient list which is far beyond Byfield parish and the immediate adjoining villages. The comments received from NHS CCG support the provision of a new medical centre whilst acknowledging that the proposed residential element cannot be absorbed by practices in the local area and states that financial contributions to primary health care will be necessary if the proposal is to be approved. The comments from the Care Quality Commission confirm that there are no plans to close the existing surgery and advises "We would need to be satisfied that the premises presented a significant risk to patient safety in line with our published risk assessment process before we would consider this type of action"

Nevertheless, the existing medical centre remains to be an essential local service, which having regard to the above policies and the NPPF (as material consideration) should be permitted to modernise and this provision would enhance the sustainability of the village. Having regard to these considerations it accepted that whilst there would remain to be some conflict with policy SCLP (Part 2) Policy RA2 and the first part of WNJCS Policy R1 it would accord with the latter half of WNJCS Policy R1 as it would contribute to enhancing the vitality of the rural community.

The preceding paragraphs have advised that alongside the proposed medical centre the application also seeks consent for the construction of 78 dwellings. It is undisputed by both the applicant and officers that the site lies outside the confines of the village and as such this element of the proposal would be contrary to the first part of SCLP (Part 2) RA2 and the first part of WNJCS Policy R1. .

The latter part of WNJCS Policy R1 which is supported by SCLP (Part 2) Policy RA2 sets out the circumstances where development outside the confines of the village will be permitted. This latter part advises that once the housing requirement for rural areas has been met, further housing development will only be permitted where it can be demonstrated that it would:

- i) result in environmental improvements or is
- ii) required to support the retention of or improvement to essential local services that may be under threat and
- iii) has been informed by an effective community involvement exercise prior to the submission of the application or
- iv) is a rural exception site (as set out in H3) or
- v) has been agreed through an adopted neighbourhood plan.

At the time of writing this response the housing requirement for rural areas has been exceeded for the plan period (WNJCS policy S3) and as such it is necessary to engage the latter criterion in consideration of the application.

It should be noted that the development has to meet criterion i) or ii), and one or more of iii), iv) or v). The proposed development is considered against each as follows;

- i) Would result in environmental improvements – the site is beyond the confines of the village and the development would result in an undesirable extension of the main built up area and an urban edge with detriment to the immediate environment.
- ii) Is required to support the retention of or improvement to essential local services that may be under threat – there is no evidence that such services are under threat but rather than the proposed housing would fund the provision of a new medical centre to improve the existing services available
- iii) Has been informed by an effective community involvement exercise – evidence has been submitted to demonstrate that community engagement has been undertaken.
- iv) Is a rural exceptions site in accordance with WNJCSP Policy H3 – the application has not been submitted on this basis.
- v) Has been agreed through an adopted neighbourhood plan – there is no adopted plan.

Whilst acknowledging that the application would bring additional accommodation to the village, it is considered that the proposal would not meet the necessary tests as set within the WNJCS R1. Overall, it is not considered that the case for such circumstances as set out above has been made and in any event, the facts of the Council having a five year housing land supply, and the rural areas housing target having been exceeded, would mean that there was no necessity to consider such further housing development favourably unless exceptions are demonstrated.

With the proposal being identified as being outside the confines of the village and by virtue of this consideration, the proposal would be within the open countryside where policy RA6 of the SCLP Part 2 would be applicable. This



advises that planning permission will only be supported for residential development in the open countryside which includes the re-use and conversion of existing buildings essential for the purposes rural businesses, the replacement of an existing dwelling, dwellings of exceptional quality or innovative design, the optimum use of a heritage asset, a reuse of redundant or disused buildings that lead to an environmental improvement or exception sites which accord with Policy H3 of the WNJCS . It is considered that the proposed housing element of the application would not meet any of these requirements stated

Having regard to the above officers consider that the principle of the proposed medical centre may be supported in principle but the proposed new dwellings would be contrary to the prevailing Development Plan policies.

#### Heritage, Landscape Form & Character Impacts

In support of the application a Heritage Assessment, a further Addendum to Heritage Assessment and Land and Visual Impact Assessment was submitted.

The Development Plan policies cited within the preceding chapters of this report seek to ensure that proposals reinforce local character and distinctiveness and have regard to impacts of proposals on heritage assets and the landscape. The policies together with the NPPF as material consideration requires that any harm to heritage assets should be weighed against the public benefits.

The comments received from the Listed Buildings and Conservation Officer whilst recognising that the proposed undeveloped area to the south would provide a visual buffer from the historic properties on Church Street states that "the developed area would still cover most of the existing open space, and the creation of an arbitrary boundary between the "developed" and "undeveloped" areas within the field has its own landscape and visual issues. Given the sloping nature of the site, its elevated position above Church Street and the views towards it from the surrounding area, any development on this site has the potential to be highly visually intrusive.

The heritage statement addendum acknowledges the value of the spire of Holy Cross Church as a feature in the landscape and an important visual reference within the surrounding area. Although the opportunity to create vistas within the new development is recognised, in the absence of any indicative drawings it is difficult to envisage how this would be achieved. It is not clear whether the applicants have reviewed the potential for harmful impacts upon views of the church within its village and landscape setting from the surrounding area in response to my previous comments. There is no reference to this in the heritage addendum. In its absence it is difficult to accept the applicant's conclusion that there would be less than substantial harm to significance as a result of development within the setting of a designated heritage asset.

The greatest potential for harm I think would be to the character, form and appearance of the village. I refer back to my original comments in respect of this application, and to the points raised by the previous planning appeals against residential development on the site. The land clearly constitutes part of the open countryside as distinct from land within the confines of the existing village of Byfield. Residential development over a major part of the site would represent wholesale change to this character and appearance. The application site is significantly higher than Church Street and slopes up away from it. Without details of the existing and proposed ground levels, building density, heights and orientations, and boundary treatments, etc. it is simply not possible to say what level of visual impact is likely to arise. There are no indicative designs for housing and therefore it is not possible to comment on whether development would be of high quality or how it would relate to existing village properties. In the absence of this information it is not possible to demonstrate that the site is suitable for development of the scale and extent proposed, or whether any adverse landscape and visual impacts could be satisfactorily mitigated. As such, I remain of the opinion that an outline application, where all matters except access are reserved, is not appropriate for this site".

These comments together with those of the DDC Landscape Officer indicate concerns with lack of information to reach an informed decision regarding the potential impacts of the proposal and conclude that the current outline application is inappropriate for such a proposal. It should be noted that these comments remain identical to those expressed at the previous planning committee but no further information has been received.

Notwithstanding this omission of further information, the application before Planning Committee members forms an outline application and as such must be judged on its merits as submitted. The planning appeals referred to within the Listed Buildings and Conservation Officer's comments relate to previous applications on this site including an outline application for 36 dwelling with only access for approval DA/2012/0096. The appeal site extended to the southernmost part of the existing surgery site and whilst the current application site extends beyond this, the majority of the proposed developed area fronting Woodford Road would be identical. The form and character of this area has not altered since the appeal decision and as such the conclusions of the Inspectors decision remain highly relevant in consideration of this application.

In dismissing this appeal the Inspectors decision considered that "From Woodford Road and the houses on it, views are available which include the trees along the site frontage, its open nature and open land and the church spire in the distance.... I consider that the introduction of a run of houses extending for a significant length of the frontage even of local stone, along with landscape works would transform the current informal boundary with views of the open site and beyond into one which would be dominated by a sub-urban form of development, albeit behind the frontage trees. I consider

that this would not be a slight beneficial impact but one which would be harmful to the character of this part of the village and its immediate setting. I have taken careful account of the intention to provide additional planting at the boundaries of the site and within the proposed gardens; however, any benefit in this respect is not sufficient to outweigh the unacceptable effects of the wholesale change to the character of the site that the proposal would bring about. Account has also been taken account of the landscape and visual evidence submitted to the Inquiry but there is nothing therein which outweighs or alters my conclusion on this matter. Therefore the proposal would be contrary to Policies of the Local Plan”.

The Planning Inspector concludes that “The proposal would involve development in the open countryside which is unacceptable in principle. Furthermore, due to the location of the appeal site, its position in relation to the village and the form of the development proposed, the proposal would have an unacceptable effect on the character and appearance of the locality. These matters are sufficient to significantly and demonstrably outweigh the benefits of the proposal including the fact that I have that the Council is unable to demonstrate a five year supply of deliverable housing sites, albeit that the shortfall is no great. I have also taken account of the benefits of the proposed development; however, I find that these are insufficient to outweigh the harmful effects of the proposal”.

It is important to note that this appeal decision upheld the views of previous Inspectors with regards to development on this site and the impacts on the form and character of the village. Furthermore, the decision to dismiss this appeal was concluded in more favourable policy conditions whereby the Council was unable to demonstrate a five year land supply.

There has been no substantial change since the determination of this appeal in the character of the area that would lead officers to an alternative conclusion about the adverse impacts which would be highly visible from well used public highways and footpaths.

Having regard to the concerns cited by Listed Building and Conservation Officer and the Landscape Officer together with the considerations cited within previous appeal decisions, it is considered that the proposed housing would undoubtedly result in harm to the form and character of the village contrary to the Development Plan policies cited within the preceding paragraphs of this report.

At the request of Planning Committee, details of the proposed medical centre have been submitted and whilst the application still remains to be outline only these details provide some indication as to the intended design, scale and siting of the proposed building.

The proposed medical centre is indicated to be a modern, single storey building fronting Woodford Road with provision of car parking to the rear.

The site would not extend beyond the existing dwellings on Knightly Close, nor intrude significantly into the agricultural field. A significant buffer would remain between the historic building on Church Street and views of the church spire would not be impeded. As such, any impacts on heritage assets, the landscape and views into and out the village are considered to be less than substantial. Having regard to these considerations it is officer's views that the proposed benefits of the medical centre by itself would outweigh the harm to the heritage assets and form and character of the village.

#### Highways & Transport

Development Plan policies require that safe and suitable access is achieved for all users of proposals. New developments will only be permitted if the necessary on and off site infrastructure that is required to support it and mitigate its impacts is either in place or there is a reliable mechanism in place to ensure that it will be delivered.

The NPPF as material consideration advises that all developments that will generate significant amounts of movement should be supported by a transport statement or assessment so that the likely impacts of the proposal can be assessed. Paragraph 111 of the NPPF advises that "Development should only be prevented or refused on highway grounds if there would be unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe"

The application proposes a single access from Woodford Road and in support of the application a transport assessment was submitted. The application and Transport Assessment was subject to consultation with the County Highway Authority. During the previous meeting Planning Committee members requested that the impacts of the proposal on the highway be ascertained, and to agree and secure measures to satisfactorily mitigate the impacts with the Local Highway Authority.

Further information has been submitted and subject to consultation with the Local Highway Officers. The comments received advises that the LHA maintain its firmly held objection to the application and concludes that the proposed mitigation being presented "would have an unacceptable impact on highway safety and would result in severe cumulative impact on the road network at this junction which is already over capacity".

Having regard to the concerns raised by the Local Highway Authority it is considered that the matter of highways and transport has yet to be satisfactorily addressed and having regard to the severity of the impact and in accordance with the NPPF as material consideration the application should be refused on highway grounds.

It is acknowledged that the applicant has indicated a willingness to enter into a legal agreement to secure the proposed Fiveway Junction Improvement works but it is necessary that such agreements are explicit as to the extent of

works agreeable. The advice received to date from the Local Highway Authority is that the proposed mitigation measures are not agreeable. To that end point 8 of the member's requests to agree the timing for implementation and build out of the highway mitigation measures cannot be achieved.

In the absence of highway matters being addressed, a full set of conditions and draft legal agreement could not be concluded as required by Planning Committee during the previous meeting.

#### Enabling Development

As defined by Historic England "Enabling development is development that would be unacceptable in planning terms but for the fact that it would bring public benefits sufficient to justify it being carried out, and which could otherwise not be achieved. While normally it is a last resort it is an established and useful planning tool by which a community may be able to secure the long term future of a heritage asset and sometimes public benefits, provided that it is satisfied that the balance of public advantage lies in doing so. The public benefits are paid for by the value added to the land as a result of the granting of planning permission for its development".

The current application advises that the proposed new medical centre cannot be delivered without the development of 78 dwellings. The preceding paragraphs have demonstrated that the proposed dwellings are contrary to the Development Plan and would result in harm to both heritage assets and the form and character of the village which has also been identified within previous appeals for much smaller housing development schemes. Furthermore, matters relating to highway concerns and impacts remain unresolved. Information submitted in support of the application advises that the proposed dwellings are necessary enabling development without which the proposed new medical centre cannot be delivered.

The principle of enabling development does not prevent a developer from making a fair and reasonable return on their investment but Local Planning Authorities are required to determine what is a fair and reasonable return. In this case, a viability assessment was submitted which was subject to review, concluding that the level of enabling development at 78 dwellings was justified to deliver the site and financial contribution of £1.25 million towards the construction of a new medical centre. Although the proposed enabling development fails to provide the policy requirement of 40% affordable housing provision, the proposed under provision of affordable housing allows the viability of the scheme and other policy compliant contributions to be preserved.

The matter for consideration is whether public advantage has been demonstrated in provision of a site and financial contribution of £1.25 million towards the construction of new medical centre outweighing the harm identified within the previous chapters of this report.

Officers have recognised that the existing medical centre provides an important local service which is a public benefit and that the existing building is currently undersized. It is also acknowledged that a new medical centre would allow the continued acceptance of patients who may need to otherwise travel further for medical needs. However, this local service is not currently under threat of closure but rather it will necessarily close its list to new patients if this application is not approved. The Planning Statement advises that the current building is unable to accommodate the needs of its existing patients and improvements are necessary and that there is possibility that the existing surgery will close in the future which will result in a negative impact on the community.

It is accepted that the enabling development would provide a site and financial contribution of £1,250,000. Information submitted advises that 50% of the financial contribution would be made available prior to the commencement of the housing development with the remaining 50% available at the earlier of 9 months from commencement of the housing development or occupation of the 10th dwelling on site. Additional information has been received to suggest that an additional £800,000 could be available subject to a successful mortgage application by the applicants.

The application is submitted in outline only. Details of the new medical centre relating to scale, appearance, layout have been submitted and this has allowed the impacts of the building to be assessed having regard to the setting of heritage assets, landscape, form and character of the village. However, no financial cost of construction (which would be subject of these details has been submitted) in accordance with point 2 of members requests has been received to provide certainty as to the cost of delivering the medical centre in its entirety. Officers consider that such details are necessary to demonstrate that the enabling development and the contributions proposed would be sufficient to deliver the improved facility sought.

In the absence of these details officers have concerns as to the certainty that the proposed enabling development would indeed deliver the construction of a new and improved medical centre.

Information submitted on 30th November indicated that the site owner is agreeable to the site being passed to the Council to then be gifted to the applicant subject to restrictions as deemed appropriate. The site would then remain within private ownership. There is possibility (as with possibility of closure of the existing surgery) that the land and building may seek alternative uses in the future with loss of local service and the impacts of the housing remaining. It would be a civil matter for the Council to enforce the restrictions in these circumstances.

Having regard to these considerations, it is officers view that public advantage in the provision of a site and financial contribution has not been demonstrated to outweigh impact of the proposal as a whole with regards to identified harm

to landscape, and form and character of the village and the unacceptable impacts on highway safety together with the severe residual cumulative impacts on road network which remain unmitigated.

#### Other Material Considerations

The application is supported by a number of documents with inclusion of an Ecology Statement and Flood Risk and Drainage Strategy. These documents have been subject of consultation with the Lead Local Flood Authority and Natural England. The comments received do not raise objections but advises the imposition of conditions. It is therefore considered that subject to the imposition of appropriately worded conditions the matters relating to flood risk, drainage and ecology have been adequately addressed.

### **FINANCIAL CONSIDERATIONS**

CIL will be applicable on any reserved matters application submitted. The financial implications on the financial viability on the scheme has been considered in the submission of the Viability Assessment and as reviewed by an independent assessor.

### **PLANNING BALANCE AND CONCLUSION**

The proposal would provide a site and financial contribution towards the construction of new medical centre which is necessary if the current medical centre is to continue to accept new patients and deliver an improved service for existing patients. Whilst the application remains to be an outline application only indicative details are presented regarding the scale, appearance, layout of the proposed medical centre and officers consider that these demonstrate that that whilst there would be some harm to the form and character of the village as the site extends beyond the existing confine, the harm from the medical centre alone would be less than substantial harm.

There are concerns that the proposed new medical centre and associated vehicle movements would add to the over capacity issues on the Fiveways Roundabout and compromise pedestrian and highway safety. However, it is arguable that the majority of patients already use this route and it would only be new patients that would add to the over capacity.

Furthermore traffic movements associated with this particular use are rarely concentrated but would be spread throughout the day. It is therefore accepted that whilst the proposed medical centre use would add to the level of traffic movements, this use alone would not necessarily be of such significance to warrant the need for the junction improvement requested at the Fiveways Roundabout.

With respect to the proposed medical centre, it is considered that the impacts as identified above would be outweighed by the community benefit that would result from a new medical centre.

It has been clearly demonstrated that the proposed housing would be contrary to the prevailing policies of the Development Plan. Having regard to the previous appeal decisions on smaller housing schemes, the proposed housing would extend substantially beyond the confines of the village and impede open views into and out of the village with harm to heritage assets and the landscape (the extent of which cannot yet be fully identified) and the form and character of the village. This element of the proposal combined with the new medical centre would result in significant impacts on the Woodford Road and Fiveways Junction which need to be mitigated and without which would have unacceptable impacts on highway safety and severe impact on the road network.

Overall, it is recognised that the proposed housing would enable the delivery of a site and financial contribution towards the construction of new medical centre which if constructed would be of a benefit to the community. However, in the absence of details relating to costing for the proposed medical centre there still remains uncertainty that the enabling development sought together with the additional funding would deliver sufficient funds to construct a new medical centre that would both accommodate the existing and growing number of patients and improve the services that would be available.

It is concluded that notwithstanding the absence of information relating to costing details and the impact on heritage assets, the proposal would result in significant harm the character, form and appearance of the locality and unmitigated impacts which would have unacceptable impacts on highway safety and severe cumulative impacts on the road network at the Fiveways junction.

If demonstrated to be deliverable and subject to implementation of highway mitigation measures the proposed medical centre would bring about benefits in the provision of much improved services to both existing and new patients. This is a consideration which weighs heavily in favour of the application. However, the harm caused by the housing development to the form, character and appearance of the locality together with unacceptable impacts on highway safety and severe impact on the road network weighs against the development. It is considered that the harm outweighs the benefit and it is therefore on balance recommended for refusal.

## **RECOMMENDATION**

The application be refused for the following reasons:

## **CONDITIONS**



## **REASONS**

- 1. The housing requirement for Daventry Rural Areas, as set out in Policy S3 of the West Northants Joint Core Strategy has been met through planning permissions and the circumstances in which further housing will be permitted as set out in Policy R1 of the WNJCS, RA2 and RA6 of the Settlements & Countryside Local Plan (Part 2) for Daventry District have not been demonstrated. The proposed development is therefore contrary to these Development Plan policies and the spatial strategy, as set out in Policy S1 of the WNJCS for the distribution of development, which proposes that development will be concentrated primarily in and adjoining the principle urban area of Northampton with development of a lesser scale being located in and Daventry town and the development of rural areas being provided for, but with new development in rural areas being limited.**
- 2. Notwithstanding the absence of information relating to costing details and the impact on designated and undesignated heritage assets, the proposal as a whole would result in significant harm to the character, form and appearance of the locality and unmitigated impacts which would have unacceptable impacts on highway safety and severe cumulative impacts on the road network at the Fiveways junction. It is considered that the harm and impacts would not be outweighed by the public benefit in delivery of a site and financial contribution towards the construction of a new medical centre. Thus public advantage would not be achieved by approving the current application. The proposal is therefore contrary to Development Plan policies S1(4), C2, H1 and R1 of the WNJCS and SP1 (G), RA2, RA6, ENV1, ENV7 and ENV10 of the S&CLP (Part 2) having regard to paragraphs 111 and 208 of the NPPF.**
- 3. West Northants Joint Core Strategy (WNJCS) R1 (F) promotes sustainable development that equally addresses economic, social and environmental issues. This requirement is endorsed by WNJCS policy SA Presumption in favour of sustainable development and echoes NPPF paragraphs 7 and 8. The proposal is unable to achieve economic, social and environmental gains in mutually supportive and interdependent ways and would therefore not secure sustainable development as defined by these policies.**

## **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.**

<b><u>Application Number</u></b>	<b>WND/2021/01 74</b>
<b>Location Description</b>	<b>THE SKERRIES, HIGH STREET, GUILSBOROUGH, NORTHAMPTONSHIRE, NN6 8PU</b>
<b>Site Details</b>	<b>DEMOLITION OF EXISTING BUNGALOW AND GARAGE. CONSTRUCTION OF 2 STOREY DWELLING AND GARAGE TO REAR OF SITE AND SINGLE STOREY DWELLING TO FRONTAGE.</b>
<b>Applicant</b>	<b>MR N MODHWADIA</b>
<b>Agent</b>	<b>ARCHITECTURAL SOLUTIONS</b>
<b>Case Officer</b>	<b>S HAMMONDS</b>
<b>Ward</b>	<b>LONG BUCKBY WARD</b>
<b>Reason for Referral</b>	<b>Called in by Councillor Phil Bignell</b>
<b>Committee Date</b>	<b>9 FEBRUARY 2022</b>

Reason for application going **to committee:** Called in by Cllr Phil Bignell

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

**RECOMMENDATION:** GRANT PERMISSION SUBJECT TO CONDITIONS

### Proposal

The existing bungalow and garage would be demolished to make way for two new dwellings - a new 2-bed bungalow at the front of the site and to the rear a new 4-bed 2-storey house with detached double garage.

### Consultations

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

The following consultees have raised no objections to the application:

WNC Highways

WNC Environmental Protection

Objections have been received from 4 neighbouring properties 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:

Scale, design and impact on visual amenity

Impact on neighbour amenity

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** application site comprises a 1960s style detached bungalow with detached garage set back from the High Street to the west side of the Village Store. The front garden and driveway to the bungalow slopes up towards the house from the road giving the site an elevated position compared to the street.

- 
- The rear garden of the bungalow is substantial and wraps itself in an L-shape around the rear of the Village Store to adjoin the unscreened rear elevation of neighbouring Rose Cottage (neighbouring Rose Cottage has no rear garden of its own but rather it looks out directly onto the garden of the application site and its sunken outdoor swimming pool this is a long-standing situation that pre-dates the current occupiers of both properties).
- 
- The side wall of the adjacent Village Store forms the application site's eastern boundary and this elevation of the Store building contains a number of windows right on the boundary, serving the ground floor retail unit and first floor flats. A private driveway to two neighbouring dwellings (Elm Tree House and Paddock View) is situated immediately beyond the north-western boundary of the site, at a lower level than the application site's natural land level. Further beyond the site's rear boundary is paddock land and a walled garden associated with The Old House.

- 
- CONSTRAINTS
- 
- None identified. (The property is not in a conservation area, is not listed and there are no other listed buildings in the immediate vicinity).

## DESCRIPTION OF PROPOSED DEVELOPMENT

It **is** proposed to demolish the existing bungalow and detached garage, and to construct a new 2-bed bungalow (with study) to the front of the site and a new 4-bed 2-storey dwelling and detached double garage to the rear. Both properties would have their own clearly defined rear garden / amenity area but they would share an access.

- 
- The existing vehicle access would be utilised without alteration. A row of three parking spaces would be provided for the new bungalow, backing onto the boundary wall for the Village Store parking area. The paved area to the front of the larger house would provide a turning area and at least three parking spaces in addition to the space within the double garage.
- 
- Revised plans have been submitted during the course of the application, primarily making changes to the footprint and design of the larger house at the rear. The final design shows a hipped roof dwelling positioned broadly in line with the neighbouring backland properties (Paddock View, and Birdfield). The bungalow remains as a gable roof design and sits alongside the neighbouring frontage properties (Elm Tree House and Elm Tree Cottage).
- 
- RELEVANT PLANNING HISTORY
- 
- DA/2019/1001 – Creation of second storey over existing bungalow to create a 4-bed dwelling. Approved.

DA/2020/1018 – **Extensions to** detached garage to form home-office. 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) (2014); the Settlements and Countryside Local Plan (Part 2) (2020); and the Guilsborough Neighbourhood Development Plan (2019). 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
- R1 – Rural Areas

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

The relevant policies of the LPP2 are:

RA2 – Secondary Service Villages  
ENV10 – Design

Guilsborough Neighbourhood Development Plan (NDP)

The relevant policies of the NDP are:

Policy 1 (General Development)  
Policy 3 (Housing)

Material Considerations

Below is a list of the relevant Material Planning Considerations

National Planning Policy Framework (NPPF)  
Planning Practice Guidance (PPG)

## RESPONSE TO CONSULTATION

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

Guilsborough Parish Council –

The application meets Guilsborough Neighbourhood Development Plan (GNDP) Policy 3[a][1]) as it provides an extra 2-bed bungalow over and above the consented application (DA/2019/1001). Significant weight should be given to this benefit.

However the application does not meet: SCLP Part 2: ENV10 [iii]; ENV 10[viii]; RA2[vi]; and GNDP Policy 1[i] or [vii]; GNDP Policy 3[a][2][ii] due to:

- the impact on surrounding properties of the buildings scale, height and layout
- failure to protect the amenity of new and existing residents and dwellings,
- the proposal compromises the function of existing surrounding uses.

**Very significant** weight should be given to these impacts on residential amenity. Therefore in the planning balance Guilsborough Parish Council OBJECTS to this application.

Key issues include:

Loss of light (for habitable rooms of Rose Cottage and for solar panels on the roof of Paddock View)

Overbearing (for Paddock View and Rose Cottage)

Layout (rear house is too far back and so worsens the overbearing nature and will impact on boundary trees / hedges)

Overlooking / Visual intrusion (affecting habitable rooms of Paddock View, Rose Cottage and Elm Tree House)

The design and layout do not meet the required **high** standards in relation to the sensitive High Street as set out in the Neighbourhood Plan Policy 1(vii): "Proposals for development will be supported where they ... are designed to integrate well with the nearby existing buildings and structures in terms of scale, location and design as well as support the wider character and distinctiveness of the village. This is particularly important in the Historic Core of the High Street and Nortoft where any development will need to be particularly sensitively developed, commensurate with the status of its individual features and with the setting of the streetscape as a whole".

- 
- If approved please consider conditions on;
- Materials and finishes
- Level of bungalow to be no higher than the current garage to protect amenity of Elm Tree House
- Boundary hedgerow and trees to be retained as a visual barrier
- Removal of future PD rights
- Controls on construction hours and construction access / deliveries
- Engineering assessment of stability issues associated with construction close to the swimming pool.

**WNC Highways –**

The existing site access off High Street already meets the requirements of a shared access. No alterations are proposed or required to the access. The site layout shows that adequate parking has been provided within the site for both dwellings and there is space for a vehicle to enter, turn and exist in a forward gear. The LHA therefore has no objection to the application.

- 1) WNC Environmental Protection –
- 1)
- 2) Request conditions (regarding dust control and construction working hours) to protect the close neighbouring properties during demolition and construction.
- 3)
- 4) RESPONSE TO PUBLICITY
- 5)
- 6) Letters of objection have been received from four neighbouring properties, raising the following concerns:
- 7)
- 8) Loss of privacy / overlooking
- 9) For Rose Cottage
- 10) For Elm Tree House (2 storey house affects privacy for their rear windows conservatory and terrace)
- 11) For Elm Tree House (bungalow affects privacy for their side (landing) windows)
- 12) Impact is worse due to sections of hedge screening being lost.
- 13) For The Old House (affects privacy of their rear habitable windows and the kitchen garden)
- 14) Reduction in sunlight
- 15) For Rose Cottage (in summer evenings it affects sun onto the rear of the cottage)
- 16) For Paddock View (in winter mornings will affect sun falling onto property and solar panels)
- For Elm Tree House (affects morning sunlight onto conservatory / property)
- 17) Overbearing
- 18) For Rose Cottage – the 2-storey dwelling, (and the privacy wall (now removed)) is oppressive
- 19) For Paddock View which is on lower ground
- 20) Scale / Overdevelopment
- 21) Too large for plot and out of keeping with neighbouring properties
- 22) Differing levels between the sites emphasises the over scaled nature of the large dwelling
- 23) Too close to, therefore will impact on, boundary trees and hedges and the habitat within
- 24) Will add to parking pressure on the surrounding roads
- 25) Impact on integrity of retaining (flower bed) wall on neighbouring driveway
- 26)
- 27) APPRAISAL
- 28)



29) Principle of Development

30)

31) This is effectively an application for two new dwellings, albeit that one is a replacement, in a sustainable, central location within the confines of a Secondary Service Village.

32)

33) JCS Policy SA requires councils to take a positive approach that reflects the presumption in favour of sustainable development and to work proactively with applicants to secure development that improves the economic social and environmental conditions in the area.

34) JCS Policy S1 allows for limited development in the rural areas, with the emphasis on enhancing the character and vitality of rural communities. Whilst S1 gives priority to proposals that make best use of previously developed land, it also allows for the principle of development on other non-developed land. The current application would fit well with the above strategic policies of the Joint Core Strategy. I will cover to R1 below.

**SCLP** Policy RA2(A) allows for new development at Guilsborough if it is within the confines of the village, which this site undoubtedly is. RA2(B) is not applicable as it refers to development outside confines – this proposal is within confines and therefore acceptable in principle under RA2(A).

**SCLP policy RA2(C) contains criteria (i)-(vi), that must be met by all new development. These criteria are all considered to be met by the current proposal, as outlined here:**

**The scale of the development, which is effectively one additional dwelling over and above the existing or consented** situation, is appropriate to the role of Guilsborough as a Secondary Service Village. (The physical scale of the buildings in their context is considered further in later sections).

**No** existing village services or facilities will be lost – on the contrary, as the applicant owns and operates the neighbouring village store and intends to occupy the two storey dwelling as his family home, this will facilitate the sustainable operation of the village store and remove his current need to make a longer journey by car to his business premises

**The** form, character and setting of Guilsborough village will not be adversely affected

**The private garden** land on which the development would take place has not been identified as, nor can it be said to, make an important contribution to the form, character or setting of Guilsborough village

**The** proposed dwellings would be accessible by walking and cycling to all the village's services and facilities, and as noted above the applicant's own business travel would be reduced by living nextdoor to his business

**The impact on the amenity** of existing residents would be acceptable in planning terms (see more detailed analysis in the relevant section below).

Policy 1 of the Guilsborough Neighbourhood Plan (GNDP) sets out criteria that would allow for new development, so this is considered sufficient to satisfy SCLP Policy RA2(D) which states "Development that is provided for in a made Neighbourhood Plan will also be supported". (NB: even though the Neighbourhood Plan does not specifically allocate any sites, it does allow for new development).

Because the proposal can satisfy RA2(D) (above), this would also constitute compliance with JCS policy R1(v) ("agreed through an adopted neighbourhood Plan"), even though the site is not specifically allocated in the Neighbourhood Plan. This conclusion is informed by policy advice from our Local Plans team.

So turning now to JCS policy R1, as a consequence of the rural housing requirement already having been met and exceeded in the Daventry area, the final part of JCS policy R1 is engaged, namely criteria i) to v). This states that further housing development will only be permitted where it can be demonstrated that it either:

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

**AND** either

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

**On the latter criteria**, compliance with R1(v) has been established above. With regard to the former criteria, as no argument is being made that these 2 houses are necessary to save local services under threat, the proposal would need to demonstrate environmental improvement in order to be fully compliant with R1 (i-v). The proposal would not in my view be detrimental in environmental terms but at best it would be "neutral", so taken literally there would be a small degree of conflict with JCS policy R1(i). That having been said, no harm is found in planning terms, so in the absence of harm the slight conflict with R1 is to be weighed in the planning balance, and in this case the weight to be attached to this conflict is lessened because the application is found to be compliant with RA2 (the policy guidance is "where an application is found to be consistent with RA1-RA6 but inconsistent with R1 then the weight to be attached to policy R1 would be reduced").

Weighing clearly in favour of the proposal is the compliance with GNDP Policy 3[a][1], as it provides an extra 2-bed bungalow over and above the consented application (DA/2019/1001). Officers agree with the Parish Council that significant weight should be given to this benefit in the current climate and that up-to-date need would outweigh the slight conflict with the wording of a dated (2014) policy.

In mind of the above policy context, the greater weight to be attached to RA2 compared to R1, the benefit of the provision of an additional 2-bed bungalow for Guilsborough, and the general need to make best use of land and boost the housing supply, it is considered that the current proposal for two dwellings has a high degree of conformity with the relevant spatial policies of the development plan and the aims of the NPPF. It is therefore considered that the proposal should be supported in principle, subject to detail.

#### Design, appearance and impact on the streetscene

Most visible from the streetscene would be the frontage bungalow, which has a general scale, style and appearance not dissimilar from the existing bungalow and garage currently on site. The bungalow would be brought forward on the site, closer to the High Street, but given that High Street will continue to be presented with the attractive stone wall with landscaping behind it, the single storey bungalow and its low-angle roof will not appear imposing on the streetscene. This is particularly so as the slab level for the bungalow would be the same height as the existing garage slab, as requested by the Parish Council, so this minimises the impact in terms of its scale and keeps it similar to existing.

The detached double garage would be tucked behind the bungalow, so it would not be prominently visible from the street at all in this secluded position. Its gable roof structure, design and position would tie it in visually to the new bungalow and will reflect the existing character of the site, so not diminishing in any way the street's existing character. Overall, the new bungalow and garage will integrate well with the nearby existing buildings and structures in terms of scale, location and design, in line with the requirements of GNDP Policy 1(vii).

When considering the impact of the proposed 2-storey dwelling, it is necessary to bear in mind that consent has previously been granted for a 2-storey dwelling on this site (DA/2019/1001). The new dwelling that is currently proposed is positioned slightly further back in the site and has a hipped rather than a gable roof, but the overall height of the dwelling is comparable.

The proposed 2-storey dwelling, set well back behind the lower, but elevated frontage development, would not be out of keeping with the character of the street, which comprises dwellings of a vast variety of styles, ages and materials but all of 2-storey scale. The submitted streetscene elevation

demonstrates that the proposed house would be slightly higher than the neighbouring Village Store building but, noting that the Store is of 1960s style architecture with very shallow roofslope, the proposed 2-storey dwelling does not look out of proportion in the streetscene, particularly when viewed alongside the tall, steep form of the traditional dwelling to its other side (Elm Tree House). The design and architectural detailing of the 2-storey dwelling is positive and comprises pleasing symmetry and well-proportioned openings. The precise detail of the facing brick, roof tiles and fenestration finishes across the development have not been specified, but these can be controlled by condition.

The scale of the existing plot is such that both proposed dwellings can be comfortably accommodated without appearing squeezed in. Each proposed dwelling would line up well with the neighbouring development to give an acceptable layout that respects the prevailing form of the surrounding development. Both dwellings would each have a reasonably sized plot that provides a proportionate amount of garden / amenity space plus ample off-road parking and turning. This proposal cannot reasonably be said to be over-development or too much for the plot. The proposed development is, on the contrary, in proportion and commensurate to the scale and position of this plot and its prominent location at the very centre of the village.

Overall the proposal is an appropriate scale and constitutes sympathetic design that respects the character of the site and reinforces the locally distinctive built form of the wider village in line with policies RA2(C.(i) and (iii)) and ENV10(A.(i) and (iii)) of the Settlements and Countryside Local Plan and Policy 1(vii) of the Guilsborough Neighbourhood Development Plan.

#### Neighbour amenity

I will take each neighbouring property in turn in order to ensure full consideration of all the objections that have been raised.

#### Rose Cottage:

This property has a very unusual relationship with the application site, but one that is long-standing and far pre-dates the current owners of both sites. This pre-existing situation is that Rose Cottage has no rear garden of its own, but its rear wall, which contains a number of non-obscured habitable windows, looks directly onto the rear garden area of the application site. Therefore, even outside of this proposal for new development, the respective owners of these two properties have a challenge to reach agreement about how this situation will be dealt with. Various options exist that would fall outside planning control so this is really a civil matter. What is important to note here is that the development currently proposed does not in itself worsen the situation of the odd relationship between these properties.

What is also important is to ensure that the built development subject of this application does not itself create an unacceptable situation in regard to neighbour amenity. I have applied the usual rules in this regard (the lack of any intervening defensible garden space for Rose Cottage does not in my opinion invalidate these long accepted planning rules).

**Firstly the privacy** screen referred to in objections – this has now been removed from the proposed plans. The solution that will ultimately be employed here is a civil matter to be resolved between the neighbouring parties. The matter of whether the existing oil tank meets OFTEC standards is also not a planning issue.

So turning to the new house itself, I was concerned about **the** first version of the scheme which showed the two storey element much closer to Rose Cottage and some windows looking obliquely towards Rose Cottage with only c.11m between elevations. However the final version of the plans has been amended to remove those windows that looked obliquely towards Rose Cottage and to re-locate the rear-projecting two storey element so that this is now c.24m from Rose Cottage's habitable windows. This is more than sufficient to conclude that the new building will not overbear or close in upon Rose Cottage.

One of the objections is that the rear, N-NW facing, elevation of Rose Cottage (which borders the applicant's private garden) would not enjoy the same degree of late evening sunlight on its walls/ windows following the development as a shadow would be cast late in the day as the sun goes down. This is not a justifiable planning reason to refuse this application. The usual tests for overshadowing of habitable rooms (the 45 degree / 60 degree tests) are in no way breached. It is also worth noting that garden trees, shrubs, or a fence of less than 2m within this private garden, could all have a similar shadowing effect for Rose Cottage without any reference to the planning system.

Given all the above I am satisfied that the impact of the revised proposed development on Rose Cottage is acceptable in that it would not unacceptably overshadow, overbear or adversely impact on the privacy of the neighbouring occupants.

The Old House:

The final plans have revised the orientation of the two storey house and removed any side facing windows, so that any views from the rear of the new house will be more over the open paddock land rather than looking directly towards The Old House. Notwithstanding that fact, there will be a good separation distance of c.15m between the main rear elevation of the new house and the boundary with the kitchen garden of The Old House, and more like 50m+ to The Old House itself. This is more than enough to be satisfied in planning terms that the new dwelling will not adversely affect the privacy or residential amenity of The Old House.

### Paddock View:

The final plans show that the new 2-storey dwelling will be positioned broadly in line with the neighbouring dwelling Paddock View, so the two dwellings would effectively sit side-by-side as per a conventional housing layout. Paddock View is set at a lower land level than the application site though, but again, it is not unheard of for houses to sit side-by-side on sloping ground with one set higher than the other. These physical features of the proposed development are not in themselves reasons to conclude the proposal is unacceptable.

Both Paddock View and the proposed new dwelling have a good degree of garden space between separating their main side elevations from the angled boundary that divides the sites – neither property is positioned right on the boundary. Concern has been raised about the general overbearing impact on Paddock View, but I do not share this concern given that the separation distance between the buildings is c.9m to Paddock View's side gable and c.16m to the front projecting (garage) wing that contains bedroom windows and solar panels.

Concern has been raised that the new dwelling will lessen the amount of morning sunlight falling onto the property (and its roof-mounted solar panels) during the winter when the sun is lower in the sky. Even accounting for the higher level of the application site, given the 16m separation between the relevant part of the buildings I cannot see that this would be a justifiable planning reason to refuse this proposal. The hipped roof has been incorporated in the revised scheme to lessen any shadowing impact and I believe this to be acceptable in planning terms.

Because the two properties would be side-by-side, there will be no overshadowing of the front or rear facing windows of Paddock View as the 45 degree line is not breached.

In terms of privacy and overlooking, there are no issues of concern with regard to Paddock View. The side facing windows on the new dwelling serve an en-suite and a dressing room, and these are proposed to be obscure glazed – this can be ensured by condition.

### Elm Tree House:

Given the separation distances involved (c.25-30m), I do not share the concern about the overshadowing impact of the new two storey house on the rear of Elm Tree House and its conservatory.

Concern has been raised about the privacy impact of the bungalow's side facing windows that would look up into side landing windows of Elm Tree House. The separation distance between these relevant elevations is c.21m,

and at that distance the ability to see a neighbouring window does not necessarily mean that you can clearly see in through the glazing (21m is a generally accepted face-to-face distance for opposing windows in planning terms). Notwithstanding this, in reality the bungalow's ground floor windows will look onto their own private garden area. Natural screening is proposed for the boundary between these two properties and this can be conditioned.

#### Flats above the Village Store:

At ground floor level the relationship with the two side windows of the shop itself would be very similar to the existing situation. At first floor level four flats have been formed (PD/2019/0070). The side elevation contains windows that are obscure glazed by condition of their planning permission. The proposed 2-storey dwelling will be situated further away from these side windows than on the consented 2-storey house scheme (DA/2019/1001), so the daylighting to these windows will be improved.

I was concerned about the first version of the scheme which showed the two storey element projecting well beyond the rear building line of the Village Store building, substantially breaching the 60 degree line for the rear facing habitable window of the nearest first floor flat. However the final version of the plans has been amended to re-position the building clear of the 60 degree line so removing my concern about overbearing and overshadowing of this flat. (NB: the 60 degree line has been used in this case as the affected flat is one one level only and is only affected by the first floor of the new house, so I have treated it like a single storey extension in relation to the single storey flat).

#### Summing up on residential amenity:

Given the detailed analysis above, the revised proposals are considered to be acceptable in terms of their impact on the amenity of neighbouring dwellings and the ongoing function of other uses including the shop. The proposals therefore accord with policies RA2(C.(vi)) and ENV(A.(viii)) of the Settlements and Countryside Local Plan and policies 1(i) and 3.a.2(ii) of the Guilsborough Neighbourhood Development Plan.

#### Impact on Traffic and Parking

The proposed off-road parking and turning provision is generous and can accommodate at least three cars per dwelling which exceeds the recommended provision for dwellings of this size.

The existing site access off High Street already meets the requirements of a shared access and no alterations are proposed or required to the access. The site layout shows that adequate parking has been provided within the site for both dwellings and there is space for a vehicle to enter, turn and exist in a forward gear. The LHA therefore has no objection to the application.

### Other points raised in representations

An inevitable consequence of any building work is the short-term disruption during the construction and demolition phase, and this can be reasonably controlled by conditions restricting the hours of working and requiring measures to be taken to minimise dust. Such conditions have also been recommended by our Environmental Health officers and the Parish Council, so are imposed here.

Removal of permitted development rights for further extensions would be prudent in this context given the lengths that officers have gone to to negotiate repositioning and redesign to limit impact on neighbours. Similarly a condition to say that permission is required for any new windows is also recommended.

The level of the new bungalow is proposed to be at the same slab level as the existing garage. This can be conditioned and is enforceable as the topographical survey stipulates this level.

It is not appropriate to use the planning system to require engineering assessment to be made in relation to stability associated with the proximity of construction to the swimming pool. This is not a planning matter.

### **FINANCIAL CONSIDERATIONS**

The application is CIL liable. An offset has been applied to account for the existing bungalow and garage that previously existed on site. A self-build exemption is being sought for the larger dwelling which the applicant proposes to occupy as his own family home.

### **PLANNING BALANCE AND CONCLUSION**

The principle of two dwellings on this site fits with the policies of the development plan and the slight conflict with R1 is outweighed in the planning balance by more recent policies and the wider benefits of the scheme. The design of the proposals is acceptable and integrates well with the surrounding built form. The proposal will not have an adverse impact on the residential amenity of neighbouring properties and it is acceptable in terms of access, parking provision and highway safety.

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**

### **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 drawings no. 03c, 04c, 05c, and 07a received 26/1/2022 and 06b received 10/12/2021.**
- 3. The slab level of the bungalow hereby permitted shall not exceed the current slab level of the existing garage on site, as detailed on the topographical survey 21171-TOPO dated June 2021.**
- 4. Prior to construction works above slab level samples of the materials to be used in the construction of the external surfaces of the dwellings and garage hereby permitted shall have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**
- 5. Prior to construction works above slab level a detailed scheme of planting / landscaping for the site, to include suitable natural screening for the boundaries with Elm Tree House and Paddock View, shall be submitted to and approved in writing by the Local Planning Authority. The planting / landscaping scheme so approved shall be implemented prior to the development being first occupied/used, or in accordance with a programme approved in writing by the Local Planning Authority. If within a period of five years from the date of the planting of any tree or shrub, they, or any planted in replacement for them, are removed, uprooted or destroyed or die (or becomes in the opinion of the Local Planning Authority, seriously damaged or defective) another tree or shrub of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.**
- 6. Before the two storey dwelling is first occupied the first floor window/s on the side (north west) elevation shall be fitted with obscure glass which shall not be removed without the prior express consent in writing of the Local Planning Authority (Replacement of the glass with glass of an identical type would not necessitate the Council being notified).**
- 7. The open parking spaces and turning areas shown on the approved plan shall be constructed/laid out in accordance with the approved drawings before either of the dwellings is first occupied and shall not thereafter be used for any purpose other than parking of private motor vehicles.**

- 8. Notwithstanding the provisions of the Town & Country Planning (General Permitted development) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification) no development shall be carried out which falls within Classes A to E inclusive of Part 1 of Schedule 2 to the Order without the prior express consent of the Local Planning Authority.**
- 9. 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.**
- 10. During the demolition and construction phases the developer shall provide, maintain and use a supply of water and means of dispensing it, to dampen dust in order to minimise its emission from the development site. The developer shall not permit the processing or sweeping of any dust or dusty material without effectively treating it with water or other substance in order to minimise dust emission from the development site. The developer shall provide and use suitably covered skips and enclosed chutes, or take other suitable measures in order to minimise dust emission to the atmosphere when materials and waste are removed from the development site.**
- 11. No demolition or construction work (including deliveries to or from the site) that causes noise to be audible outside the site boundary shall take place on the site outside the hours of 0800 and 1800 Mondays to Fridays and 0830 and 1300 on Saturdays, and at no times on Sundays or Bank Holidays unless otherwise agreed with the local planning authority.**

## **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 amenity of the surrounding area.**
- 3. In the interests of visual and residential amenity.**
- 4. From the approved application details it is not possible to assess the appropriateness of the proposed materials without checking them on site and comparing them to their surroundings, to ensure the proposed materials are appropriate to the appearance of the locality. Because it can take up to 8 weeks to discharge a condition, it is recommended the samples are provided at least 8 weeks before they need to be ordered.**
- 5. In the interests of the residential and visual amenity of the area.**
- 6. To avoid overlooking of the adjoining property.**
- 7. In the interests of residential amenity and the safety and convenience of users of the adjoining highway.**
- 8. To prevent any subsequent permitted extensions detracting from the visual amenity of the locality or from the residential amenities of neighbouring properties by means of overlooking or proximity.**
- 9. To safeguard the amenities of nearby residents.**
- 10. To ensure the protection of the local amenity throughout construction works.**
- 11. To ensure the protection of the local amenity throughout construction works.**

## **NOTES**

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

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

- 2. The applicant's attention is drawn to the fact that the Council has identified this development as liable for Community Infrastructure Levy (CIL) payments under the 'Daventry District Council Community Infrastructure Levy Charging Schedule –Approved' (31st July 2015 ) which has been implemented by the District Council under the provisions of 'The Community Infrastructure Levy Regulations 2010 (as amended).' Accordingly, unless exemptions have been sought under the provisions of the CIL Regulations, payment of CIL charges will be payable to the Council upon commencement of development**

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